

ORDINANCE NO. 175

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER MILFORD TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA PROVIDING FOR A COMPREHENSIVE REVISION TO THE UPPER MILFORD TOWNSHIP ZONING ORDINANCE OF 2010, AS PREVIOUSLY AMENDED

WHEREAS, Upper Milford Township (“Township”) has previously enacted Ordinance No. 126 known as the “Upper Milford Township Zoning Ordinance” of 2010, as amended; and

WHEREAS, the Township in consultation and review by its Planning Commission and outside consultants has undertaken a review of its existing Zoning Ordinance, as amended;

WHEREAS, the Township is now desirous of enacting a new and updated Zoning Ordinance to be known as the “Upper Milford Township Zoning Ordinance of 2026”; and

WHEREAS, the Township held a public hearing on May 21, 2026, to receive public comment concerning the proposed revisions to its Zoning Ordinance.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Upper Milford Township as follows:

1. Ordinance No. 126, as amended, of Upper Milford Township, is hereby amended by substituting, amending, and adopting the “Upper Milford Township Zoning Ordinance of 2026”, a copy of which is attached hereto, made a part hereof, and marked as Exhibit “A”.

2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this Court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance.

4. This Ordinance shall become effective five (5) days after adoption.

ORDAINED AND ENACTED this _____ day of _____, 2026.

ATTEST:

BOARD OF SUPERVISORS OF
UPPER MILFORD TOWNSHIP

ANGELA ASHBROOK

JOHN ZGURA

DANIEL MOHR

UPPER MILFORD TOWNSHIP
ZONING ORDINANCE

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ARTICLE I TITLE, SEVERABILITY, ENACTMENT

§ 155.001 TITLE.

A new ordinance:

- (A) Dividing the Township of Upper Milford, Lehigh County, Pennsylvania into districts with varying regulations;
- (B) Permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied;
- (C) Establishing the maximum density and intensity of uses;
- (D) Providing for the administration and enforcement of this ordinance in accordance with the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq., including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and
- (E) Establishing provisions for the protection of certain natural features.

§ 155.002 SHORT TITLE.

This chapter shall be known and be cited as the “Upper Milford Township Zoning Ordinance of 2026”.

§ 155.003 SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this chapter and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire zoning ordinance should be declared invalid, then the township zoning ordinance that was in effect immediately prior to the enactment of this new zoning ordinance shall automatically be re-instated as the zoning ordinance for the township.

§ 155.004 PROCEDURAL DEFECTS IN ENACTMENT.

Allegations that this chapter or any amendment was enacted in a procedurally defective manner shall be appealed as provided in state law.

§ 155.005 REPEALER.

The pre-existing township zoning ordinance, as amended, are hereby repealed, in addition to the repeal of any other township ordinances or resolutions or parts thereof that were adopted prior to this chapter that are clearly in direct conflict with this chapter.

§ 155.006 ENACTMENT.

Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., the Board of Supervisors of the township hereby enacts and ordains into an ordinance the attached document, as codified herein, this date of XX, 2026. This chapter shall become effective in five calendar days.

ARTICLE II ADMINISTRATION

§ 155.020 APPLICABILITY OF THIS CHAPTER.

This zoning chapter shall apply throughout the township. Any activity regulated by this chapter shall only occur in such a way that conforms with the regulations of this chapter. See § 155.022(A).

§ 155.021 PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.

This chapter is hereby adopted:

- (A) In accordance with the requirements and purposes (including §§ 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10604 and 10605;
- (B) In accordance with goals and objectives of the Southwestern Lehigh County Comprehensive Plan, which are hereby included by reference; and,
- (C) For the purpose of promoting the health, safety, and general welfare of the municipality.

§ 155.022 PERMITS AND CERTIFICATES.

- (A) Applicability.
 - (1) Generally. Any of the following activities or any other activity regulated by this chapter shall only be carried out in conformity with this chapter:
 - (a) Erection, construction, movement, placement, or extension of a structure, building or sign;
 - (b) Change of the type of use or expansion of the use of a structure or area of land;
 - (c) Creation of a lot or alteration of lot lines; and/or
 - (d) Creation of a new use.
 - (2) Zoning permit. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable township staff.
 - (a) A zoning permit is required to be issued prior to the start of any of the following activities:
 - 1. Erection, construction, movement, placement, relocation, or expansion of a structure, building or sign;
 - 2. Change of the type of use or expansion of the use of a structure or area of land;
 - 3. Creation of a new use;
 - 4. Demolition of a building, or partial demolition of the exterior of a building;

5. Site alterations or mineral extraction as defined by § 155.051;
 6. Excavation or grading in preparation for the construction of a building or a change in use of a property; and/or
 7. Construction or installation of any animal waste impoundment, lake, pond, dam, or other water retention basin.
- (b) The township may, at its option, issue combined or separate building permits and zoning permits and/or may utilize single or separate applications for the permits.
- (3) Certificate of use.
- (a) It shall be unlawful to use and/or occupy any new principal nonresidential building or establish any new principal nonresidential use until a certificate of use for such building or use has been issued by the township staff. (Note: a certificate of occupancy may also be required in additional situations under the construction codes, and the township may at its option combine a certificate of use with a certificate of occupancy.)
 - (b) The Zoning Officer may require that the issuance of the certificate of use be delayed if the Zoning Officer believes that the activity, structure, or use is not in compliance with this chapter and associated zoning approvals, until such time as compliance is achieved.
 - (c) Upon the request of an applicant, the Zoning Officer may in writing allow a temporary occupancy or activity to occur before all zoning requirements have been met where the following conditions are met:
 1. The applicant shall prove to the township that the activity or occupancy can occur safely without endangering public health or safety;
 2. The temporary approval shall establish in writing a maximum time period under which it is valid. A six month maximum time period shall apply if not otherwise specified;
 3. Failure to receive a permanent certificate of use within such time period shall be a violation of this chapter;
 4. The temporary approval may be conditioned upon compliance with certain specific requirements within certain time periods; and
 5. See Subsection (G) below.
- (B) Repairs and maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this chapter. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a construction permit under any Township Building Code may be needed for such work.)

(C) Types of uses.

- (1) Permitted by right uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is “permitted by right” if it meets all of the requirements of this chapter.
- (2) Special exception use or application requiring a variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

(D) Applications.

- (1) Submittal. All applications for a zoning permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the township. Such completed application, with required fees, shall be submitted to a designated township staff person.
- (2) Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
 - (a) Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;
 - (b) Notes showing the dimensions of all buildings from lot lines and street rights-of-way;
 - (c) Locations of any watercourses and any 100-year floodplain;
 - (d) Proposed lot areas, lot widths and other applicable dimensional requirements;
 - (e) Locations and widths of existing and proposed sidewalks;
 - (f) A north arrow and scale; and
 - (g) Well and primary and alternate septic system locations, if applicable.
- (3) Additional information. Any application under this chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this chapter:
 - (a) The address of the lot;
 - (b) Name and address of the applicant, and of the owner of the property if different from the applicant;

- (c) If the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application;
 - (d) A current deed for the property;
 - (e) A description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this chapter;
 - (f) All other applicable information listed on the official township application form;
 - (g) If the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation;
 - (h) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter; and
 - (i) A listing of all special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.
- (4) Submittals to the Board. In addition to the information listed in Subsection (D)(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 to determine compliance with this chapter:
- (a) The present zoning district and major applicable lot requirements;
 - (b) For a nonresidential use:
 1. A description of the proposed nonresidential 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; and
 2. A list of the maximum hours of operation.
 - (c) The existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management;
 - (d) A listing of any sections of this chapter being appealed, with the reasons for any appeal;
 - (e) Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as “drug store” or “single-family detached dwelling”);

- (f) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting;
 - (g) Name and address of person who prepared the site plan;
 - (h) Signed acknowledgment of the application by the applicant; and
 - (i) Such additional information required under applicable sections of this chapter.
- (5) 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 § 155.051.)
- (E) Issuance of permits.
- (1) Generally. At least one copy of each permit application and any other zoning approval shall be retained in township files.
 - (2) PennDOT permit. Where necessary for access onto a state road, a township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT highway occupancy permit.
- (F) Revocation of permits; appeal of permit or approval.
- (1) Revocation. The Zoning Officer shall revoke, withhold, or suspend a permit or approval issued under the provisions of the zoning chapter in case of one or more of the following:
 - (a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: the State Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his or her duties.)
 - (b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - (c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application; and/or
 - (d) For any other just cause set forth in this chapter.
 - (2) Appeals. A party with legitimate standing, or as otherwise provided by state law, may appeal decisions under this chapter within the provisions of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. Any such appeal shall occur within the time period established in the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (as of the adoption date of this chapter, such provisions were in §§ 914.1 (53 P.S. §§ 10914.1) and 1002-A (53 P.S. §§ 11102-A).

(G) Zoning permit for temporary uses and structures.

(1) Generally. A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:

(a) A temporary permit may be issued for customary, routine, and accessory short-term special events, provided that:

1. Only a well-established nonprofit organization or a permitted 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 commercial-type activities in a district where a commercial use would not otherwise be permitted;
2. Such total events shall be limited to a maximum of ten total days per calendar year; and
3. The applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.

(b) A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid township permit.

(c) In addition, Christmas tree sales shall be allowed by right in all districts during the months of November and December.

(2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a seven-day maximum period shall apply. A temporary permit may be renewed for just cause.

(3) Temporary retail sales.

(a) Except as provided for in Subsection (G)(1)(a) above, and except for allowed accessory agricultural sales, a lot shall only be used for temporary retail sales if all of the following conditions are met.

1. The property shall be located within a zoning district that allows retail sales.
2. The operator shall have received any business permits required by the township.
3. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
4. Any signs visible from a public street shall comply with this chapter.
5. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with state health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.

6. Any structure shall meet applicable minimum setbacks.
7. A permit under this chapter shall be required from the township, which shall be displayed while the activity is open for business.
8. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

(b) See also regulations on tents and membrane structures in the International Fire Code, which is in effect in the township.

(H) Compliance with Township Subdivision and Land Development Ordinance.

- (1) If an application under this chapter would also be regulated by the Township Subdivision and Land Development Ordinance (“SALDO”), then any permit or approval under this zoning chapter shall automatically be conditioned upon compliance with the SALDO. See the definitions of “land development” and “subdivision” in the SALDO (§ 154.031 of this code of ordinances).
- (2) For example, if an applicant applies for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

§ 155.023 GENERAL PROCEDURE FOR PERMITS.

- (A) After receiving a proper application, the Zoning Officer shall either:
 - (1) Issue the applicable permit(s); or
 - (2) Deny the application(s) as submitted, indicating one or more reasons.
- (B) If other Township approvals are required in addition to the permit, the Zoning Officer may 1) refuse to accept an application for a permit until such other approvals are received; 2) consider a permit application to be incomplete until such other approvals are received; or 3) condition a permit upon the issuance of other required Township approvals. An incomplete application may be rejected by the Zoning Officer or other Township Official.
- (C) Appeal. Appeals shall be taken in accordance with the requirements of Article IX of the MPC.
- (D) After the permit under this chapter has been issued, the applicant may undertake the action specified by the permit, in compliance with other township ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30-day appeal period shall be at the risk of the applicant.

§ 155.024 INTERPRETATION AND USES NOT REGULATED.

- (A) Minimum requirements. Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this chapter are in addition to any other applicable township ordinance.

- (B) Uses not specifically regulated. If a use clearly is not permitted by right or as a special exception use by this chapter within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
 - (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the district;
 - (2) The proposed use would be closely similar in impacts and character to uses permitted in that district, considering the standards in § 155.096(F)(3);
 - (3) The use would meet the standards that would apply under § 155.034 to a special exception use; and
 - (4) The use is not specifically prohibited in that district.
- (C) Interpretation of chapter text and boundaries.
 - (1) The Zoning Officer shall literally apply the wording of this chapter and the location of all district boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
 - (2) If an applicant disagrees with the Zoning Officer's determination and believes that the chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See § 155.029.
 - (3) See § 155.067.
- (D) Undefined terms/interpretation of definitions. See Article III.

§ 155.025 FEES.

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

§ 155.026 AMENDMENTS TO THIS CHAPTER.

- (A) Within the requirements of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq., the Board of Supervisors may amend, or repeal any or all portions of this chapter on:
 - (1) Its own motion; or
 - (2) After agreeing to hear a written request of any person, entity, landowner, or the Planning Commission.
- (B) See also the intermunicipal agreement to implement the Southwestern Lehigh County Comprehensive Plan, which may provide that notice be sent to other municipalities.

- (C) Hearing and notice. Before voting to enact an amendment, the Board of Supervisors shall hold a public hearing, pursuant to public notice as required by the MPC.
- (D) 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 in accordance with the MPC.
 - (2) LVPC Review. The Township shall submit the proposed amendment to the Lehigh Valley Planning Commission (LVPC) for recommendations in accordance with the MPC.
- (E) Changes after a hearing. See the relevant section of the Pennsylvania Municipalities Planning Code, as amended.
- (F) Landowner amendment. Any landowner or person with standing may submit to the Township a petition requesting an amendment of this Chapter. The Petition shall set forth the wording of the proposed amendment or in the case of a map amendment the location of the change. The Petition shall also contain the following:
 - (1) A statement of why the change is in the best interests of the Township and consistent with the public health, safety, and general welfare;
 - (2) A statement of how the proposal relates to the Township Comprehensive Plan;
 - (3) A statement addressing any adverse effects on adjacent residences or residential zoning districts;
 - (4) A statement addressing the potential for traffic access or congestion concerns;
 - (5) A map showing the proposed boundary of any proposed map changes, the existing zoning of the land and adjacent lands, and the current uses of adjacent properties;
 - (6) A statement explaining any proposed extensions of infrastructure and other major improvements accompanying the change or the availability of the same;
 - (7) Any other information deemed relevant and in support of the Petition; and
 - (8) Payment of the fees as set forth in the Township's fee schedule to offset the costs of the Township and its professional consultants in reviewing, preparing, and, if necessary, hearing the proposed amendment.
- (G) Traffic impacts of zoning amendments. The Township may require that an applicant provide a traffic impact study by a qualified traffic engineer. The 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 proposed or anticipated.
- (H) Notification of proposed map amendment. In addition to the requirements of the MPC, a petitioner for a map amendment, at least 30 days prior to the hearing, shall mail written notice of the proposed change to: 1) all owners of all property proposed to be rezoned

(other than the petitioner); 2) all owners of property abutting the land to be rezoned; and 3) the municipal Secretary of any adjoining municipality whose boundaries are within 300 feet of the property to be rezoned. Such notice shall include the hearing date and time and a Township official to contact for more information.

§ 155.027 CURATIVE AMENDMENTS.

The applicable provisions of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq., shall apply. (Note: As of the adoption date of this chapter, these provisions were primarily in §§ 609.1 (53 P.S. §§ 10609.1), 609.2 (53 P.S. §§ 10609.2) and 916.1 (53 P.S. §§ 10916.1) of such Act.)

§ 155.028 ZONING OFFICER.

- (A) Appointment. The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Board of Supervisors may designate other township staff persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the township but may hold other appointed offices.
- (B) Duties and powers. The Zoning Officer's duties and powers shall include the following:
- (1) Administer the zoning chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this chapter, and issue or refuse permits within the provisions of this chapter;
 - (2) Conduct inspections to determine compliance, and receive complaints of violation of this chapter;
 - (3) Keep records of applications, permits, certificates, written decisions and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 - (4) Review proposed subdivisions and land developments for compliance with this chapter;
 - (5) Take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq.;
 - (6) Maintain available records concerning nonconformities, provided that the Township is not required to document every nonconformity; and
 - (7) Serve such other functions as are provided in this chapter.

§ 155.029 ZONING HEARING BOARD ACTIONS AND VARIANCES.

- (A) Membership of Board. The Zoning Hearing Board shall consist of five residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being five years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no

other elected or appointed office in the Township nor shall any member be an employee of the municipality.

- (1) Alternate members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (Note: as of the adoption date of this chapter, such provisions were in § 903(b) (53 P.S. §§ 10903(b)) of such Act.)
 - (2) Expenditures. Within the maximum amount of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members may receive compensation, within limits established by the Board of Supervisors, for the performance of its duties.
 - (3) Removal of members. A 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 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 requests it in writing.
- (B) Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- (C) Organization. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq. shall apply. (As of the adoption date of this chapter, these provisions were in §§ 906(a), (b) and (c) of such Act (53 P.S. §§ 10906(a), (b) and (c).)
- (D) Zoning Hearing Board jurisdiction and functions. The Zoning Hearing Board shall be responsible for the following.
- (1) Appeal of a decision by the Zoning Officer.
 - (a) The Board shall hear and decide appeals where it is alleged by an affected person, entity, or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this chapter.
 - (b) See time limitations for appeals in Subsection (E) below.
 - (2) Challenge to the validity of the ordinance or map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., shall apply. (Note: as of the adoption date of this chapter, these provisions were primarily in §§ 909.1 (53 P.S. §§ 10909.1) and 916.1 (53 P.S. §§ 10916) of such Act.)
 - (3) Variance.
 - (a) The Board shall hear requests for variances filed with the Township staff in writing.
 - (b) Standards: the Board may grant a variance only within the limitations of state law.

- (c) Note: as of the adoption date of this chapter, the Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. 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 chapter 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 chapter 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.
- (d) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- (4) Special exception.
- (a) The Board shall hear and decide requests for all special exceptions filed with the Township staff in writing. The Board shall only permit a special exception that is authorized by this chapter. See § 155.034.
 - (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 chapter, as it may deem necessary to implement the purposes and intent of this chapter.
- (5) Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a “reasonable accommodation” to serve persons who the applicant proves have “disabilities” as defined in and protected by such laws.

- (a) Such reasonable accommodations shall be requested in accordance with the United States Fair Housing Amendments Act of 1988, being 42 U.S.C. §§ 3601 et seq. and/or the Americans with Disabilities Act, being 42 U.S.C. §§ 12101, as amended.
 - (b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988, being 42 U.S.C. §§ 3601 et seq. or the Americans with Disabilities Act, being 42 U.S.C. §§ 12101, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - (c) Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
- (6) Other matters. The Zoning Hearing Board shall also hear any other matters as set forth in the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq. (Note: as of the adoption date of this chapter, such provisions were primarily within § 909.1 (53 P.S. §§ 10909) of such law.) The Zoning Hearing Board also may hear appeals of other matters if authorized under a separate Township ordinance.
- (E) Time limits for appeals. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., shall apply. (Note: as of the adoption date of this chapter, these provisions were in § 914.1 (53 P.S. §§ 10914.1) of such Act.)
- (F) Stay of proceedings. The stay of proceedings provisions of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., shall apply. (Note: as of the adoption date of this chapter, such provisions were in § 915.1 (53 P.S. §§ 10915.1) of such Act.)
- (G) Time limits on permits and approvals.
- (1) After a variance is approved or other zoning approval (such as special exception approval) is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within 12 months after the issuance of the permits. However, if a variance is approved to address a violation of this zoning chapter, then the permit shall be acquired and the work completed within six months after the variance is approved, with no further time extension.
 - (2) Extension: in response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 24 months after permits are issued.

- (3) 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 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this chapter and all such approvals, variances and permits shall be deemed automatically rescinded by the Township.
- (H) Multiple applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

§ 155.030 ZONING HEARING BOARD HEARINGS AND DECISIONS.

- (A) The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:
 - (1) Notice of hearings shall be provided in accordance with the MPC.
 - (2) Where posting of property is required, it shall be the responsibility of the Township to ensure that such notice is posted, and that the notice remains posted until the hearing.
 - (3) At the time of filing an application or appeal, the applicant shall provide to the Township a list of all landowners within 200 feet of the property lines of the subject property. The Township shall endeavor to provide notice to the last known landowner of record on each such property; however, the failure to provide such notice shall not be grounds for an appeal.
 - (4) The Zoning Officer may provide notice to adjacent municipalities and regional planning commissions where an appeal has or may have regional impacts.
 - (5) In any matter which involves property which lies within 500 feet of the boundary of another municipality, except boundaries separated by a perennial river, and which it is determined that the matter may have a significant impact on that municipality, the Zoning Officer shall provide notice to that municipality, and representatives of that municipality shall have the right to appear and be heard at the hearing.
- (B) Parties to 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 Zoning Hearing Board may require that each person who wishes to be considered a party enter an appearance, in writing, on a form provided by the Board.
- (C) Oaths and subpoenas. The chairperson 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, 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. A party shall be represented by counsel where required by Pennsylvania law, and a failure to retain counsel may provide grounds for dismissal of the appeal or application.
- (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 the Pennsylvania Municipalities Planning Code. The Board may take judicial notice of all matters as authorized by Pennsylvania 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 any party or his/her representative in connection with any issue involved, except upon notice and an opportunity for all parties 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) Time for hearings. A hearing required under this Chapter shall be commenced within the time required by MPC, unless the applicant has agreed in writing to an extension of time. Subsequent hearings shall be held within the time frames required by the MPC, unless the applicant has agreed to an extension of time.
- (H) Decisions.
 - (1) The Board shall issue a written decision or make written findings (when no decision is called for) within the time frames required by the MPC, unless the applicant has agreed in writing to an extension of time.
 - (2) The form and contents of the decision shall be in accordance with the requirements of the MPC.
- (I) Issuance of the decision. A copy of the decision or the findings (when no decision is called for) shall be delivered or mailed to the applicant or his or her representative at the addresses provided in the appeal or application within the time period established by the MPC.

§ 155.031 APPEALS TO COURT.

The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., shall apply. (Note: as of the adoption date of this chapter, these provisions were in §§ 1001-A, (53 P.S. §§ 101001-A) 1002-A, (53 P.S. §§ 101002-A) 1003-A (53 P.S. §§ 101003-A), 1004-A (53 P.S. §§ 101004-A), 1005-A (53 P.S. §§ 101005-A) and 1006-A (53 P.S. §§ 101006-A) of such Act.)

§ 155.032 LIMITED PUBLIC UTILITY EXEMPTIONS.

See the provisions of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq. (Note: as of the adoption date of this chapter, such provisions were within § 619 (53 P.S. §§ 10619) of such Act.)

§ 155.033 TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.

This zoning chapter shall not apply to uses or structures owned by the Township or by a municipal authority created solely by the Township for uses and structures that are intended for a public utility, stormwater, public works, recycling, municipal administrative, public recreation or public health and safety purpose.

§ 155.034 SPECIAL EXCEPTION USE PROCESS.

- (A) Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- (B) Special exception procedure.
 - (1) A site plan shall be submitted, which shall contain the information required in § 155.022(D). If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 - (2) The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this chapter.
 - (3) The Zoning Hearing Board shall follow the procedures provided in § 155.030.
 - (4) The Township staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of state law for a decision, regardless of whether the Township Planning Commission has provided comments.
 - (5) See § 908 of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. for time limits.
- (C) Consideration of special exception applications. When special exceptions are allowed by this chapter, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this chapter, including the following.
 - (1) Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide the Board with sufficient plans, studies, or other data to demonstrate this compliance.
 - (2) Compliance with other laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable township, state and federal laws, regulations and permits. Required permits or other proof of

compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.

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

§ 155.035 LIABILITY.

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

ARTICLE III DEFINITIONS

§ 155.050 GENERAL INTERPRETATION.

For the purposes of this chapter, words and terms used herein shall be interpreted as follows.

- (A) Words in the present tense shall include the future tense.
- (B) “Used” or “occupied” as applied to any land or building include the words “intended, arranged, or designed to be used or occupied.”
- (C) “Should” means that it is strongly encouraged but is not mandatory. “Shall” is always mandatory.
- (D) “Sale” shall also include rental.
- (E) Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- (F) If a word or term is not defined by this chapter, but is defined in the Subdivision and Land Development Ordinance (SALDO), Chapter 154 of this code of ordinances, then the SALDO definition shall apply to this chapter. If a word or term is not defined in either this chapter or the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
- (G) 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.
- (H) The word “person” includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual.

§ 155.051 TERMS DEFINED.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUT or ABUTTING. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of **ADJACENT**.

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

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

ADJACENT. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADULT BOOKSTORE. A use that has over 10% of the total floor area occupied by items for sale or rent that are 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. If such items are within a separate room, then the 10% standard shall apply to the floor area of such room.

ADULT LIVE ENTERTAINMENT FACILITY. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to three or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

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

ADULT USE. Adult bookstore, adult movie theater, adult live entertainment facility/use or massage parlor. These terms shall be distinct types of uses and shall not be allowed as part of any other use.

AGE RESTRICTED RESIDENTIAL DEVELOPMENT. a residential development that is age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code.

AGRICULTURAL BUILDING. A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned & used by members of a religious sect for the purposes of housing horses & storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. The term shall not include habitable space or spaces in which agricultural products are processed, treated, or packaged and shall not be construed to mean a place of occupancy by the general public.

AGRICULTURAL COMMODITY. Any of the following transported or intended to be transported in commerce:

- (1) Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products.
- (2) Livestock and the products of livestock.
- (3) Ranch-based fur-bearing animals and the products of ranch-based fur-bearing animals.
- (4) The products of poultry or bee raising.

- (5) Forestry or forestry products.
- (6) Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

AGRITAINMENT. An accessory use to a single-family dwelling or farming use which may include the rental of an accessory structure for purposes of weddings, family gatherings, reunions, or other similar events, subject to the additional regulations contained in this chapter.

AGRITOURISM. An accessory use that consists of an enterprise that shall be considered any activity conducted on and accessory to an existing and operational farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm.

AIRPORT. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A **PUBLIC AIRPORT** shall be an airport that does not meet the definition of a “private airport.” A **PRIVATE AIRPORT** shall be limited to a maximum of ten total landings and take-offs in any seven-day period, and shall not be available for use by the general public.

ANIMAL EQUIVALENT UNIT (AEU). One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

ANIMALS, GRAZING. Animals that exist wholly or partly on naturally growing pastures which usually consist of true grasses, together with other forage species such as legumes.

ANIMALS, GRAZING UNIT. 1 cow or mule; or 2 donkeys; or 4 alpacas; or 5 sheep; or 6 goats; or 1 of any other grazing animal not listed. Suckling offspring are included within the same animal unit as the mother until weaned.

ANIMALS, NON-GRAZING. Animals that exist in confined pens, cages, buildings, or feeds typically harvested and fed to the animals.

ANTENNA. Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham, or citizen band radio antennas.

APPLICANT. The definition in the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., shall apply.

ASSISTED LIVING FACILITY. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. **ASSISTED LIVING FACILITIES** shall be licensed as personal care centers by the commonwealth.

AUCTION HOUSE. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

AUTO, BOAT, AND/OR MOBILE/MANUFACTURED HOME SALES. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles; recreation vehicles; boat trailers; farm machinery; motorcycles; trucks; utility trailers; construction vehicles; boats; or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

AUTO REPAIR OR BODY SHOP. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of auto service station. An AUTO REPAIR OR BODY SHOP shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work; straightening of body parts; painting; welding; or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an AUTO REPAIR OR BODY SHOP. This use shall not include activity meeting the definition of a “truck stop.”

AUTO SERVICE STATION. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections; and sale of pre-packaged propane. This use may include a convenience store, provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an AUTO SERVICE STATION.

BANQUET HALL. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and other similar celebrations.

BASAL AREA. The area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.

BASEMENT. An enclosed level of a building that is not a “story” and that is partly underground.

BED AND BREAKFAST, INN. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in § 155.081(D)(14) for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees, and their family.

BILLBOARD. A type of off-premises sign. See Article VIII.

BOARDING HOUSE (INCLUDES ROOMING HOUSE). A dwelling used for the housing of roomers, boarders, or lodgers with or without common eating facilities, including dormitory, fraternity, sorority, or other buildings of charitable, educational, or philanthropic institutions. 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 inn, group home or nursing home.

BUFFER YARD. A strip of land that separates one use from another use or feature; and 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 ultimate street right-of-way shall not be used to meet a buffer yard requirement. See § 155.093.

BUILDING. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment, or materials and that has a total area under roof of greater than 50 cubic feet. BUILDING is interpreted as including “or part thereof.” See the separate definition of STRUCTURE. Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

BUILDING COVERAGE. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, BUILDING COVERAGE shall include all buildings that are under a roof.

BUILDING HEIGHT. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

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

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

CAMPGROUND. A development under single ownership of the land with sites being rented, leased, or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

CAREGIVER. An individual that provides assistance and care to another person, often due to limitations related to illness, injury, or disability.

CAR WASH. A building or portion thereof where automobiles are cleaned mechanically, using a conveyor, sprayer, blower, steam-cleaning equipment, or other device.

CEMETERY. A place used for the burial of two or more non-cremated humans.

CHURCH. See PLACES OF WORSHIP.

COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA. See WIRELESS COMMUNICATIONS FACILITIES.

COMMERCIAL DISTRICT. The C and VC Districts.

COMMERCIAL STABLE OR RIDING ACADEMY. An establishment where horses are boarded and cared for and/or where instruction in riding, jumping, and showing is offered and/or the general public may, for a fee, hire horses for riding.

COMMERCIAL USE. Includes, but is not limited to, retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a COMMERCIAL USE.

COMMUNITY CENTER OR MEMBERSHIP CLUB. A building and related facilities used for fraternal, educational, social, cultural, or recreational activities, owned or operated by a corporation, association, or group of individuals, or by an educational, philanthropic, governmental, or religious institution.

COMPREHENSIVE PLAN. The Southwestern Lehigh County Comprehensive Plan, as amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO). An agricultural operation that meets one or more of the following criteria (1) the operation is considered a Concentrated Animal Operation (CAO) with greater than 300 Animal Equivalent Units (AEUs); or (2) the operation maintains an animal population of greater than 1,000 AEUs; or (3) the operation is defined as a large CAFO under U.S. Environmental Protection Agency (EPA) regulations at 40 CFR 122.23(b)(4).

CONCENTRATED ANIMAL OPERATION (CAO). An agricultural operation with eight or more AEUs where the animal density exceeds two AEUs per acre on an annualized basis.

CONFERENCE CENTER. A multi-use structure containing meeting rooms and a minimum of two auxiliary service facilities such as restaurants, personal service shops, boutiques, and recreational facilities.

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.

CONSERVATION/OPEN SPACE DEVELOPMENT. A type of residential development that involves the permanent preservation of preserved open space, and that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development.

CONTIGUOUS LOTS. Adjacent parcels of land, including parcels separated by a stream or road.

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.

COORDINATED ZONING ALONG MUNICIPAL BORDERS. A parcel or parcels of land to be used for residential development designed to coordinate zoning uses along municipal borders to avoid conflicting land uses and to encourage a mixture of housing of varying sizes and density to allow for seamless, rather than shock, transition between different uses.

COORDINATED ZONING ALONG MUNICIPAL BORDERS DEVELOPMENT OPTION. An optional type of residential development along municipal borders designed to coordinate zoning uses along municipal borders to avoid conflicting land uses and to encourage a mixture of housing of varying sizes and densities to allow for seamless, rather than shock, transition between different uses,

CRAFT BEVERAGE. An alcoholic beverage product manufactured by a small, independent and privately held brewery, limited winery or limited distillery with a principal office for doing business, or a craft beverage production facility, located in Upper Milford Township and subject to regulation and licensing by the Commonwealth of Pennsylvania, the flavor of which is derived from traditional or innovative ingredients, manufacturing techniques and their fermentation. This term shall include wine, liquor, mead, malt or brewed beverages, potable distilled spirits and other, similar alcoholic drinks or drinkable liquids, all as defined in and regulated under the Pennsylvania Liquor Code.

CRAFT BEVERAGE PRODUCTION FACILITY. For purposes of zoning, a craft beverage production facility is a small, independent facility that manufactures craft beverages (as defined herein) and whose flavor derives from traditional or innovative ingredients, manufacturing techniques and their fermentation. Permitted activities of a craft beverage production facility may include what is commonly known as a “tasting room” for the purpose of tasting, or otherwise sampling, and promoting the sale of its craft beverages to consumers. A craft beverage production facility may offer its product for retail and wholesale distribution and shall meet all applicable licensing requirements of governmental agencies.

CROP FARMING. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use.

CULTURAL CENTER. A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to museums, arts performance venues, or interpretive sites, but does not include commercially operated theaters.

CURATIVE AMENDMENT. A process provided in the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. that authorizes certain types of challenges to a zoning chapter.

DAY CARE CENTER. A facility in which out-of-home day care is provided to four or more children, disabled persons, and/or elderly.

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

DEP. The Pennsylvania Department of Environmental Protection and its relevant bureaus.

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

DISTRICT (OR ZONING DISTRICT). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this chapter.

DORMITORY. A building used as living quarters for the exclusive use of bona fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university, or school.

DRIVE-THROUGH SERVICE. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

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.

DWELLING TYPES. This definition categorizes dwellings into the following types:

- (1) MULTI-FAMILY DWELLING. Three or more dwelling units within a building that do not meet the definition of a single-family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership and may be arranged in a variety of configurations: side by side, back to back or vertically.
- (2) RESIDENTIAL CONVERSION. An increase to the number of dwelling units within an existing building within the standards of Article VI and where permitted by Article IV and meeting the floor area requirements of § 155.090.
- (3) SINGLE-FAMILY DETACHED DWELLING. A single dwelling unit with a front, rear, and two side yards. Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, and modular dwellings.
 - (a) MANUFACTURED HOME. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the federal construction requirements for manufactured housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a type of single-family detached dwelling that meets all of the following requirements:
 1. Is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing;
 2. Is designed for permanent occupancy;
 3. Which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations;
 4. Is constructed so that it may be used with or without a permanent foundation; and
 5. Is not a recreation vehicle.
- (4) SINGLE-FAMILY ATTACHED DWELLING (TOWNHOUSE OR ROWHOUSE). One dwelling unit that is attached to two 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.
- (5) SINGLE-FAMILY SEMIDETACHED DWELLING (TWIN). One dwelling unit that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

- (6) **TWO-FAMILY DETACHED DWELLING (DUPLEX).** A detached dwelling within a two-dwelling unit building, with one dwelling above the other.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. A liberty, privilege or advantage which one has in the lands of another for precise and definite purpose subordinate to, but not inconsistent with the owner's general property rights.

EMERGENCY SERVICES STATION. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call.

EMERGING ENERGY FACILITY. A private facility capable of converting renewable energy sources into a viable energy source and utility provisions for a permitted use.

FAMILY. Any group of individuals, related or unrelated, living together as a household unit where the residents may share living expenses, chores, eat meals together and are a close group with social, economic, and psychological commitments to each other. This definition does not apply to those persons residing in housing operated by organizations and private clubs that limit occupancy to members, i.e., dormitories, fraternities, sororities.

FARM. A lot used for the raising of agricultural commodities or dairy products and/or the raising of livestock or poultry for commercial purposes. This term may include one dwelling unit, buildings used for the agricultural activities and the storage of equipment used for the agricultural activities.

FENCE. A human-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier. Human-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a WALL.

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

FLEA MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

FLOODPLAIN. See definitions of this term and related terms in the Township floodplain regulations, as codified in Chapter 151 of this code of ordinances.

FLOOR AREA. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Calculation of floor area shall include fully enclosed porches, and basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least six and one-half feet.

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

FUNERAL HOME. A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbaria, mausoleums, or entombments, but may include mortuaries and crematoria.

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.

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 nine holes. This use may also include a clubhouse (which may include a restaurant or snack bar), 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 public health, public safety, recycling collection or similar governmental purpose, and which is not owned by the Township or an authority created solely by the Township. This term shall not include uses listed separately in the table of uses in Article V such as publicly owned recreation. This term shall not include a prison.

GROWER/PROCESSOR. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

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

- (A) HAZARDOUS SUBSTANCES as defined pursuant to § 311 of the Federal Clean Water Act, being 33 U.S.C. § 1321, or its successor provisions; and,
- (B) HAZARDOUS SUBSTANCES as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, being 42 U.S.C. §§ 9601 et seq., or its successor provisions.

HAZARDOUS SUBSTANCES, EXTREMELY. Hazardous substances included on the list of extremely hazardous substances in 40 C.F.R. Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

HEIGHT. See BUILDING HEIGHT. To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article VIII.

HELIPORT. An area used for the take-off and landing of helicopters, and related support facilities. A PRIVATE HELIPORT shall be limited to 15 total take-offs and landings in any seven-day period, and which is not open to the general public. A PUBLIC HELIPORT is one that does not meet the definition of a PRIVATE HELIPORT.

HOME OCCUPATION. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves some customer, client or patient traffic, whether vehicular or pedestrian, pickup, meeting location, delivery or removal functions to or from the premises in excess of those normally associated with a residential use.

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

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

HUNTING AND FISHING CLUB. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

IMPERVIOUS COVERAGE. The total area of all impervious surfaces divided by the lot area.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to all buildings, parking areas, driveways, roads, sidewalks, and any area in concrete, asphalt, and/or packed stone.

INDUSTRIAL DISTRICT. The I Zoning District.

INTERMITTENT STREAM. A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major streams events.

JUNK. Any discarded, unusable, scrap or abandoned human-made or human-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of JUNK include: scrap metal; used furniture; used appliances; used motor vehicle parts; worn-out machinery and equipment; used containers; and scrap building materials. JUNK shall not include:

- (A) Solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal;
- (B) Toxic substances;
- (C) Yard waste or tree trunks;
- (D) Items clearly awaiting imminent recycling at an appropriate location;

- (E) Building materials awaiting imminent use at an on-going building; or,
- (F) Clean fill as defined by state environmental regulations.

JUNK VEHICLE. Includes any vehicle or trailer that meets any of the following condition: cannot be 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;

- (A) Cannot be towed, in regards to a trailer designed to be towed;
- (B) Has been demolished beyond repair;
- (C) Has been separated from its axles, engine, body, or chassis; and/or,
- (D) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

JUNK YARD. Land or a structure used for the collection, storage, dismantling, processing, and/or sale, other than within a completely enclosed building, of material of one or more of the following types:

- (A) Junk (see definition) covering more than 1% of the lot area;
- (B) Two or more “junk vehicles” that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an Auto Repair/Body Shop or Auto Service Station or Vehicle Fueling Center and Convenience store within the requirements of §§ 155.081(D)(21) and 155.081(D)(23);
- (C) One or more manufactured homes that are not in a habitable condition.

A JUNK YARD specifically shall include, but not be limited to, a metal scrap yard or auto salvage yard. See any Township code that regulates unlicensed and inoperable vehicles on lots and the State Vehicle Code, being 75 Pa.C.S. §§ 101 et seq. for unlicensed vehicles parked on a street.

KENNEL. The boarding, breeding, raising, grooming, or training of six or more dogs (over 6 months of age), cats, or other household pets for commercial gain.

LANDING. A place where logs are assembled for transportation in loads.

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) or authorized officers of a partnership or corporation that is a LANDOWNER.

LANDSCAPED AREA. Any combination of trees, shrubs, flowers, grasses, turf areas or other horticultural elements including screening, open space, and existing native vegetation. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, covered or uncovered patios, signs, dumpsters and other non-pervious hardscapes.

LIGHTING, DIFFUSED. Illumination that passes from the source through a translucent cover or shade.

LITTER. Discarded items not naturally occurring on the site (i.e., tires, oil cans, etc.).

LOGGING PLAN. A written description with a map of a specific logging operation prepared before the operation commences.

LOPPING. To cut tops and slash into smaller pieces to allow material to settle close to the ground.

LOT. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term LOT shall mean a lot of record according to official county records. If lands are separated by a street, then each side of the street shall be considered a separate LOT. The area and depth of a lot shall be measured to the existing right-of-way line of the street, and all lots shall front on public or private streets.

LOT AREA. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For determining the required minimum lot area, all rights-of-way and easements shall be excluded.

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

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

- (A) FRONT LOT LINE (STREET LINE). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see § 155.092(B)(1).
- (B) REAR LOT LINE. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a REAR LOT LINE. Every lot shall have a rear yard.
- (C) SIDE LOT LINE. Any lot line other than a front or rear lot line.

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, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall.

LUMBERYARD. A facility or area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MANUFACTURED HOME. See under DWELLING TYPES.

MANUFACTURED HOME PARK. A lot under single ownership which includes two or more manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of 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 MANUFACTURED HOME PARK.

MANUFACTURING. The making 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.

MASSAGE PARLOR. A type of adult use that is an establishment that meets all of the following criteria:

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

MEDICAL MARIJUANA. Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania under Act 16.

MEMBERSHIP CLUB. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that district and the requirements of that use are met. See also HUNTING AND FISHING CLUB, which are distinct uses.

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

MIXED USE BUILDING. A structure and/or facility which contains a mixture of uses consisting of commercial, office, retail, or service businesses (as permitted) in combination with a residential use.

MOBILE FOOD SERVICE VEHICLE. A food truck, canteen truck or ice cream truck and includes any portable unit that is attached to a motorized vehicle and intended for use in the operation of a food truck, canteen truck or ice cream truck.

MOBILE FOOD VENDOR. Self-contained food service operation, located in a readily movable motorized, wheeled, or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service.

MOTOR VEHICLE. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle, or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

MOTOR VEHICLE RACETRACK. A facility consisting of a roadway used primarily for the sport of automobile racing. A MOTOR VEHICLE RACETRACK may include seating, concession areas, suites, and parking facilities.

MUNICIPALITIES PLANNING CODE or STATE PLANNING CODE. The Pennsylvania Municipalities Planning Code, as reenacted and amended, being 53 P.S. §§ 10101 et seq.

NATURE PRESERVE. Areas intended to remain in a predominantly natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

NO-IMPACT HOME-BASED BUSINESS. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (A) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (B) The business shall employ no employees other than family members residing in the dwelling.
- (C) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (D) There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- (E) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (F) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- (G) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (H) The business may not involve any illegal activity.

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 chapter, or amendments hereinafter enacted.

NONCONFORMING STRUCTURE. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of such ordinance or applicable amendment(s). Such NONCONFORMING STRUCTURES include, but are not limited to, signs.

NONCONFORMING USE. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this chapter or applicable amendment(s). A use granted by variance is not a NONCONFORMING USE.

NORMAL AGRICULTURAL OPERATION. The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is: (1) not less than ten contiguous acres in area; or (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

NURSING HOME. A facility licensed by the state for the housing and intermediate or fully skilled nursing care of three or more persons.

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

OPEN SPACE, PRESERVED OR 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) Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;
- (C) Will be deeded to the Township and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than “preserved open space” and noncommercial recreation; and
- (D) Does not use any of the following areas to meet minimum preserved open space requirements:
 - (1) Existing street rights-of-way;
 - (2) Access easements and rights-of-way;
 - (3) Vehicle streets or driveways providing access to other lots;
 - (4) Land beneath building(s) or land within 20 feet of a building other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation);

- (5) Off-street parking (other than that clearly intended for use to access the open space area);
 - (6) Area(s) needed to meet a requirement for an individual lot;
 - (7) For land intended to be open to the public, that does not have provisions for entry with a 50-foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street;
 - (8) Land that includes any stormwater management facilities (other than a stormwater management system required by an agricultural conservation plan for the agricultural use);
 - (9) Portions of land that have a width or length less than 100 feet, and an area of less than 21,780 square feet (one-half acre);
 - (10) Areas that are under water during normal weather conditions (streams, creeks, wetlands, floodways); and
 - (11) Areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- (E) Each square foot of preserved open space that is of 25% or greater slopes and each square foot within the 100-year floodplain shall only count as one-quarter square foot for the purposes of determining the amount of PRESERVED OPEN SPACE.

PA. The Commonwealth of Pennsylvania.

PARKING. Off-street parking and aisles for vehicle movement unless otherwise stated.

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

PERSONAL CARE HOME OR CENTER. Means assisted living facility.

PERSONAL SERVICE OR SERVICE BUSINESS. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. PERSONAL SERVICES include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops and other similar establishments, but shall not include any adult uses, as herein defined.

PETROLEUM REFINING. Oil-related industrial activities involving the processing or manufacture of substances such as: asphalt or tar paving mixtures; asphalt and other saturated felts (including shingles); fuels, lubricating oils and greases; paving blocks made of asphalt, creosoted wood, and other compositions of asphalt and tar with other materials; and roofing cements and coatings.

PICNIC GROVE, COMMERCIAL. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

PLACES OF WORSHIP. Buildings, synagogues, churches, religious retreats, monasteries, seminaries, and shrines used primarily for religious and/or spiritual worship for more than ten persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

PRINCIPAL BUILDING. A principal structure which is also a building.

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

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

PUBLIC NOTICE. Notice required by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (See definition in § 107 (53 P.S. §§ 10107) of such law.)

RECORDING STUDIO, MUSIC. A facility maintained and equipped for sound recording and mixing for the purposes of producing a product for commercial consumption.

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

(A) COMMERCIAL INDOOR RECREATION. A type of recreation use that:

- (1) Does not meet the definition of outdoor recreation; and
- (2) Is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses.

(B) COMMERCIAL OUTDOOR RECREATION.

- (1) A type of “recreation” use that occurs outside and is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses.
- (2) This term shall not include any use listed separately as a distinct use by Article V, such as a target range or gun club.

RECYCLING 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 CENTER is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a township-owned use, or an emergency services station.

RESIDENTIAL ACCESSORY STRUCTURE (INCLUDES BUILDING) OR USE. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household); carport; tennis court; garage sale; basketball backboard; household swimming pool; gazebo; storage shed; greenhouse; children’s playhouse; or children’s play equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

RESIDENTIAL DISTRICT(S). The AC, R-A, RS-R, S-R, CON and VR Zoning Districts.

RESTAURANT. 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. 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. See **DRIVE-THROUGH SERVICE**.

RETAIL STORE. A store selling apparel, baked goods, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, liquor, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, audio-visual equipment and supplies, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, plants, fabrics, beer, wine and non-alcoholic beverages, 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.

RIGHT-OF-WAY. Land set aside or designated for public or private streets, roadways, sidewalks, curbs and the installation of public utilities. The term **RIGHT-OF-WAY** shall also include the **ULTIMATE RIGHT-OF-WAY**.

(A) **RIGHT-OF-WAY, EXISTING.** The line separating a lot from the area designated for a street or utility purpose.

(B) **RIGHT-OF-WAY, ULTIMATE.** The line separating a lot from the area designated for the eventual expansion of a street, related improvements, or utility rights-of-ways.

ROOMING HOUSE. See **BOARDING HOUSE**.

SAWMILL. An operation or facility which has, as its predominant purpose, the sawing or planing of logs or trees into rough slabs. A sawmill is sometimes referred to as a planing mill.

SCHOOL. An educational institution primarily for persons between the ages of five and 19 that primarily provides state-required or largely state-funded educational programs. This term shall not include trade schools.

SCREENING. Year-round plant material of substantial height at least six (6) feet high and density designed to provide a visual screen or buffer.

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

SERVICE BUSINESS. 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, as herein defined.

SETBACK LINE. A line separating a yard from the area within which a building or use is allowed.

SEWAGE SERVICE, CENTRAL. Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves five or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

SEWAGE SERVICE, ON-LOT. Sanitary sewage service to a building that does not meet the definition of central sewage service, such as, but not limited to, an individual on-lot septic system.

SEWAGE SERVICE, PUBLIC. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

SEWAGE TREATMENT PLANT. A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

SHOPPING CENTER. A use involving a minimum of two retail or personal service uses or establishments and that primarily involves retail sales. A shopping center may, in addition, include a mix of permitted personal service, restaurants, office and/or commercial recreation uses.

SHADE TREE. A deciduous tree that has a canopy that provides shade from the sun to areas below the branches.

SIGHT TRIANGLE. An area required to be kept free of certain visual obstructions to traffic. See § 155.092.

SIGN. The definition in § 155.136 shall apply.

SIGN, OFF-PREMISE. The definition in § 155.136 shall apply.

SINGLE AND SEPARATE OWNERSHIP. The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE ALTERATIONS. This term shall include one or more of the following activities:

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

SKIDDING. Dragging trees on the ground, by any means, from the stump to the landing.

SLASH. Woody material left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

SLAUGHTERHOUSE. A facility for the slaughtering and processing of animals and the refining of their byproducts.

SOLAR ENERGY SYSTEM – A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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

SPECIAL EXCEPTION. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 155.034.

STATE. The Commonwealth of Pennsylvania and its agencies.

STOCKYARD. An enclosure with pens, sheds, and other buildings or structures for the temporary keeping of livestock.

STORY. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of six and one-half feet or greater shall be considered a FULL STORY, except as follows. If the floor of a basement level is more than six feet below the finished grade level for more than 50% of the total building perimeter, it shall not be regulated as a STORY. Any level of a building having an average vertical clearance from floor to ceiling of less than six and one-half feet shall be considered a HALF-STORY.

STREAM. Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

STREET. A public or private thoroughfare which provides the principal means of vehicle access to three or more lots but not including an alley or a driveway. The terms STREET, HIGHWAY and ROAD have the same meaning and are used interchangeably.

STREET CLASSIFICATION. The functional classification of streets, roads and highways that is provided in the Township Comprehensive Plan shall apply. For the purposes of this chapter, such CLASSIFICATIONS may be revised by written resolution of the Board of Supervisors.

STRUCTURE. Any human-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any STRUCTURE shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter. For the purposes of this chapter, utility poles, stormwater basins, wells, paving and septic systems shall not be considered STRUCTURES, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

SUBDIVISION.

- (A) The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.
- (B) The subdivision by lease of land for agricultural purposes into a parcel of more than ten acres, not involving any new street or easement of access or residential dwellings, is not a SUBDIVISION.

SUBDIVISION ORDINANCE or SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. The Upper Milford Township Subdivision and Land Development Ordinance, as amended and as codified in Chapter 154 of this code of ordinances.

SWIMMING POOL, HOUSEHOLD OR PRIVATE. A human-made area with walls of human-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 one dwelling unit and their occasional guests.

SWIMMING POOL, NON-HOUSEHOLD. A human-made area with walls of human-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.

TANNERY. A facility where animal skins or hides are processed.

TARGET RANGE OR GUN CLUB. A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development and/or training. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

TAVERN AND/OR BAR. 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 an **AFTER-HOURS CLUB** or a **NIGHTCLUB**. The sale of food may also occur. 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.

TIMBER HARVESTING (INCLUDES TREE HARVESTING/LOGGING). The cutting down and removal of trees and logs for the primary purpose of sale or commercial processing into wood products.

TOWNHOUSE. See **DWELLING TYPES**.

TOWNSHIP. Upper Milford Township, Lehigh County, Pennsylvania.

TRADE/HOBBY SCHOOL or TRADE SCHOOL. A facility that is primarily intended for education of a work-related skill or craft or a hobby; and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

TRADESPERSON. A person involved with building trades, such as but not limited to: plumbing; electrical work; building construction; building remodeling; and roofing.

TREATMENT CENTER. A facility organized to provide care and treatment for behavioral, psychological, and/or physical needs. Such facilities must be licensed by the Commonwealth of Pennsylvania.

TREE. A perennial woody plant having a main trunk with a diameter of one and one-half inches or greater unless a differing measurement is provided for a specific purpose of this chapter.

TROUT STREAM. Any cold water stream which supports a trout fishery that is managed, stocked, or regulated by the Pennsylvania Fish Commission.

TRUCK TERMINAL. A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

UNLICENSED VEHICLE. Any motor vehicle or trailer that does not display a license plate or does not have a valid state safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds aggregate gross vehicle weight) for which state regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 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 structure; activity outside of a structure; any structure; recreational vehicle storage; or parking of commercial vehicles on a lot.

VARIANCE. The granting of specific permission 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 chapter. Any VARIANCE shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. See § 155.029.

VEHICLE FUELING CENTER AND CONVENIENCE STORE. A facility associated with the sale of gasoline and other alternative fuel products that also offers for sale grocery type items, and including items from the following groups: beverages, snacks (including confectionery), dairy products and tobacco. Food preparation for take-away consumption shall be permitted. The use may provide for indoor automated teller machines and financial services, indoor public telephone facilities, indoor vending machines, electric vehicle charging stations, and air pumps for the inflation of tires.

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 of 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, distribution, and/or the wholesale selling of products and materials to retailers, other merchants, or industrial, institutional, and commercial users, mainly for resale or business use.

WATERCOURSE. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SERVICE, CENTRAL. Water supply service to a building by a township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

WATER SERVICE, ON-LOT. Water supply service to a building that does not meet the definition of central water service, such as, but not limited to, an individual on-lot well.

WATER SERVICE, PUBLIC. Central water service by a system owned and/or operated by a municipality or a municipal authority.

WETLANDS. An area of land and/or water meeting one or more definitions of a wetland under federal and/or state law and/or regulations.

WIND ENERGY FACILITY. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, wind rotor, tower, and pad transformer, if any.

WIRELESS COMMUNICATIONS FACILITIES. The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling, and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

YARD.

- (A) An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A MINIMUM YARD is also known as a minimum setback. Each REQUIRED YARD shall be measured inward from the abutting lot line or street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified MINIMUM YARDS.
- (B) Private streets: for a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

YARD, FRONT or FRONT SETBACK. A yard measured from and running parallel to the front lot line or street right-of-way line the full width of the lot from side lot line to side lot line. The FRONT YARD shall be on a side that faces towards a public street. See § 155.092(B)(1) concerning yards along corner lots.

YARD, REAR or REAR SETBACK. A yard extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required REAR YARD SETBACK for a principal building, and an accessory structure shall not extend into the required REAR YARD for an accessory structure, except as provided in this chapter. Every lot shall include a rear lot line and a REAR YARD.

YARD, SIDE or SIDE SETBACK. A yard which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this chapter. See CORNER LOT provisions. A triangular lot shall include one SIDE YARD. All other lots shall include at least two SIDE YARDS, except for a corner lot.

YIELD PLAN. A plan required to be submitted to the Township by the applicant under certain provisions of the zoning chapter. The YIELD PLAN shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if certain optional development provisions would not be used, and instead the provisions for conventional development under the current zoning district would be used. A YIELD PLAN shall be completed to an accurate scale, including accurately showing the existing feature map information. The YIELD PLAN shall show potential lots, streets, and retention/detention pond locations.

ZONING MAP. The Official Zoning Map of Upper Milford Township, Lehigh County, Pennsylvania.

ZONING OFFICER. The person charged with the duty of enforcing the provisions of the zoning chapter, and any officially designated assistant.

ZONING OVERLAY DISTRICT. A special purpose zoning district that is superimposed over an existing zoning district(s), and, as such, the provisions of an overlay district shall serve as a supplement to the underlying district provisions in such designated area(s). An **OVERLAY ZONING DISTRICT** may encompass more than one zoning district or may encompass only a portion of a zoning district. Where there happens to be any conflict between the provisions of requirements of a zoning overlay district and its underlying district, the provisions of the overlay zoning district shall apply. In the absence of a specific standard for a zoning overlay district, the provisions of the underlying zoning district shall apply.

ARTICLE IV DISTRICTS, PERMITTED USES AND YARD REQUIREMENTS

§ 155.065 ESTABLISHMENT OF ZONING DISTRICTS AND PURPOSES.

(A) For the purpose of this chapter, zoning districts are hereby established as follows:

AC	Agricultural Conservation
R-A	Rural Agricultural
RS-R	Rural Suburban Residential
S-R	Suburban Residential
C	Commercial
I	Industrial
CON	Conservation
VC	Village Commercial
VR	Village Residential
COSDO-OD	Conservation/Open Space Development Option Overlay
CZAMB-OD	Coordinated Zoning Along Municipal Borders Overlay District

(B) For the purposes of this chapter, the zoning districts named in Subsection (A) above shall be of the number, size, shape, and location shown on the Official Zoning Map.

(C) The following zoning districts are intended to serve the following purposes, in addition to the overall purposes and objectives of this chapter and the Comprehensive Plan:

- (1) CON Conservation District. To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands, and very steeply sloped areas. To recognize that many of these areas have limited road access. To protect the water quality and habitats along creeks and their headwaters and promote ground water recharge. To provide incentives and a certain amount of flexibility in lot layout so that development can be clustered on the most suitable portion of a tract of land, while still avoiding overly intense development;
- (2) AC Agricultural Conservation District. To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize the Township's viable agricultural economy by minimizing uses that are incompatible with farming but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices;

- (3) R-A Rural Residential District. To provide for rural types of development at a low overall density. To avoid conflicts with agricultural uses and recognize sewage limitations. To protect the water quality and habitats along creeks and promote ground water recharge. To provide incentives and a certain amount of flexibility in lot layout through a conservation/open space development option so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development;
- (4) RS-R Rural Suburban Residential District. To provide for low density residential neighborhoods that are primarily composed of single-family detached dwellings. To protect these areas from incompatible uses;
- (5) S-R Suburban Residential District. To provide for medium density residential neighborhoods with a mix of housing types at a medium density. To protect these areas from incompatible uses. To meet requirements of state law to provide opportunities for various housing types;
- (6) VR Village Residential District. To provide for residential uses that are similar in character to existing homes in the older villages of the Township;
- (7) VC Village Commercial District. To provide for a mix of housing and light business uses in a manner that avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller scale uses that will not be obtrusive in the landscape and that will not overload the road system;
- (8) C Commercial District. To provide for a wide range of commercial uses. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads; and
- (9) I Industrial District. To provide for a range of industrial uses in a manner that minimizes conflicts with homes and avoids serious nuisances and hazards and to avoid additional conflicts through a Coordinated Zoning Along Municipal Borders Development Option so that existing residential areas have a seamless, rather than shock, transition between uses.

§ 155.066 APPLICATION OF DISTRICT REGULATIONS.

- (A) Unless otherwise provided by law or specifically in this chapter, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- (B) The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this chapter.
- (C) No building, structure or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered and no building or 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.

- (D) No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (E) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- (F) Any territory, which may hereafter be annexed to the Township, shall be classified as the zoning district of the Township most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.
- (G) No more than one principal use shall be permitted on a lot, unless specifically permitted by this chapter.

§ 155.067 ZONING MAP AND RULES FOR INTERPRETING DISTRICT BOUNDARIES.

- (A) A map entitled, "Zoning Map for the Township of Upper Milford" accompanies this chapter and is declared a part of this chapter.
- (B) The Official Zoning Map shall be identified by the signature of the Chairperson of the Board of Supervisors attested by the Township Secretary and shall bear the adoption date of this chapter and the seal of the Township.
- (C) Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this chapter. All changes shall be noted by date with a brief description of the nature of the change.
 - (1) The base information on the Zoning Map may be periodically revised to reflect approved subdivisions.
 - (2) The Zoning Map shall reflect that the Mast Engineering survey line shall act as the boundary line between both Upper Milford Township and Upper Saucon Township, and Upper Milford Township and Lower Milford Township, pursuant to the Order of Court dated October 22, 1990, indexed at Case No. 15-R-87 in the Court of Common Pleas of Lehigh County, Pennsylvania - Criminal Division (by Ordinance, June 3, 1992).
- (D) Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located at the Township office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the Official Zoning Map for official use.
- (E) If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map.

- (1) The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
 - (2) The new Official Zoning Map shall be identified by the signatures of the Board of Supervisors, attested to by the Township Secretary.
 - (3) Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
- (F) Zoning boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads, or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- (G) Boundaries approximately following property lot lines shall be construed as following such property lot lines.
- (H) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- (I) Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections (A) through (C) above, the Zoning Hearing Board shall interpret the district boundaries.
- (J) Where a lot is situated in more than one district, then the zoning requirements of the less dense district shall be applied.

§ 155.068 TABLE OF ALLOWED USES IN EACH ZONING DISTRICT

TABLE OF PERMITTED USES												
Uses		Districts										
		CON	R-A	RS-R	S-R	AC	VR	VC	C	I	CZAMB*	COSDO*
A. AGRICULTURAL USES												
A-1	Normal agricultural operation	P	P	P	P	P	P	P	P	P	N	P
A-2	Factory farms or concentrated animal operations	SE	SE	N	N	SE	N	N	N	N	N	N
A-3	Nursery and/or greenhouse (products grown on site)	P	P	P	P	P	P	P	P	P	N	N
A-4	Forestry	P	P	P	P	P	P	P	P	P	N	N
A-5	Commercial Stable or Riding Academy	P	P	SE	SE	P	N	SE	P	N	N	P
A-6	Kennel	N	SE	N	N	SE	N	N	P	SE	N	N
B. RESIDENTIAL USES												
B-1	Single Family Detached Dwelling	P	P	P	P	P	P	P	N	N	P	P
B-2	Single-family semidetached dwelling (twin, side-by-side)	N	N	P	P	N	P	N	N	N	P	P
B-3	Two-family detached dwelling (duplex, stacked)	N	N	P	P	N	P	N	N	N	N	N
B-4	Single-family attached dwelling	N	N	N	P	N	P	N	N	N	N	N
B-5	Multi-family dwelling	N	N	N	P	N	P	N	N	N	N	N
B-6	Age-Restricted Residential Development	N	P	P	P	N	P	N	N	N	N	N
B-7	Manufactured Home Park	N	N	N	SE	N	N	N	N	N	N	N
B-8	Boarding House (includes Rooming House)	N	N	N	N	N	N	N	SE	N	N	N
B-9	Residential Conversion	N	N	N	N	N	P	SE	SE	N	N	N
C. RELIGIOUS, EDUCATIONAL, RECREATIONAL, INSTITUTIONAL												
C-1	Recreation, Commercial Indoor	N	N	N	N	N	N	SE	P	P	N	N
C-2	Recreation, Commercial Outdoor	N	N	N	N	SE	N	SE	P	P	N	N
C-3	Picnic Grove, Commercial	P	P	P	P	P	P	P	P	P	N	N
C-4	Nature Preserve or Environmental Education Center	P	P	P	P	P	P	P	P	P	N	P
C-5	Publicly Owned or Operated Recreation Park	P	P	P	P	P	P	P	P	P	P	P
C-6	Golf Course	N	P	P	P	N	P	P	P	P	N	N
C-7	Target range or gun club, indoor	N	N	N	N	N	N	P	P	P	N	N
C-8	Target range or gun club, outdoor	SE	SE	N	N	N	N	N	N	SE	N	N
C-9	Hunting and Fishing Club	P	P	P	P	P	P	P	P	P	N	N
C-10	Cemetery (not including Crematorium, which is listed separately)	P	P	P	P	P	P	P	P	P	N	N
C-11	Cemetery, Animal	N	N	N	N	N	N	N	SE	SE	N	N

TABLE OF PERMITTED USES

Uses		Districts										
		CON	R-A	RS-R	S-R	AC	VR	VC	C	I	CZAMB+	COSDO+
C-12	Crematorium	N	N	N	N	N	N	N	SE	SE	N	N
C-13	School, Public or Private, Primary or Secondary	N	SE	SE	SE	N	SE	P	P	P	N	N
C-14	Trade/ Hobby School	N	N	N	N	N	N	P	P	P	N	N
C-15	College or University	N	N	N	N	N	N	P	P	P	N	N
C-16	Day Care Center	N	N	N	P	N	P	P	P	N	N	N
C-17	Community center or membership club	N	SE	N	N	N	SE	P	P	P	N	N
C-18	Library	N	N	P	P	P	P	P	P	P	N	N
C-19	Cultural Center or Museum	N	N	N	N	N	N	P	P	P	N	N
C-20	Nursing Home or Personal Care Home/Assisted Living	N	N	N	SE	N	N	P	P	N	N	N
C-21	Place of Worship	SE	SE	SE	SE	SE	SE	P	P	P	N	N
C-22	Treatment Center	N	N	N	N	N	N	N	SE	SE	N	N
C-23	Hospital	N	N	N	N	N	N	N	SE	SE	N	N
C-24	Prison or Similar Correctional Institution	N	N	N	N	N	N	N	N	SE	N	N
C-25	Swimming Pool, Non-household	SE	SE	SE	SE	SE	SE	P	P	P	N	N
D. RETAIL AND CONSUMER SERVICES USES												
D-1	Office	N	N	N	N	N	N	P	P	P	N	N
D-2	Veterinarian Office	N	N	N	N	N	N	P	P	P	N	N
D-3	Retail Store	N	N	N	N	N	N	P	P	N	N	N
D-4	Service business	N	N	N	N	N	N	P	P	P	N	N
D-5	Financial Institution	N	N	N	N	N	N	P	P	P	N	N
D-6	Restaurant or Banquet Hall: without drive-through service	N	N	N	N	N	N	P	P	N	N	N
D-7	Restaurant or Banquet Hall: with drive-through service	N	N	N	N	N	N	N	P	N	N	N
D-8	Tavern and/or Bar	N	N	N	N	N	N	P	P	N	N	N
D-9	Craft beverage production facility	N	SE	SE	N	SE	N	P	P	P	N	N
D-10	Funeral Home	N	N	N	N	N	N	P	P	P	N	N
D-11	Shopping center	N	N	N	N	N	N	SE	P	N	N	N
D-12	Flea Market/ Auction House	N	N	N	N	N	N	P	P	P	N	N
D-13	Hotel or Motel	N	N	N	N	N	N	P	P	P	N	N
D-14	Bed and Breakfast, Inn	SE	SE	N	N	SE	SE	P	P	P	N	N
D-15	Conference Center	N	N	N	N	N	N	P	P	P	N	N
D-16	Campground	SE	SE	N	N	N	N	SE	P	P	N	N
D-17	Mixed use building	N	N	N	N	N	N	P	P	P	N	N
D-18	Recording Studio	N	N	N	N	N	N	P	P	P	N	N

TABLE OF PERMITTED USES												
Uses		Districts										
		CON	R-A	RS-R	S-R	AC	VR	VC	C	I	CZAMB*	COSDO*
D-19	Construction Company or Tradesperson's Headquarters	N	N	N	N	N	N	P	P	P	N	N
D-20	Crafts or Artisan's Studio	N	N	N	N	N	N	P	P	P	N	N
D-21	Auto Repair/Body Shop or Auto Service Station	N	N	N	N	N	N	P	P	P	N	N
D-22	Auto, Boat, Recreational Vehicle, Manufactured Home Sales	N	N	N	N	N	N	N	P	P	N	N
D-23	Vehicle fueling center and convenience store	N	N	N	N	N	N	N	P	P	N	N
D-24	Car Wash	N	N	N	N	N	N	N	P	P	N	N
D-25	Motor Vehicle Racetrack	N	N	N	N	N	N	N	N	SE	N	N
D-26	Adult Use	N	N	N	N	N	N	N	N	SE	N	N
D-27	Medical marijuana dispensary	N	N	N	N	N	N	N	SE	SE	N	N
E. COMMON CARRIERS, PUBLIC UTILITIES, PUBLIC SERVICE USE												
E-1	Government Facility and/or Municipal Use	P	P	P	P	P	P	P	P	P	N	P
E-2	Airport, Private or Public	N	SE	N	N	N	N	N	N	SE	N	N
E-3	Public Utility Facility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
E-4	Emergency Services Station	N	SE	SE	SE	N	SE	SE	SE	SE	N	N
E-5a	WCF: non tower-based	P	P	P	P	P	P	P	P	P	P	P
E-5b	WCF: tower-based	SE	N	N	N	N	N	N	N	SE	N	N
E-6	Parking Lot or Structure as the Principal Use that does not primarily serve tractor-trailer trucks or trailers	N	P	P	P	N	P	P	P	P	N	N
E-7	Parking Lot or Structure as the Principal Use that primarily serves tractor-trailer trucks or trailers	N	N	N	N	N	N	N	N	SE	N	N
E-8	Helicopter	N	N	N	N	N	N	N	N	SE	N	N
E-9	Solar energy system (principal use)	N	N	N	N	N	N	N	N	SE	N	N
E-10	Wind energy facility (principal use)	N	N	N	N	N	N	N	N	SE	N	N
E-11	Emerging energy facility	N	N	N	N	N	N	N	N	SE	N	N
F. INDUSTRIAL USES												
F-1	Manufacturing	N	N	N	N	N	N	N	SE	P	N	N
F-2	Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)	N	N	N	N	N	N	N	P	P	N	N
F-3a	Warehouse, wholesale, and/or distribution center (less than 50,000 s.f. gross floor area)	N	N	N	N	N	N	N	SE	P	N	N

TABLE OF PERMITTED USES

Uses		Districts										
		CON	R-A	RS-R	S-R	AC	VR	VC	C	I	CZAMB*	COSDO*
F-3b	Warehouse, wholesale, and/or distribution center (greater than 50,000 s.f. gross floor area)	N	N	N	N	N	N	N	N	SE	N	N
F-4	Self-Storage Development	N	N	N	N	N	N	N	P	P	N	N
F-5	Trucking Company Terminal	N	N	N	N	N	N	N	N	SE	N	N
F-6	Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	N	N	N	P	P	N	N
F-7	Junk Yard	N	N	N	N	N	N	N	N	SE	N	N
F-8	Solid Waste Landfill	N	N	N	N	N	N	N	N	SE	N	N
F-9	Sawmill/ Planing Mill	N	N	N	N	N	N	N	P	P	N	N
F-10	Slaughterhouse, Stockyard, or Tannery	N	N	N	N	N	N	N	N	SE	N	N
F-11	Medical marijuana grower/processor	N	N	N	N	N	N	N	SE	SE	N	N
F-12	Packaging	N	N	N	N	N	N	N	P	P	N	N
F-13	Petroleum Refining	N	N	N	N	N	N	N	N	SE	N	N
F-14	Photo Processing, Bulk	N	N	N	N	N	N	P	P	P	N	N
F-15	Printing or Bookbinding	N	N	N	N	N	N	P	P	P	N	N
F-16	Recycling Center	N	N	N	N	N	N	N	SE	P	N	N
F-17	Lumberyard	N	N	N	N	N	N	N	P	P	N	N
F-18	Mineral Extraction	N	N	N	N	N	N	N	N	P	N	N
F-19	Lawful uses not otherwise permitted	N	N	N	N	N	N	N	SE	SE	N	N
G. ACCESSORY USES												
G-1	Accessory agricultural uses (roadside stands, agritainment, agritourism)	P	P	P	SE	P	SE	P	P	P	N	P
G-2	Keeping of livestock accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P
G-3	Home Occupation, Major	SE	SE	SE	SE	SE	SE	SE	SE	P	SE	SE
G-4	No-impact home-based business	P	P	P	P	P	P	P	P	P	P	P
G-5	Residential accessory use	P	P	P	P	P	P	P	N	N	P	P
G-6	Accessory family dwelling unit	SE	SE	SE	SE	SE	SE	SE	SE	N	SE	SE
G-7	Accessory day care	P	P	P	P	P	P	P	P	N	P	P
G-8	Accessory structure, nonresidential	P	P	P	P	P	P	P	P	P	N	N
G-9	Outdoor Storage and Display	N	N	N	N	N	N	P	P	P	N	N
G-10	Temporary Structures or Use	P	P	P	P	P	P	P	P	P	P	P
G-11	Mobile food vendors	P	P	P	P	P	P	P	P	P	N	N

TABLE OF PERMITTED USES

Uses		Districts											
		CON	R-A	RS-R	S-R	AC	VR	VC	C	I	CZAMB*	COSDO*	
G-12	Outdoor seating associated with food and/or beverage service establishments	P	P	P	P	P	P	P	P	P	P	N	N
G-13	Accessory solar energy equipment	P	P	P	P	P	P	P	P	P	P	P	P
G-14	Wind turbine as an accessory use that is primarily intended for generating on-site electricity	P	P	P	P	P	P	P	P	P	P	P	P

* The CZAMB and COSDO are overlay districts which may be opted-in to. Should an applicant choose to opt-in to the overlay they must comply with the requirements of §155.0.76 or §155.077, respectively. If an applicant does not choose to opt-in to the overlay they must comply with the requirements of the underlying zoning district.

§ 155.069 DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

- (A) Generally. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Article V or another section of this chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in § 155.051.

DISTRICT: TYPE OF USE	MIN. LOT AREA ⁽³⁾	MIN. LOT WIDTH AT MIN. BLDG. SETBACK LINE (ft)	MIN. FRONT YARD (ft)	MIN. REAR YARD (ft)	MIN. SIDE YARD (EACH) (ft)	MAX. BLDG COVERAGE (on-lot %)	MAX. IMPERVIOUS COVERAGE (%)		MAX. BLDG HEIGHT (ft)
							ON-LOT	TOTAL SITE ⁽⁴⁾	
Conservation District (CON)									
- All permitted uses	2 acres	200	50	50	25	10	20	15	40
Agricultural Conservation (AC)									
- Factory farms and CAOs	10 acres	250	40	50	25	20	-	30	40
- All other permitted uses	50,000 s.f.	150	35	30	15	15	10	5	35
Rural Agricultural (R-A)									
- Single-family detached	2 acres	175	35	50	25	15	20	15	35
- Factory farms and CAOs	10 acres	250	40	50	25	20	-	30	40
- All other permitted uses	2 acres	175	35	50	25	15	-	10	40
Rural Suburban Residential (RS-R)									
- Single-family detached dwelling									
a) Without Township-approved central water service and without Township approved central sewage service	43560 s.f.	120	30	50	15	20	40	-	35
b) With Township-approved central water but without Township-approved central sewage service	39000 s.f.	120	30	50	15	20	40	-	35

DISTRICT: TYPE OF USE	MIN. LOT AREA ⁽³⁾	MIN. LOT WIDTH AT MIN. BLDG. SETBACK LINE (ft)	MIN. FRONT YARD (ft)	MIN. REAR YARD (ft)	MIN. SIDE YARD (EACH) (ft)	MAX. BLDG COVERAGE (on-lot %)	MAX. IMPERVIOUS COVERAGE (%)		MAX. BLDG HEIGHT (ft)
							ON-LOT	TOTAL SITE ⁽⁴⁾	
c) With Township-approved central sewage service but without central water service	27000 s.f.	120	30	25	10	30	50	-	35
d) With both Township-approved central water and Township-approved central sewage services	12000 s.f.	70	30	25	10	30	50	-	35
- Single-family semi-detached dwelling (twin, side-by-side), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	7,000 per dwelling unit	60 per dwelling unit	30	20	15	30	50	40	35
- Two-family detached dwelling (duplex, stacked), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	16,000 s.f.	100	30	40	20	30	50	40	35
- All other permitted uses	1 acre	150	50	50	20	30	-	20	40

DISTRICT: TYPE OF USE	MIN. LOT AREA ⁽³⁾	MIN. LOT WIDTH AT MIN. BLDG. SETBACK LINE (ft)	MIN. FRONT YARD (ft)	MIN. REAR YARD (ft)	MIN. SIDE YARD (EACH) (ft)	MAX. BLDG COVERAGE (on-lot %)	MAX. IMPERVIOUS COVERAGE (%)		MAX. BLDG HEIGHT (ft)
							ON-LOT	TOTAL SITE ⁽⁴⁾	
Suburban Residential (S-R)									
- Single-family detached dwelling									
a) Without Township-approved central water service and without Township-approved central sewage service	43560 s.f.	150	25	25	15	20	40	-	35
b) With Township-approved central water but without Township-approved central sewage service	39000 s.f.	150	25	25	15	20	40	-	35
c) With Township-approved central sewage service but without central water service	27000 s.f.	100	25	25	10	30	50	-	35
d) With both Township-approved central water and Township-approved central sewage services	7500 s.f.	75	25	25	10	30	50	-	35
- Single-family semi-detached dwelling (twin, side-by-side), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	6000 s.f.	35 per dwelling unit	25	25	10, except 0 at the shared lot line of lawfully attached dwellings.	40	50	-	35

DISTRICT: TYPE OF USE	MIN. LOT AREA ⁽³⁾	MIN. LOT WIDTH AT MIN. BLDG. SETBACK LINE (ft)	MIN. FRONT YARD (ft)	MIN. REAR YARD (ft)	MIN. SIDE YARD (EACH) (ft)	MAX. BLDG COVERAGE (on-lot %)	MAX. IMPERVIOUS COVERAGE (%)		MAX. BLDG HEIGHT (ft)
							ON-LOT	TOTAL SITE ⁽⁴⁾	
- Two-family detached dwelling (duplex, stacked), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	20,000 s.f.	80	40	40	20	30	50	40	35
- Single-family attached dwelling (townhouse or rowhome), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	2500 s.f.	24	40	25	15 for end units	50	75	60	35
- Manufactured Home Park	(1)	NA	30(2)	40(2)	20(2)	25	-	60	20
- All other permitted uses	1 acre	120	50	50	20	30	-	25	40
Village Commercial (VC) and Village Residential (VR)									
- Single-family detached dwelling									
a) Without Township-approved central water service and without Township approved central sewage service	43,560 s.f.	120	20	20	5	40	60	-	35

DISTRICT: TYPE OF USE	MIN. LOT AREA ⁽³⁾	MIN. LOT WIDTH AT MIN. BLDG. SETBACK LINE (ft)	MIN. FRONT YARD (ft)	MIN. REAR YARD (ft)	MIN. SIDE YARD (EACH) (ft)	MAX. BLDG COVERAGE (on-lot %)	MAX. IMPERVIOUS COVERAGE (%)		MAX. BLDG HEIGHT (ft)
							ON-LOT	TOTAL SITE ⁽⁴⁾	
b) With Township-approved central water but without Township-approved central sewage service	39000 s.f.	120	20	20	5	40	60	-	35
c) With Township-approved central sewage service but without central water service	27000 s.f.	120	20	20	5	40	60	-	35
d) With both Township-approved central water and Township-approved central sewage services	9000 s.f.	60	20	20	5	40	60	-	35
- Single-family semi-detached dwelling (twin, side-by-side), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	7,000 s.f. per dwelling unit	50 per dwelling unit	20	20	5	40	60		35
- Two-family detached dwelling (duplex, stacked), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	12,000 s.f.	60	20	20	10	40	60	50	35

DISTRICT: TYPE OF USE	MIN. LOT AREA ⁽³⁾	MIN. LOT WIDTH AT MIN. BLDG. SETBACK LINE (ft)	MIN. FRONT YARD (ft)	MIN. REAR YARD (ft)	MIN. SIDE YARD (EACH) (ft)	MAX. BLDG COVERAGE (on-lot %)	MAX. IMPERVIOUS COVERAGE (%)		MAX. BLDG HEIGHT (ft)
							ON-LOT	TOTAL SITE ⁽⁴⁾	
- Single-family attached dwelling (townhouse or rowhome), which shall only be allowed if both Township approved central water and Township-approved central sewage services are provided	1,800 s.f.	20	25	25	15 for end units	50	75	60	35
- All other permitted uses	20,000 s.f.	60	20	20	10	40	-	60	45
Commercial (C)									
- All permitted uses	40,000 s.f. except 10,000 s.f. if a lot is served by both central water and central sewage services.	150, except 80 for a lot that will not have its own vehicle access directly onto Route 29 or Route 100 and that will have central water and central sewage services.	50	30	15	25% except 35% for a lot that is served by both central water and central sewage services.	-	40% except 75% for a lot that is served by both central water and central sewage services.	45
Industrial (I)									
- All permitted uses	40,000 s.f.	120	50	50	40	30	-	60	50

(1) Refer to specific use regulations for manufactured/mobile home parks, §155.081(B)(7).

(2) Minimum yard requirements apply to the gross site area.

(3) Minimum lot area is per dwelling unit.

(4) Total site impervious coverage must include total build out of each individual lot, if applicable.

§ 155.070 ADDITIONAL REQUIREMENTS WITHIN THE AC AGRICULTURAL CONSERVATION DISTRICT.

(A) Limitations on subdivision and land development in the AC District.

- (1) To preserve agricultural tracts, the AC District regulations limit the subdivision of lots from farms and establishes a maximum lot size to allow the retention of tracts of sufficient size to be productive for agriculture. This section is based upon § 604(3) and other provisions of the Pennsylvania Municipalities Planning Code, being 53 P.S. § 10604(3).
- (2) Each tract existing on March 18, 2010 shall be permitted to subdivide new lots from the tract or establish new principal uses on the tract based upon the lot area of the tract as it existed on March 18, 2010, as follows:

Lot Area At Least	(Acres) Less than	Number of Total Lots of Less than 15 Acres Which May Result (including the existing/reminder lot):
2.6	10	2
10	20	3
20	30	4
30	40	5
40	50	6
50	60	7
70		8, plus 1 lot for every 10 acres over 80 acres.

- (3) The condition of the tract on March 18, 2010, or on the date on which the tract was first zoned AC District, shall be the basis from which the maximum development set forth in this Subsection (A) above shall be calculated.
- (4) No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Subsection (A)(2) above.
- (5) A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the tract from which the land is taken and the tract to which the land is added will be 20 acres or greater after such subdivision, shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Subsection (A)(2) above.
- (6) A subdivision to create a lot which will be transferred to the township, or a municipal authority created by the Township, or that is deed restricted or restricted by a conservation easement so that the lot can never be used for a principal use shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in Subsection (A)(2) above. For example, if a lot is created solely for the purposes of stormwater management or a water supply well, it shall not be limited by Subsection (A)(2) above.

- (7) Any subdivision or land development plan hereafter filed with the applicable approving body for subdivision or land development of a parent tract shall specify which lot or lots shall carry with it a right of further subdivision or establishment of principal uses, if any such right remains from the quota allocated to the parent tract on March 18, 2010, or on the date when such land was first included within the AC District. The right of further subdivision or establishment of principal uses shall also be included in the deed for the newly created lot. If the designation of the right of further subdivision or establishment of principal uses was not included on a subdivision or land development plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision or establishment of principal uses.
 - (8) In the event that a tract which was not classified as part of the AC District on March 18, 2010, or was thereafter classified as part of the AC District, the size and ownership of the tract and the development existing on the tract on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from, or the number of principal uses which may be established on such tract.
 - (9) The number of lots which may be created or principal uses which may be established shall be fixed according to the size of the parent tract. This number shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract, land remaining in the parent tract after subdivision or land which was formerly part of a parent tract shall be bound by the actions of his or her predecessor.
 - (10) In submitting an application for a subdivision/land development for a dwelling unit within the AC District, the applicant shall demonstrate that measures have been used to:
 - (a) Minimize the loss of valuable farmland;
 - (b) Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms;
 - (c) Minimize the length of property lines shared by all residential lots and adjoining farms;
 - (d) Assure adequate vehicular access to future residences not currently proposed; and
 - (e) Assure that the proposed plan can comply with the Township's Subdivision and Land Development Ordinance.
- (B) Agricultural nuisance disclaimer: the following notice, or similar text pre-approved by the Township, is required to be placed on every deed of any new lot that is created within the AC District, and such notice shall be disclosed to any buyer of such a lot prior to sale:

- (1) “Lands within the AC District are in an area where the Township has given priority to commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Pennsylvania “Right to Farm Law” and/or agricultural security area designation may bar them from obtaining a legal judgment against such normal agricultural operations.”

§ 155.071 Reserved.

§ 155.072 HISTORIC BUILDINGS.

(A) Purposes. In addition to serving the overall purposes of this chapter, this section is intended to:

- (1) Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
- (2) Establish a clear process to review and approve demolition of designated historic buildings;
- (3) Encourage continued use, appropriate rehabilitation, and adaptive reuse of historic buildings;
- (4) Implement §§ 603(b) (53 P.S. §§ 10603(b)), 603(g) (53 P.S. §§ 10603(g)), 604(1) (53 P.S. §§ 10604(1)) and 605(2) (53 P.S. §§ 10605(2)) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;
- (5) Strengthen the local economy by promoting heritage tourism, improving property values, and increasing investment in older buildings; and
- (6) Carry out recommendations of the regional Comprehensive Plan.

(B) Applicability.

- (1) This section shall apply to any principal building designed on any adopted Historic Buildings Map. Such Historic Buildings Map shall serve as a Historic Overlay District. Such Map is intended to be adopted as a future amendment to this chapter.
- (2) Any partial or complete demolition of a principal building regulated by this section shall only occur in compliance with this section.

- (3) DEMOLITION shall be defined as the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building. A partial demolition shall include, but not be limited to, removal of an attached porch roof, removal of porch columns and removal of exterior architectural features.
- (C) Historic Buildings Map. A Historic Buildings Map may be adopted as part of a later amendment of this zoning chapter.
- (D) Approval of demolition.
- (1) A building regulated by this section shall not be demolished, in whole or in part, unless the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception use that one or more of the following conditions exists:
- (a) The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner;
 - (b) The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created;
 - (c) The demolition is necessary to allow a project to occur that will have substantial, special, and unusual public benefit that would greatly outweigh the loss of the building regulated by this section. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard; or
 - (d) The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape. To meet this condition, the applicant may present information concerning the proposed design of any replacement building or use to show that the proposed building or use will result in a net improvement to the streetscape.
- (2) For approval of a demolition, the standards of this section shall apply in place of the general conditional use standards. In reviewing the application, the Zoning Hearing Board shall consider the following:
- (a) The effect of the demolition on the historical significance, streetscape, and architectural integrity of neighboring historic buildings and on the historic character of the surrounding neighborhood; and
 - (b) The feasibility of other alternatives to demolition.
- (3) A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:

- (a) The name, address, and daytime telephone number of the owner of record and the applicant for the demolition;
 - (b) Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim;
 - (c) A site plan drawn to scale showing existing buildings and the proposed demolition;
 - (d) A written statement of the reasons for the demolition; and
 - (e) The proposed use of the site, and a proposed timeline for development of that proposed use.
- (4) Evidence: the applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
 - (5) Emergency: the Zoning Officer may issue a permit for the demolition without compliance with this section if the Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
 - (6) Where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
 - (7) A separate demolition permit shall also be required under the Township Construction Codes, and the applicant shall prove compliance with State Department of Environmental Protection requirements for disposal of the debris.
- (E) Exceptions. Special exception use approval shall not be needed for the following:
- (1) Demolition of accessory buildings or structures;
 - (2) Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley);
 - (3) Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport; and
 - (4) Relocation of a building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this section.

§ 155.073 Reserved.

§ 155.074 Reserved.

§ 155.075 Reserved.

§ 155.076 CONSERVATION/OPEN SPACE DEVELOPMENT OVERLAY DISTRICT.

(A) Purposes. To allow reasonable amounts of flexibility in site planning of residential development to:

- (1) Protect environmentally sensitive areas and avoid severe soil erosion and sedimentation;
- (2) Avoid severely increased storm water flows and speeds;
- (3) Preserve areas of prime farmland;
- (4) Provide additional recreation land;
- (5) Direct development to those areas that are more physically suited for it;
- (6) Avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and plow snow upon;
- (7) Avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice,
- (8) Conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats,
- (9) Reduce construction costs and municipal maintenance costs,
- (10) Provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open space serving as a buffer, and
- (11) Allow each property owner a reasonable use of their land, related directly to the features and location and accessibility of the land. This option will encourage the establishment of significant areas of preserved open space.

(B) Applicability. This section allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this section to the satisfaction of the Township.

- (1) The Conservation/Open Space Development Option Overlay District (“COSDO-OD”) is an overlay established to permit conservation/open space development design within the areas designated on the Official Zoning Map. Conservation/open space development shall be permitted by right solely within the COSDO-OD, in accordance with the minimum requirements set forth in this section. In the absence of a specific standard for conservation/open space development design appearing in this section, the provisions of the base zoning district shall apply.
- (2) Uses. A COSDO shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, recreation uses that the Township approves to be within the preserved open space, crop farming, raising and keeping of horses, customary keeping of livestock as accessory to crop farming, utilities necessary to serve the development, and customary permitted accessory uses. A manufactured home park shall not qualify as a COSDO. In

addition, a twin dwelling unit with the dwelling units separated by a vertical wall shall be allowed as long as each unit is on a separate lot.

- (3) A tract shall be eligible for approval for a COSDO if it includes a minimum of 25 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - (a) The amount of preserved open space shall be based upon the total lot area of all lots within the development, prior to subdivision.
 1. Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating preserved open space or allowed density.
 2. See the definition of “Open Space, Preserved” in § 155.051. That definition provides that certain features not count towards preserved open space. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space, such as an agricultural building) shall not be included within the land area used to calculate residential density.
 - (b) Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this section.
- (4) A COSDO shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this section.
- (5) Procedures. Applicants must first submit a layout plan and an existing features plan for review by the Township for zoning compliance. The applicant and Township officials are strongly encouraged to walk the tract after a detailed existing features map has been provided to the Township, but before the site layout has been finalized before completing detailed fully engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to mutually agree upon the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering. Detailed stormwater, grading, utility, profile, and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.

- (C) Density, open space, and lot standards. The maximum number of dwelling units on the tract shall be determined based upon an existing features map and a yield plan.
- (1) An existing features map shall be required to be submitted as part of the application for a COSDO. This existing features map shall accurately show the locations of the following at a minimum: wetlands, 100-year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15% to 25% slopes and 25% and greater slopes, and any major scenic views from within the tract or from outside of the tract.
 - (2) A yield plan shall be submitted to the Township by the applicant. The yield plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the conservation/open space development provisions would not be used, and instead the provisions for conventional development in the applicable zoning district would be used. The yield plan shall be completed to an accurate scale, including accurately showing the existing feature map information described above. The yield plan shall show potential lots, streets, and retention/detention pond locations. However, the yield plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
 - (3) The yield plan shall be reviewed by the Zoning Officer or the Township Engineer and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer or the Township Engineer to revise the yield plan until it is accurate.
 - (a) The maximum number of dwelling units allowed on the tract through COSDO shall be the same as the number of dwelling units that is determined by the Township to be possible under the Township-accepted yield plan.
 - (b) The allowed number of dwelling units may be rounded to the nearest whole number.
 - (c) The yield plan shall not have any legal standing except for the purposes of determining density for a COSDO.
 - (4) All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this section. For example, lots in a COSDO shall comply with any requirements of this chapter to delete certain natural features from lot area of individual lots. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded and central sewer and central water services are provided:

- (a) R-A District. The minimum lot area shall be 21,780 square feet (one-half acre). The reduced dimensions in this Subsection shall only apply if central sewage and central water services are provided.
 - 1. For single family detached dwellings the minimum lot area shall be 21,780 square feet (see natural feature regulations including § 155.112 for steep slopes. The minimum lot area is per dwelling unit.) The same dimensional requirements shall apply as are provided for in conventional development in the R-A District, except that the minimum lot width shall be reduced to 110 feet. The minimum front yard setback shall be reduced to 30 feet. The minimum side yard setback shall be reduced to 45 feet total with a 20-foot minimum on one side. The maximum percent of impervious cover shall increase to 30%. These dimensions shall only apply if central sewage and central water services are provided. A minimum of 50% of the total lot area of the tract (prior to subdivision) shall be preserved as preserved open space.
 - 2. For twin dwelling units, the following dimensional requirements shall apply: The minimum lot area shall be 21,780 square feet (see natural feature regulations including § 155.112 for steep slopes. The minimum lot area is per dwelling unit.) The minimum lot width shall be 110 feet per dwelling unit. The minimum front yard setback shall be 30 feet. The minimum rear yard setback shall be 50 feet. The minimum side yard setback shall be 40 feet on one side and zero feet on the other side where the shared lot line of the lawfully attached dwelling is. The maximum percent of building coverage is 25%. The maximum percent of impervious coverage is 25%. Only side-by-side dwellings shall be allowed. These reduced dimensions shall only apply if central sewage and central water services are provided.
- (5) Utilities. Any lot with a lot area of less than one acre per dwelling unit shall be served by Township-approved centralized sewer service and a Township-approved centralized water system.
- (6) Subdivision of part of a tract. This Subsection (C)(6) addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this section. In such case, the applicant shall establish a permanent conservation easement covering preserved open space to comply with this section. Because only part of the tract is being subdivided, it may not be necessary to meet the preserved open space requirement based upon the area of the entire tract.
 - (a) The land under the conservation easement shall be a shape that is approved by the Township and shall be located where it could adjoin land that would

be added as preserved open space in the future if the total allowed number of dwellings would be developed.

- (b) The following hypothetical example assumes a tract includes 50 acres, and the yield plan determines that the applicant for a COSDO is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for ten new dwellings at the present time, which is one-third of the total number of allowed dwellings. At the present time, only one-third of the open space would need to be preserved, compared to if all of the allowed housing units would be developed. However, the preserved open space would need to be placed on the tract at a location where it could be joined by the remaining acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.
- (7) A minimum of 80% of the required preserved open space shall be in one contiguous lot, except that the preserved open space may be separated by creeks, water bodies, and a maximum of one street.
- (a) As part of this type of development approval, the Board of Supervisors may approve the following, if the applicant proves to the satisfaction of the Board of Supervisors that such configuration would serve the purposes of this section and be in the best interests of the Township, considering the unique circumstances of the tract:
 - (b) A reduction of the percentage of the preserved open space that is in one lot; or
 - (c) The crossing of the preserved open space by two or more streets.
 - (d) An access way limited to emergency vehicles may also cross the preserved open space.
- (8) The Board of Supervisors may require that the majority of the required preserved open space be placed:
- (a) Adjacent to an existing or planned public or homeowner association-owned recreation area,
 - (b) Adjacent to existing farmland,
 - (c) At the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot, or
 - (d) Adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.
- (D) Conditions for approval. An COSDO shall only be approved if the applicant proves to the satisfaction of the Township that the following additional conditions shall be met:

- (1) That the open space development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - (a) The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas, or other sensitive natural features.
 - (b) The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
 - (c) The dedication of recreation land at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - (d) The provision of preserved open space in a location that will allow homes to be buffered from highly-noxious, nuisance-generating uses, such as a heavily traveled street or industrial uses. In such case, intensive landscaping and/or planting for eventual re-forestation shall be provided.
 - (2) The applicant shall prove that the proposed COSDO has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes, and wetlands.
 - (a) At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street, and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
 - (b) The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
 - (3) The Township may require the use of conservation easements within an open space development to limit the disturbance of natural slopes over 15%, wetlands, mature forests, creek valleys and other important natural features.
- (E) Preserved open space.
- (1) Preserved open space. The minimum amount of “preserved open space” shall be provided, which shall meet the requirements of this section and the definition in § 155.051 of “Open Space, Preserved.”

- (a) The preserved open space requirements of this section shall be in addition to the recreation land or fee-in-lieu of land requirements of the Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed preserved open space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.
- (2) Open space standards. Required preserved open spaces shall meet all of the following requirements:
- (a) Preserved open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Forestry shall meet Township requirements and removal of healthy mature trees shall be limited to selective cutting following a Township-approved forest management plan that follows best management practices. Land approved as required preserved open space shall only be used for noncommercial passive recreation, a nature preserve, crop farming and/or another Township-approved agricultural use.
 - (b) Improvements to open spaces. Where preserved open space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 1. Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of invasive vegetation, and grading of land for recreation.
 2. Type of maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
 3. All proposed preserved open space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 4. The applicant shall prove that all required preserved open space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a recreation trail through preserved open space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.

5. Lots and preserved open spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 6. Sufficient access points from each preserved open space shall be provided to streets for pedestrian access and maintenance access. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to eight feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
- (3) Open space ownership. The method(s) to be used to own, preserve and maintain any preserved open space shall be acceptable to the Township. The Township shall only approve a COSDO if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
- (a) The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. The Township shall only accept ownership of open space if the Board of Supervisors has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:
1. Dedication to the county as public open space if the County Commissioners agree in writing to such dedication.
 2. Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education, and/or related open space.
 3. Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the nonpayment of maintenance costs for preserved open space that is not publicly-owned. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by

a developer to a homeowner's association until such association is incorporated and able to maintain such land.

4. Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area.
 5. Dedication of a permanent conservation easement that results in the land being used for a Township-approved agricultural use, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
 6. Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 7. Preservation of the preserved open space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the preserved open space shall be in addition to the land area that would be needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit nonresidential use/non-agricultural use of the lot. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. The applicant shall prove compliance with state law governing homeowner associations. Proper notations shall be required on the recorded plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."
- (b) Changes in open space uses. If the required preserved open space is proposed to be used for purposes that were not authorized in the Township approval, then a revised approval shall be required for the changed use.
- (4) Steep slopes. Within an open space development, the steep slope provisions of § 155.112 shall still apply.
 - (5) Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this

section will be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

- (6) Landscaping plan. An application for an open space development involving over ten acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
 - (a) Such plan shall show the locations, general species, and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
 - (b) Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 - (c) Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

§ 155.077 COORDINATED ZONING ALONG MUNICIPAL BORDERS DEVELOPMENT OVERLAY DISTRICT.

(A) Purposes. To coordinate zoning uses along municipal borders to:

- (1) Reduce environmental impacts or potential nuisances including but not limited to glare, odor, vibration and noise;
- (2) Aid in reducing heavy truck traffic from the most vulnerable residential, natural, and agricultural uses;
- (3) Coordinate land uses at municipal borders to yield the most harmonious region-wide results between developed, cultivated, and undeveloped lands;
- (4) Consider density, population projections and surrounding developments when reviewing new land development proposals to allow for seamless, rather than shock, transition between the different uses;
- (5) Direct development to those areas that are more physically suited for residential use;
- (6) Accommodate future housing demand, housing supply and diversity;
- (7) Maintain neighborhood character;
- (8) Encourage a mix of housing of varying sizes and densities to avoid overdependence and excessive uniformity of residential development within an area;
- (9) Maintain appropriate distances between conflicting land uses (generally industrial or high-traffic commercial) versus housing and agriculture;
- (10) Provide for transitional forms of development between residential, agricultural, and industrial areas;

- (11) Develop zoning and subdivision and land development regulations that, whenever possible, ensure screening, buffering or other methods of separating intensive uses;
 - (12) Encourage industrial freight traffic to the most appropriate and efficient roadways and to avoid traffic impacts on local roads;
 - (13) Allow each property owner a reasonable use of their land related directly to the features and location and accessibility of the land;
 - (14) Encourage maintaining the character of adjoining residential neighboring zoning districts.
- (B) Applicability. This section allows an applicant the option for residential use on industrial tracts of land as designated on the Official Zoning Map solely within the CZAMB-OD where the surrounding land uses are primarily residential if the applicant proves compliance with all of the requirements of this section to the satisfaction of the Township.
- (1) The Coordinated Zoning Along Municipal Borders Overlay District ("CZAMB-OD") is an overlay established to permit residential development design within the areas designated on the Official Zoning Map. Coordinated Zoning Along Municipal Borders Development shall be permitted by right solely within the CZAMB-OD, in accordance with the minimum requirements set forth in this Part. In the absence of a specific standard for the Coordinated Zoning Along Municipal Borders development design appearing in this Part, the provisions of the base zoning district shall apply.
 - (2) Uses. A CZAMB shall only include the following uses: single family detached dwellings, recreation uses that the Township approves to be within open space, and utilities necessary to serve the development. A manufactured home park shall not qualify as a CZAMB. In addition, a twin dwelling unit with the dwelling units separated by a vertical wall shall be allowed as long as each unit is on a separate lot.
 - (3) A CZAMB shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this section.
 - (4) Procedures, Applicants must first submit a layout plan for review by the Township for zoning compliance before the site layout has been finalized and before completing detailed fully engineered preliminary subdivision plans. This process will allow the Township and the applicant to review the project and mutually agree upon the general development layout meeting the purposes as described in § 155.077(A) prior to detailed engineering. At this time, the applicant and Township shall also review and determine how the applicant will address § 154.166 of the

Upper Milford Township Subdivision and Land Development Ordinance relating to recreation areas and fees. The applicant shall also consult the U.S. Postal Service for requirements for mail delivery receptacles and incorporate that into the layout plan. The Township would prefer centralized mail delivery receptacles in new residential developments. Detailed development plans containing stormwater, grading, utility, profile and erosion control plans, and the like shall be submitted for review and approval as part of the subdivision or land development approval process.

- (5) Applicants shall dedicate, in fee, to a homeowner's association such property as may be necessary for all Stormwater Best Management Practices required by the National Pollutant Discharge Elimination Permit as part of the Land Development/Subdivision approval process. The homeowners shall be legally bound to pay fees to the homeowner's association for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and by-laws, approved by the Township prior to the recording of the record plan, providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs. The Stormwater Best Management Practices shall not be built upon property required to meet the minimum lot area of § 155.077(C)(3)(a)1. and (C)(3)(b)1.

(C) Uses and lot standards.

- (1) All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this section. For example, lots in the CZAMB-OD shall comply with any requirements of this chapter to delete certain natural features from lot area of individual lots.
- (2) Requirements for accessory uses in § 155.068 under the RS-R (Rural Suburban Residential District) heading shall apply if the CZAMB Development Option is used.
- (3) The following dimensional requirements shall apply, provided that central sewer and central water services are provided:
 - (a) Single Family Detached Dwellings.
 1. The minimum lot area shall be 9,000 square feet. (See natural feature regulations including § 155.112 for steep slopes. The minimum lot area is per dwelling unit.)
 2. The minimum lot width shall be 75 feet measured at minimum building setback line.
 3. The minimum front yard setback shall be 25 feet.
 4. The minimum side yard setback shall be 15 feet per side.
 5. The minimum rear yard setback shall be 35 feet.
 6. The maximum percent building coverage shall be 35%.

7. The maximum percent of impervious coverage shall be 45%.
- (b) Twin dwelling units.
1. The minimum lot area shall be 6,500 square feet. (See natural feature regulations including § 155.112 for steep slopes. The minimum lot area is per dwelling unit.)
 2. The minimum lot width shall be 55 feet measured at minimum building setback line.
 3. The minimum front yard setback shall be 25 feet.
 4. The minimum side yard setback shall be 15 feet on one side and 0 feet on the other side where the shared lot line of the lawfully attached dwelling is.
 5. The minimum rear yard setback shall be 35 feet.
 6. The maximum percent building coverage shall be 40%.
 7. The maximum percent of impervious coverage shall be 50%.
- (4) A lot within the CZAMB-OD shall not include more than one principal use and shall not include more than one principal building.
- (5) A minimum 20 foot buffer yard including plant screening meeting the requirements of § 155.093 shall be required along the rear and side lot lines that abut another lot with a non-residential use when the CZAMB-OD residential option is used.
- (6) As a minimum standard the cartway width within a CZAMB-OD residential use shall be 30 feet with curbs on both sides and on street parking on one side.
- (7) Fences and walls proposed in the required side yard setback area shall be designed to not restrict access to the rear of the dwelling for future utility or emergency purposes. This requirement shall also be included within the covenants and bylaws of the homeowner's association.

ARTICLE V USE REGULATIONS

§ 155.080 APPLICABILITY.

- (A) This article establishes additional specific requirements for specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.
- (B) For uses allowed within a specific zoning district as "special exception" see the procedures and general standards in § 155.034. These list a set of additional standards to be used in determining whether a proposed special exception should be approved.
- (C) No-impact home-based business shall be permitted in all residential zones of the municipality as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

§ 155.081 USE REGULATIONS.

(A) Agricultural Uses.

- (1) A-1. Normal agricultural operation. Such use shall include crop farming; the keeping of livestock, poultry, and the products thereof; bee raising and the products thereof; and all buildings (barns, sheds, silos, etc.) which are associated with this use subject to the following provisions:
 - (a) Any building or structure (excluding fences) used for the keeping or raising of livestock, horses or poultry shall be situated not less than 100 feet from all dwellings except the dwelling of the owner or lessee.
 - (b) A nursery or produce sales yard or farm stand or farm market, as part of this use, shall be permitted for the sale of products grown on the property and shall comply with the specific regulations for such use (refer to G-1 Accessory agricultural uses [roadside stands, agritainment, agritourism]).
 - (c) A single-family detached dwelling for the sole use of individuals, and their immediate families, engaged in agricultural employment on the same site, or for the immediate family of the landowner is permitted as part of this use.
 - (d) Intensive agriculture, such as mushroom houses, feedlots, or confinement livestock or poultry operations, taking place in structures or closed pens are not included in this provision and must meet the requirements of Use A-2 Factory farms or concentrated animal operations, as applicable, herein.
 - (e) In the case of agricultural operations which are greater than ten acres in area or exceed an anticipated yearly gross income of \$10,000, the regulations of Pennsylvania Act 38 of 2005, as may be amended, known as the Agriculture, Communities and Rural Environment Act (ACRE), Pennsylvania Act 38 of 2005, as may be amended, 3 Pa.C.S.A. §101 et seq., shall govern.

- (2) A-2. Factory farms or concentrated animal operations.
- (a) Such use may include, but is not limited to, mushroom houses; feedlots; aquaculture; confinement livestock or poultry operations taking place in structures or closed pens; and poultry operations involving more than 25 heads of poultry per acre.
 - (b) Any factory farm that uses or produces manure that is not a concentrated animal operation (CAO) shall comply with Department of Environmental Protection's requirements applicable to such operations, including the requirements specified in 25 Pa. Code § 91.36 and the manuals and guides referenced in that provision.
 - (c) Any concentrated animal operation (CAO) must fully comply with the Pennsylvania Nutrient Management Act (N.M.A.), Act of July 6, 2005, P.L. 112, No. 38 (Act 38) and the regulation implementing the N.M.A., which are codified at 25 Pa. Code Chapter 83, Subchapter D and generally went into effect on October 1, 1997. To the extent any provisions of this Zoning Ordinance are inconsistent with the Nutrient Management Act, the provisions of the Nutrient Management Act shall prevail.
 - (d) The Pennsylvania Nutrient Management Regulations require an operation classified as a concentrated animal operation (CAO) to submit a complete nutrient management plan for approval to the Lehigh County Conservation District. A CAO plan must be implemented according to the schedule in the approved plan.
 - (e) Any commercial livestock operation that is not a CAO may voluntarily submit a nutrient management plan for approval to the Lehigh County Conservation District. Operations with voluntary plans will only receive the benefits of the plan to the extent that the plan is implemented.
 - (f) Such use must comply with all other applicable provisions of this Chapter including Article VII.
- (3) A-3. Nursery and/or greenhouse (products grown on site). The growing of plants, shrubs, and trees, outdoors or in a greenhouse, for sale and transplantation are subject to the following provisions:
- (a) This use does not include a retail garden center. A retail garden center shall be considered to be use D-3 Retail Store and shall meet the zoning requirements for use D-3.
 - (b) Minimum lot area: three acres.
 - (c) Maximum impervious surface: 10%.
 - (d) Sales of items grown shall be conducted in accordance with Use G-1 Accessory Agricultural Uses relating to roadside stands.
 - (e) Parking shall be provided in designated areas.

(4) A-4. Forestry

- (a) Policy; purpose. In order to conserve forested open spaces and the environmental and economic benefits they provide, it is the policy of the Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in sections a through h are intended to further this policy by (1) promoting good forest stewardship, (2) protecting the rights of adjoining property owners, (3) minimizing the potential for adverse environmental impacts, and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry and improving human health and welfare of the community.
- (b) Scope; applicability. To encourage maintenance and management of forested or wooded open spaces and promote the conduct of forestry as a sound and economically viable use of forested land throughout the municipality, forestry activities—including timber harvesting—shall be a permitted use by right in all zoning districts. Sections a through h apply to all timber harvesting within the municipality where the value of the trees, logs, or other timber products removed exceeds \$2,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.
- (c) Definitions. As used in Subsections (a) through (h), the following terms shall have the meanings given in this section:
- “Felling” means the act of cutting a standing tree so that it falls to the ground.
- “Forestry” means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. (The definition of forestry is taken from 53 P.S. § 10107 of the Pennsylvania Municipalities Planning Code. Only forests and timberlands subject to residential or commercial development shall be regulated under the Township’s land development and subdivision ordinance.)
- “Landing” means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
- “Landowner” means an individual, partnership, company, firm, association, or corporation that is in actual control of forested land, whether such control is based on legal or equitable title or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

“Litter” means discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.

“Lop” means to cut tops and slash into smaller pieces to allow material to settle close to the ground.

“Operator” means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

“Pre-commercial timber stand improvement” means a forest practice, such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

“Skidding” means dragging trees on the ground from the stump to the landing by any means.

“Slash” means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

“Stand” means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

“Stream” means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

“Timber harvesting,” “tree harvesting,” or “logging” means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

“Top” means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

“Wetland” means “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 including swamps, marshes, bogs, and similar areas.” (Source: Pennsylvania Code, Chapter 105 Regulations)

(d) Notification; preparation of a logging plan.

1. Notification of commencement or completion. For all timber harvesting operations that are expected to exceed two acres, the landowner shall notify the municipality enforcement officer at least five business days before the operation commences and within three business days before the operation is complete. No timber harvesting shall occur until the notice has been provided.

Notification shall be in writing and specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

2. Logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared and provided to the municipality. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the zoning officer upon request.
3. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

(e) Contents of the logging plan.

1. Minimum requirements. At a minimum, the logging plan shall include the following:
 - a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
 - b. Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars.
 - c. Design, construction, and maintenance of stream and wetland crossings.
 - d. The general location of the proposed operation in relation to municipal and state highways, including any access to those highways.
2. Map. Each logging plan shall include a sketch map or drawing containing the following information:
 - a. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
 - b. Significant topographic features related to potential environmental problems.
 - c. Location of all earth disturbance activities, such as roads, landings, and water control measures and structures.
 - d. Location of all crossings of waters of the Commonwealth.

- e. The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
3. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
 - a. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq.)
 - b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.)
 4. Relationships of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.
- (f) Forest practices. The following requirements shall apply to all timber harvesting operations in the Township:
1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 2. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.
 3. All tops and slash between 25 and 50 feet from a public or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of 4 feet above the ground.
 4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

- (g) Responsibility for road maintenance and repair; road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to municipality roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The operator may be required to furnish a bond to guarantee the repair of such damages.
- (h) Enforcement.
1. Zoning officer. The zoning officer shall administer and enforce for sections a through h of this ordinance.
 2. Inspections. The zoning officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with Sections (a) through (h) and (2) inspect the operation for compliance with the logging plan and other onsite requirements of these regulations. Note that active logging sites are inherently dangerous, even when tree felling is not occurring. No one should ever enter onto an active logging site without the proper personal protective equipment and/or without giving prior notification to the logging supervisor.
 3. Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of this ordinance, the zoning officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date of not less than 30 days by which corrective action must be taken. The zoning officer may order the immediate suspension of any operation upon finding that (1) corrective action has not been taken by the date specified in a notice of violation, (2) the operation is proceeding without a logging plan, or (3) the operation is causing immediate harm to the environment as confirmed by local conservation district and DEP. Suspension orders shall be in writing, issued to both the operator and the landowner, and remain in effect until, as determined by the zoning officer, the operation is brought into compliance with this ordinance or other applicable statutes or regulations of the logging plan. The landowner or the operator shall appeal an order or decision of a zoning officer within 30 days of issuance to the governing body of the municipality.
- (i) Penalties. Any landowner or operator who (1) violates any provision of this ordinance, (2) refuses to allow the zoning officer access to a harvest site pursuant to paragraph (b) of this section, or (3) fails to comply with a notice of violation or suspension order issued under paragraph (c) of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than \$100 plus costs. Each day the violation continues may constitute a separate offense. The enforcement of this ordinance by the

municipality shall be by action brought before a district magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

- (5) A-5. Commercial Stable or Riding Academy. An establishment where horses are boarded and cared for and/or where instruction in riding, jumping, and showing is offered and/or the general public may, for a fee, hire horses for riding. Such use is subject to the following provisions:
- (a) Minimum lot area: 10 acres.
 - (b) Any building or structure used for the keeping or raising of horses shall be situated not less than 150 feet from all dwellings except the dwelling of the owner or lessee.
 - (c) No additions to existing agricultural buildings, animal shelters, or stables shall be located closer than 150 feet from all property lines, residential district boundaries and dwellings except the dwelling of the owner or lessee.
 - (d) One single-family detached dwelling shall be permitted on the same tract with this principal use; provided, that the yard and setback requirements for B-1 Single-Family Detached Dwelling for the applicable zoning district shall be met.
 - (e) No more than 1.5 animal equivalent units (AEUs) per acre shall be permitted.
 - (f) No new agricultural buildings, animal shelters, or stables shall be located closer than 150 feet from all dwellings except the dwelling of the owner or lessee, or from all residential district boundaries.
 - (g) New manure storage locations and amounts shall be consistent with the Nutrient Management Act.
- (6) A-6. Kennel. The boarding, breeding, raising, grooming, or training of domestic animals shall be subject to the following provisions:
- (a) All buildings in which animals are housed and all runs shall be located at least 100 feet from all dwellings except the dwelling of the owner or lessee.
 - (b) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be routinely heard from within any adjacent principal building.
 - (c) All dog runs shall be located to the side and/or rear of the principal building, whenever possible.
 - (d) Outdoor runs may be provided so long as a double evergreen screen at least six feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

- (e) A buffer yard meeting § 155.093(B) Buffer Yard shall be required between any kennel and any lot occupied by a dwelling unless existing mature trees covering land with a minimum width of 20 feet will be preserved between the kennel and the adjacent dwelling.
- (f) If more than 50 dogs are kept on the lot at any one time, then a minimum setback of 200 feet shall apply for any building or outdoor area used for the keeping of dogs or outdoor pens or runs from any lot line of a lot occupied by a dwelling that is not in common ownership with the kennel.
- (g) If a kennel is required to obtain a state license as a kennel, and such state license expires, is suspended or revoked, then the Township zoning permit for the kennel shall also automatically be invalid during such period of time.

(B) Residential Uses

- (1) B-1. Single Family Detached Dwelling. A single family detached dwelling shall include a single dwelling unit (with a front, rear, and at least one side yard). Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, and modular dwellings.
 - (a) If the dwelling is a manufactured home, the following conditions of B-7 Manufactured Home Park and the following conditions shall also apply:
 - 1. The provisions of all current municipal ordinances regulating manufactured homes and regulations of the DEP regarding water supply and waste disposal shall be adhered to.
 - 2. The area between ground level and the perimeter of the mobile/ manufactured home shall be enclosed by means of wood or aluminum skirting or other similar material.
- (2) B-2. Single-family semidetached dwelling (twin, side-by-side). A single-family semidetached dwelling, or twin, is a residential unit within a two-dwelling building, with only one wall in common with another dwelling.
- (3) B-3. Two-family detached dwelling (duplex, stacked). A two-family detached dwelling, or duplex, is a detached dwelling within a two-dwelling unit building, with one dwelling above the other.
- (4) B-4. Single-family attached dwelling. A single-family attached or townhouse dwelling is a single-family attached or semi-detached dwelling with only one dwelling from ground to roof, and not more than two walls of each dwelling in common with other such dwellings, provided:
 - (a) No more than eight single-family attached dwellings may be so attached in any one group.
 - (b) To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials and design shall be encouraged. In any case, a minimum of two feet variation in setback shall occur at least every third dwelling.

- (c) A minimum of two off-street parking spaces are required per dwelling unit. Parking spaces within a garage shall not count toward the parking requirement. In addition, 0.5 spaces per dwelling unit is required to be provided for overflow parking. Overflow parking areas may be provided on-street or in common parking lots located on the site and within 300 feet of those units to be served.
- (5) B-5. Multi-family dwelling. An attached dwelling unit consisting of three or more dwelling units that may be arranged in a variety of configurations: side by side, back to back or vertically.
- (a) The maximum length of such a building shall be 180 feet.
 - (b) Multifamily units shall be arranged in groups or clusters and not in long rows parallel to street lines.
 - (c) To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials and design shall be used.
 - (d) The distance between any two buildings, either of which faces or backs upon the other in whole or in part, shall not be less than 75 feet.
 - (e) The distance between the ends of two buildings, similarly oriented and without openings or windows in the end walls, shall not be less than 25 feet.
 - (f) The distance between any building face and a parking area shall not be less than 20 feet.
 - (g) All multifamily developments shall be served by public water and public centralized sewage disposal facilities.
- (6) B-6. Age-Restricted Residential Development.
- (a) This section provides a density bonus, where allowed by § 155.068 Table of Permitted Uses, for a residential development that is age restricted in compliance with the federal requirements for “housing for older persons” as specified in the United States Code. (Note: as of 2008, such provisions were in 42 U.S.C. § 3607.) This provision shall not change the allowed dwelling types in the district. This option is available as a by right bonus in any zoning district where dwellings are allowed.
 - (b) In order to be approved by the Township as age restricted residential development, every dwelling unit (except one dwelling unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations:
 1. A minimum of one head of household of each dwelling unit shall be age 55 years or older or who is physically disabled as defined by Social Security disability regulations; and

2. No person under age 18 shall live in the dwelling unit for more than 60 days in any calendar year, unless such person has a disability as defined under federal fair housing regulations.
 3. Any violation of such age restrictions shall be a violation of this zoning chapter. In addition, in order to be approved as age restricted development, the applicant shall establish an appropriate legal entity, such as a property owners association that has the duty, authority and responsibility to enforce such age restrictions over time. If a household met this requirement at the time of initial occupancy, it shall not be required to move in case of death, divorce, or separation of a resident of that same household.
- (c) If an entire residential development is approved under this section, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 15%. Alternatively, where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 15% under this section. The minimum side yards may also be reduced by 15%. An age restricted residential development shall meet all other requirements of township ordinances, including limitations on the housing types allowed in that zoning district.
 - (d) This density bonus shall only be approved if the development includes an appropriate system of sidewalks or pathways that is accessible under the Americans with Disabilities Act.
- (7) B-7. Manufactured Home Park. A manufactured home park is a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured/mobile home lots for the placement thereon of manufactured/mobile homes.
- (a) The minimum tract area shall be five contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park. The tract shall have a minimum width at the minimum building setback of 200 feet. Two abutting lots may be merged together to form a single manufactured home park.
 - (b) Density. The maximum overall density shall be five manufactured homes per acre.
 - (c) If an existing manufactured home park is to be expanded into an area not previously part of that manufactured 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) Landscaped perimeter. Each manufactured home park shall include a twenty-foot-wide landscaped area, including substantial attractive evergreen and deciduous trees around the perimeter of the site, except

where such landscaping would obstruct safe sight distances for traffic. Such landscaped area shall not be required between adjacent manufactured home park developments. This landscaped area shall be 50 feet wide abutting existing single-family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.

- (e) All manufactured homes parks shall be served by a public sewage disposal system or a nonpublic centralized sewer system acceptable to the Pennsylvania Department of Environmental Protection and shall be served by a centralized water supply, either public or nonpublic.
- (f) A minimum of 10% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents.
- (g) All applicable provisions of the Township Subdivision and Land Development Ordinance shall be complied with.
- (h) Shall be constructed in accordance with the safety and construction standards of the U.S. Department of Housing and Urban Development;
- (i) Shall have a site graded to provide a level, stable and well-drained area;
- (j) Shall have wheels, axles and hitch mechanisms removed; and
- (k) Shall be securely attached to the ground and installed in accordance with the Construction Code for One- and Two-Family Dwellings and the manufacturer's instructions:
 - 1. The foundation system shall consist of ten-inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). This foundation system shall be placed on eight feet centers along each of the two main longitudinal frames for each section of the home with no more than three feet overhang at each end of the section;
 - 2. One-half inch diameter by 12-inch-long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation;
 - 3. The 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 four corners and two midpoints. The tie down shall also be in accordance with the manufacturer's recommendations furnished with each home;

4. Homes shall not be placed more than four feet above the supporting ground area; and
 5. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or a material that has the appearance of a perimeter foundation.
- (8) B-8. Boarding House (includes Rooming House). A dwelling used for the housing of roomers, boarders, or lodgers with or without common eating facilities, including dormitory, fraternity, sorority, or other buildings of charitable, educational, or philanthropic institutions, are subject to the following provisions:
- (a) Each sleeping room shall be limited to two persons each.
 - (b) Maximum number of residents: 20.
 - (c) A twenty-foot-wide buffer yard with screening meeting § 155.093 shall be provided between any boarding house building and any abutting single-family detached dwelling that is within 100 feet of the proposed boardinghouse building.
 - (d) Rooms shall be rented for a minimum period of five consecutive days.
- (9) B-9. Residential Conversion. Such use shall be limited to the conversion of an existing dwelling into more than one dwelling or the conversion of an accessory building into no more than one dwelling, provided that:
- (a) Each dwelling unit shall have not less than 750 square feet of floor area.
 - (b) There shall be no external alteration of the building area except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practical, be located on the rear of the building.
 - (c) The lot area shall not be reduced to less than the amount stated for the district in which the structure is located.
 - (d) The yard, building area, off-street parking and other applicable requirements for the district shall not be reduced.
 - (e) Adequate capacity of sewer, water and other utilities shall be available and shall be certified.
- (C) Religious, Educational, Recreational, Institutional
- (1) C-1. Recreation, Commercial Indoor. This use shall be limited to a commercial athletic recreational facility owned or operated by a nongovernmental agency and shall include, but not be limited to the following uses and facilities related thereto: fitness club or athletic training center, dance or gymnastics studio; tennis, racquetball, or squash club; bowling alley; skating rink; pool hall; or other similar use and shall be subject to the following:

- (a) No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - (b) No lighting shall be permitted which will shine on adjacent properties.
 - (c) The Pennsylvania Department of Labor and Industry shall approve the design of the building.
- (2) C-2. Recreation, Commercial Outdoor. Recreational facility or park owned or operated by a nongovernmental agency such as miniature golf course; drive-in theater; go-cart racetracks; or other similar use, subject to the following provisions:
- (a) No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible within a dwelling on another lot.
 - (b) No lighting shall be permitted which will shine on adjacent property.
 - (c) Lighting perceptible beyond the property line shall be minimized in accordance with § 155.123.
- (3) C-3. Picnic Grove, Commercial. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.
- (a) No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - (b) No lighting shall be permitted which will shine on adjacent properties.
- (4) C-4. Nature Preserve or Environmental Education Center. A building and/or related facilities used educational, social, cultural, or recreational activities, owned or operated by a corporation, association, or group of individuals, or by an educational, philanthropic, governmental institution.
- (a) Minimum lot area of 10 acres.
 - (b) The use shall not be conducted as a private gainful business.
 - (c) No outdoor recreational area shall be located nearer to any lot line than 100 feet.
- (5) C-5. Publicly Owned or Operated Recreational Park. Recreational facility or park owned or operated by the municipality or other governmental agency, subject to the following provisions:
- (a) Outdoor recreation areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.
 - (b) Ancillary activities or use of the facilities is permitted and may include, but shall not be limited to, the following: community groups, service organizations, clubs, athletic associations; meetings, gatherings, instruction, performances, and festivals; or other such functions. Parking

for ancillary activities or use shall not interfere with, nor conflict with, the operation of the principal use or any adjacent uses.

- (c) No outdoor athletic fields, courts, or play areas shall be located nearer to any lot line than 100 feet.
 - (d) Outdoor athletic fields, courts, or play areas may be illuminated until 10:00 p.m. at the latest.
- (6) C-6. Golf Course. An area designed for the play of the game of golf containing greens, tees, fairways, bunkers and related areas. This use shall not include a miniature golf course. A golf course is subject to the following provisions:
- (a) A lot area of not less than 60 acres shall be required.
 - (b) No building shall be closer than 100 feet to any lot line.
 - (c) A buffer shall be provided, in accordance with the provisions of this chapter, along side and rear property lines where abutting properties are in any residential district or residential use.
 - (d) No golf hole shall be closer than 150 feet to a lot line or street line, measured from the centerline of the hole.
 - (e) The golf course may include the following accessory uses: practice driving ranges and putting greens; restrooms and rain shelters; maintenance facilities; golf cart storage; golf club and general storage facilities; caddy shack; golf club repair facilities; and pro shops.
 - (f) Clubhouse Facilities. Clubhouse facilities including locker rooms, restrooms, and shower facilities; administrative, management and club membership offices; private dining facilities, including formal dining, grillroom, bar and lounge, and snack bar; and indoor and outdoor recreational facilities shall be permitted provided such facilities shall be clearly accessory to the golf course.
 - (g) No fairways, green or other use area shall be located closer than 50 feet to a rear or side property line.
 - (h) No building shall be less than 100 feet from any lot line.
 - (i) Landscaping shall be used to distinguish golf course areas from adjacent private residential properties.
- (7) C-7. Target range or gun club, indoor.
- (a) An indoor firearms target range shall be adequately ventilated and/or air-conditioned to allow the building to remain completely enclosed.
 - (b) All shooting activities must be indoor only.

- (c) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
 - (d) A minimum 50-foot-wide buffer shall be maintained between built elements (including paved parking areas) of the proposed facility and any adjacent, residential property.
 - (e) All indoor shooting ranges shall be of soundproof construction whereby the sound from the discharge of any firearm and the impact of any projectile shall not be plainly audible across any adjoining property line or at a distance of 50 feet from the building, whichever distance is greater.
 - (f) All indoor shooting ranges shall comply with all local, state, and/or federal regulations related to indoor shooting ranges.
 - (g) No service or sales of alcoholic beverages shall be allowed within the shooting range facility or on the shooting range property.
- (8) C-8. Target range or gun club, outdoor.
- (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 any applicable published standards of the National Rifle Association and other applicable federal, state, and local regulations.
 - (c) An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any residential lot line, unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
 - (d) An outdoor firearms target range shall be properly posted.
 - (e) Hours of operation shall be limited to dawn to dusk.
- (9) C-9. Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.
- (10) C-10. Cemetery (not including Crematorium, which is listed separately). A burial place or graveyard including mausoleum or columbarium, subject to the following provisions:
- (a) Minimum lot area: two acres, which may be on the same lot as a place of worship.

- (b) No more than 10% of the lot area, to a maximum of 5 acres, may be devoted to above-ground buildings not serving as burial markers or memorials, such as business and administrative offices, chapels, maintenance facilities and the like. This restriction includes parking facilities.
 - (c) No building or structure shall be located within 50 feet of a property line or street line.
 - (d) One single-family detached dwelling for a full-time caretaker shall be permitted.
 - (e) Where interior roads/driveways are provided, they shall be paved according to municipal standards, shall have minimum width of 12 feet if one-way and 20 feet if two-way.
- (11) C-11. Cemetery, Animal.
- (a) All the regulations for a “cemetery” in this section shall apply.
 - (b) The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and ground water quality will not be threatened.
- (12) C-12. Crematorium. An enclosed facility wherein remains are cremated subject to the following provisions:
- (a) A crematorium shall be set back a minimum of 150 feet from all residential lot lines.
 - (b) The crematorium shall emit no visible emissions or odors.
 - (c) All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
 - (d) The crematorium shall not be used for the disposal of any waste materials.
- (13) C-13. School, Public or Private, Primary or Secondary. A school shall include a private school, religious or non-religious, and a public school which is not conducted as a private, gainful business, and is licensed under the proper governmental authority, provided:
- (a) The minimum lot area for elementary schools, junior high schools, middle schools, or high schools shall meet the minimum requirements of the Pennsylvania Department of Education.
 - (b) Access shall be to an arterial road or to a street location that is within 1500’ of an arterial road. Distance shall be measured along the centerline of the street from the point of access to the nearest intersection with an arterial road.

- (c) Play equipment, and recreational and athletic facilities shall be setback a minimum of 50 feet from any property line and 75 feet from any abutting residential lot line.
 - (d) Outdoor athletic fields, courts, or play areas may be illuminated until 10:00 p.m. at the latest.
 - (e) To promote walkability, sidewalks shall be provided along all road frontages and paved paths shall be provided to adjacent residential neighborhoods or parks where not accessible by existing sidewalks.
 - (f) Ancillary activities or use of the facilities is permitted and may include, but shall not be limited to, the following: community groups, service organizations, clubs, athletic associations; meetings, gatherings, instruction, performances, and festivals; or other such functions. Parking for ancillary activities or use shall not interfere with, nor conflict with, the operation of the principal use or any adjacent uses.
- (14) C-14. Trade/ Hobby School. Trade or professional school, music or dancing school, or other schools not included in Uses C-13 School, Public or Private, Primary or Secondary or C-16 Day Care Center.
- (15) C-15. College or University. A college or university is an academic institution of higher learning beyond the level of secondary school. Colleges and/or universities shall be permitted to operate on their property ancillary uses, facilities and/or events operated by the college or university, or an entity other than the college/university subject to the following provisions:
- (a) Ancillary uses associated with colleges and/or universities may include, but are not limited to, classroom and laboratory buildings; administrative, business, and faculty offices; dormitories; faculty, staff and student housing; student activity buildings; athletic and recreation facilities; dining facilities and kitchens; libraries; museums; theaters and entertainment facilities; book stores, snack bars and facilities for the sale of retail goods to satisfy the needs of members of the college or university community; post office facilities; and infirmaries and medical facilities.
 - (b) Minimum lot area of 5 acres.
- (16) C-16. Day Care Center. A facility in which out-of-home day care is provided to four or more children, disabled persons, and/or elderly. A day care center is subject to the following provisions:
- (a) The regulations of the Office of Child Development and Early Learning (OCDEL), under the Pennsylvania Department of Human Services (DHS) shall be met and a license obtained.
 - (b) An outdoor and/or indoor recreation area shall be provided.
 - (c) Any outdoor play area shall be located to the side or the rear of the lot and shall not include any parking areas. Outdoor play areas shall be fully

enclosed by a 4-foot-high fence and shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbance.

- (d) Outside play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
 - (e) In residential districts, any permitted day-care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
 - (f) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- (17) C-17. Community center or membership club. A building and related facilities used for fraternal, educational, social, cultural, or recreational activities, owned or operated by a corporation, association, or group of individuals, or by an educational, philanthropic, governmental, or religious institution.
- (a) No outdoor recreational area shall be located nearer to any lot line than 100 feet.
 - (b) The use shall be for members and their authorized guests only.
- (18) C-18. Library. Such use shall include a library open to the public or connected with a permitted educational use.
- (19) C-19. Cultural Center or Museum. Such use shall include any permanent institution for the collection and display of objects of art or science, sponsored by a public or quasi-public agency and open and available to the public.
- (a) No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
- (20) C-20. Nursing Home or Personal Care Home/Assisted Living. A nursing facility or convalescent home licensed by the Pennsylvania Department of Health which is set up to provide long term health care to individuals who, by reason of advanced age, chronic illness or disabilities, are unable to care for themselves. Such use is subject to the following provisions:
- (a) A minimum of 20% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
 - (b) Setback. Principal and accessory buildings shall be set back a minimum of 50 feet from a residential lot line, unless a larger setback is established in § 155.069.
 - (c) The density shall not exceed more than one resident per 200 square feet of gross floor area.
- (21) C-21. Place of Worship. Such use shall include a church, synagogue, temple, or other place of worship, provided:

- (a) Access shall be to a collector or arterial road or to a street which lies within 1,500 feet of a collector or arterial road. Distance shall be measured along the centerline of the street from the point of access to the nearest intersection with an arterial road.
 - (b) One dwelling unit may be accessory to a place of worship on the same lot, provided that it is only used to house religious leaders and their families.
 - (c) Ancillary activities or use of the facilities is permitted and may include, but shall not be limited to, the following: community groups, service organizations, clubs, athletic associations; meetings, gatherings, instruction, performances, and festivals; or other such functions. Parking for ancillary activities or use shall not interfere with, nor conflict with, the operation of the principal use or any adjacent uses.
 - (d) Outdoor recreation area shall be setback a minimum of 50 feet from any property line and 75 feet from any abutting residential lot line.
- (22) C-22. Treatment Center. Such use shall be limited to clinics for the diagnosis, treatment, and rehabilitation of persons with dependency on drugs and/or alcohol; such facilities must be licensed by the Commonwealth of Pennsylvania. The minimum lot size shall be five acres.
- (a) All treatment/rehabilitation centers and all entities operating a treatment/rehabilitation center shall comply with any and all applicable local, state, and federal ordinances, statutes, rules, and/or regulations. Proof of compliance with such ordinances, statutes, rules, and regulations shall be furnished to the Township as a condition of special exception approval.
- (23) C-23. Hospital. A state-licensed facility subject to the following provisions:
- (a) Access shall be to an arterial road or to a street location that is within 1500' of an arterial road. Distance shall be measured along the centerline of the street from the point of access to the nearest intersection with an arterial road.
 - (b) Minimum lot area: 10 acres.
 - (c) The minimum lot width shall be 500 feet.
 - (d) A hospital may include a heliport for emergency medical transportation.
 - (e) Where the use adjoins existing residential uses, buffer planting shall be provided in a twenty-five-foot buffer yard. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
- (24) C-24. Prison or Similar Correctional Institution. Such use shall be limited to facilities owned and operated by the County of Lehigh or the Commonwealth of Pennsylvania and shall be limited to the following:

- (a) A juvenile detention facility as described and regulated in 42 Pa.C.S.A. § 6327.
 - (b) A rehabilitation center providing for minimum security detention of prisoners for work release or partial confinement. Such rehabilitation center shall not include facilities for the total confinement of prisoners who have been sentenced or who are awaiting trial.
 - (c) A penitentiary, correctional institution, or prison.
 - (d) A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.
- (25) C-25. Swimming Pool, Non-household.
- (a) A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes:
 - 1. A semipublic pool that serves only residents of a development or members of a club and their occasional guests; or
 - 2. A public pool intended to serve the general public.
 - (b) All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent fence of not less than six feet in height.
 - (c) No loudspeaker or amplifying device shall be permitted which will project sound that can be heard inside a dwelling on another lot.
 - (d) Lighting perceptible beyond the property line shall be minimized in accordance with § 155.123.
- (D) Retail and Consumer Services Uses
- (1) D-1. Office. A building for business, medical, professional, or governmental offices, provided that:
 - (a) Such use shall be carried on wholly indoors and within the principal building.
 - (b) No office building shall include a store, beauty shop, or other personal service shop.
 - (2) D-2. Veterinarian Office. Such use shall be limited to the office of veterinarian.
 - (a) If a kennel is part of the office or clinic, the use shall meet the regulations of use A-6 Kennel.
 - (b) No animal runway or outdoor pen shall be located closer than 300 feet to any residential building other than the owners.

- (3) D-3. Retail Store. A retail store shall include a store selling apparel, baked goods, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, liquor, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, audio-visual equipment and supplies, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, plants, fabrics, beer, wine and non-alcoholic beverages, provided:
- (a) Over-the-counter sales of alcoholic beverages intended for consumption on the premises is not permitted. Over-the-counter sale of alcoholic beverages in taverns and bars is not included.
 - (b) There shall be no sales of gasoline or motor vehicle fuel in any retail store or as an accessory to a retail store use. The sale of gasoline or motor vehicle fuel shall require the use to be classified as a Use D-21 Auto Repair/Body Shop or Auto Service Station or D-23 Vehicle fueling center and convenience store, and shall meet the requirements of that use and shall only be permitted in zoning districts where Use D-21 Auto Repair/Body Shop or Auto Service Station or D-23 Vehicle fueling center and convenience store is permitted.
- (4) D-4. Service Business. A service business shall include such uses as a barber, beautician, laundry, and dry cleaning (whether or not coin operated), shoe repair, tailor, photographer, newspaper, printer, and travel agency, provided:
- (a) Uses requiring large amounts of water (over 800 gallons per day) shall be served by public water and sewers.
- (5) D-5. Financial Institution. Such use shall include a bank, savings and loan, credit union, mortgage office, or automated teller machine.
- (a) Any drive-in window(s) shall be located, along with attendant lane(s) for vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the financial establishment.
- (6) D-6. Restaurant or Banquet Hall: without drive-through service. Such use shall include an eating place or a meeting facility with an on-site kitchen or catering facilities.
- (a) Shall screen all trash containers;
 - (b) Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives;
 - (c) Shall provide a visual planting screen, in accordance with § 155.093(B), when adjacent to residential properties.
 - (d) The sale of alcoholic beverages must be incidental to the sale and consumption of food.

- (7) D-7. Restaurant or Banquet Hall: with drive-through service. Such use shall include an eating place or a meeting facility with an on-site kitchen or catering facilities. This type of eating place may also have drive-through service.
- (a) Shall screen all trash containers;
 - (b) Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives;
 - (c) May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles; and
 - (d) Shall provide a visual planting screen, in accordance with § 155.093, when adjacent to residential properties.
 - (e) Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of eight cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.
 - (f) The sale of alcoholic beverages must be incidental to the sale and consumption of food.
- (8) D-8. Tavern and/or Bar. An establishment which serves alcoholic beverages for on premises consumption and which is licensed by the Pennsylvania Liquor Control Board. The sale of food shall be incidental to the primary use.
- (9) D-9. Craft beverage production facility. A craft beverage production facility includes a brewpub, microbrewery, micro-winery, micro-distillery, or tasting room.
- (a) A craft beverage production facility is permitted to have a tasting room that may not exceed 15% of the gross floor area.
 - (b) Brewpubs may not exceed 4,000 square feet of gross floor area.
 - (c) Microbreweries, micro-wineries, and micro-distilleries may not exceed 10,000 square feet in gross floor area.
 - (d) No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - (e) No lighting shall be permitted which will shine on adjacent properties.
- (10) D-10. Funeral Home. An establishment for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Such use may include a crematorium as an accessory to the funeral home.
- (a) A crematorium shall be set back a minimum of 150 feet from all residential lot lines.

- (11) D- 11. Shopping Center. Such use shall be limited to a building or a group of buildings, designed as a planned complex of related structures and circulation patterns, subject to the following additional criteria:
- (a) Minimum lot area: 4 acres.
 - (b) Minimum lot width: 500 feet.
 - (c) Access shall be to an arterial road or to a street location that is within 1500' of an arterial road. Distance shall be measured along the centerline of the street from the point of access to the nearest intersection with an arterial road.
 - (d) Not more than 25% of the total lot area shall be occupied by buildings.
 - (e) Permitted Uses. C-1 Recreation, Commercial Indoor, C-14 Trade/Hobby School, D-1 Office, D-3 Retail Store, D-4 Service Business, D-5 Financial Institution, D-6 Restaurant or Banquet Hall: without drive-through service, D-7 Restaurant or Banquet Hall: with drive-through service, D-8 Tavern and/or Bar, D-9 Craft Beverage Production Facility, D-18 Recording Studio, D-20 Crafts or Artisan's Studio, E-1 Government Facility and/or Municipal Use.
 - (f) The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping and coordinated access.
 - (g) Outdoor storage and displays shall conform to the provisions of Use G-9 Outdoor Storage and Display.
 - (h) The distance at the closest point between any two buildings or groups of units of attached buildings shall be not less than 20 feet.
 - (i) The proposed development shall be served by adequate water and public sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed to the satisfaction of the municipal governing body.
 - (j) Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from any direct glare or hazardous interference of any kind.
- (12) D-12. Flea Market/ Auction House. A periodic sales activity held within a building and/or outdoors, where retail merchants offer goods, new or used, for sale to the public, subject to the following provisions:
- (a) This use does not include garage or yard sales.
 - (b) The minimum lot area shall be 5 acres.
 - (c) Outdoor sales area shall not be located in the minimum front, side or rear yards and shall be set back at least 50 feet from any lot line or street line.
 - (d) Sales directly from vehicles shall be prohibited.

- (e) Tables and other accessories which are used for outdoor sales shall be stored within a completely enclosed building when the flea market is not open.
 - (f) Goods for sale must be removed from the site or stored within a building located on the premises when the flea market is not in use.
 - (g) Outdoor sales areas shall not encroach upon required parking areas and shall not interfere with traffic movement on the site.
- (13) D-13. Hotel or Motel. Such use shall be limited to a building or group of buildings containing rooms for rent for the accommodation of transient guests provided that:
- (a) Access shall be to an arterial road or to a street location that is within 1500' of an arterial road. Distance shall be measured along the centerline of the street from the point of access to the nearest intersection with an arterial road.
 - (b) Motels, hotels, and/or inns may contain the following accessory facilities: eating place, tavern, conference and meeting rooms, and banquet rooms.
 - (c) Minimum lot area: three acres.
 - (d) Any retail or commercial use accessory to the hotel or motel use shall be subject to the following restrictions:
 1. The accessory use shall be contained within the hotel, motel building, and any customer entrance to any place of business, except for a banquet, convention or conference center associated with the hotel, motel, shall be from inside the building.
 2. The accessory use, except for a banquet, convention or conference center associated with the hotel, motel, shall be principally for customers of the hotel, motel, or inn.
 3. There shall be no display of merchandise or other manifestation of commercial or retail use visible from the street or property line.
- (14) D-14. Bed and Breakfast, Inn. The use and occupancy of a detached dwelling shall be permitted for accommodating transient guests for rent, subject to the following additional conditions and restrictions:
- (a) In no case shall the lot area be less than that required for single-family detached dwellings in the district in which the proposed bed and breakfast is located.
 - (b) If the facility is served by an on-lot water supply system and/or an on-lot wastewater disposal system, the applicant shall demonstrate to the satisfaction of the Township Sewage Enforcement Officer that these on-lot facilities are adequate to serve the maximum number of guests which could be housed at the facility at any one time.

- (c) In a residential district, no more than three guest rooms shall be provided and no more than two adults and two children may occupy one guest room.
 - (d) One off-street parking space shall be provided for each guest room. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjoining properties by fencing or natural vegetation.
 - (e) No external alterations or changes to the exterior structure shall be permitted except as required for safety reasons as required by any governmental agency.
 - (f) Members of the immediate family, who must reside on the premises, shall carry on the use.
 - (g) There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast only.
 - (h) The maximum, uninterrupted length of stay at a bed and breakfast shall be 14 days.
 - (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 guests of the establishment.
 - (j) The use may not be established until there is compliance with all Township rules and regulations.
- (15) D-15. Conference Center. A multi-use structure containing meeting rooms and a minimum of two auxiliary service facilities such as restaurants, personal service shops, boutiques, and recreational facilities.
- (a) Such use may also include lodging accommodations.
 - (b) All rooms and auxiliary service facilities shall be served by common entrance and passage facilities.
 - (c) No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.
- (16) D-16. Campground. Such use may be owned by a public or private entity on which accommodations, including cabins, tents, and campers/camper trailers, for temporary and not year-round occupancy are located or may be placed and which is used for recreational purposes and retains an open air or natural character.
- (a) The minimum lot area of a campground, public or private, shall be twenty (20) acres.
 - (b) All activities within the campground shall be located at least one hundred (100) feet from any property line adjoining a residence and at least fifty (50) feet from any other property line or public right-of-way.

- (c) All outdoor storage areas, loading areas and dumpsters or waste collection areas shall be screened. Screens shall be a minimum of eight (8) feet in height and shall be constructed as earth berms, fences, or walls with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).
 - (d) Any store shall be limited to sales of common household and camping items to persons camping on the site.
 - (e) A campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet.
 - (f) No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - (g) No lighting shall be permitted which will shine on adjacent properties.
- (17) D-17. Mixed-use building. The conversion, construction, or reconstruction of a building designed to contain a mixture of uses consisting of commercial, office, retail, or service businesses, which are permitted, as specified, in combination with a residential use.
- (a) In a mixed-use building, commercial, office, and/or residential uses shall be permitted in a building on one lot. Permitted commercial and office uses shall be limited to the following: C-14 Trade/Hobby School; C-16 Day Care Center; C-18 Library; C-19 Cultural Center or Museum; D-1 Office; D-3 Retail Store; D-4 Service Business; D-5 Financial Institution; D-6 Restaurant; D-8 Tavern or Bar; D-9 Craft Beverage Production Facility; D-18 Recording Studio; D-20 Crafts Or Artisan’s Studio.
 - (b) Residential uses shall be on the second and third floors of a mixed-use building. Nonresidential uses shall be on the first and second floors only.
 - (c) Residential uses shall occupy at least 50% of the combined area of the upper floors of mixed-use buildings.
 - (d) All permitted uses associated with a mixed building use shall be conducted within a completely enclosed building unless expressly authorized. This requirement does not apply to required parking or loading areas, automated teller machines or outdoor seating.
- (18) D-18. Recording Studio. Such use provides studios for audio or video production, recording, filming, or broadcasting of radio or television programs over-the-air, cable, or satellite. Any telecommunication facilities associated with such use shall comply with the requirements of the E-5 Wireless Communications Facility use.
- (19) D-19. Construction Company or Tradesperson’s Headquarters. A place or area where a contractor or tradesman, such as, but not limited to, a carpenter, plumber, or electrician, conducts business and/or where supplies and/or equipment are stored or housed, could include areas to perform administrative duties.

- (a) All stored material and equipment must be located to the side or rear of a principal structure and contained within an enclosure or screened area so as not to be visible from adjacent properties.
- (20) D-20. Crafts or Artisan’s Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture, and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.
- (21) D-21. Auto Repair/Body Shop or Auto Service Station. Such use shall be limited to a building or group of buildings for the sale of petroleum and other alternative fuel products, tires and automotive service, paint spraying, body and fender work, and automotive repairs, provided that:
- (a) A minimum lot width of not less than 200 feet shall be provided along each street on which the lot abuts.
 - (b) The minimum lot area shall be one acre.
 - (c)
 - (d) All pumps, lifts and other service facilities shall be located not closer than 35 feet to any lot or street line.
 - (e) All parking, access and outdoor service areas shall be graded, surfaced, drained, and suitably maintained to the satisfaction of the Township Engineer to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across streets or from leaving the property.
 - (f) All refuse shall be stored within a building or enclosed area.
 - (g) Junk vehicles, as defined in §155.051, shall not be stored in the open at any time.
 - (h) The sale or rental of automobiles, trucks, trailers, or other vehicles shall be prohibited.
 - (i) Convenience shopping shall be permitted as an accessory use to the sale of petroleum products, provided that:
 - 1. It shall be in lieu of the sale of tires and automotive service.
 - 2. The use shall occupy no more than 50% of the service station building.
 - (j) All activities except those performed at the fuel pumps shall be performed within a completely enclosed building.
 - (k) All automobile parts and dismantled vehicles are to be located within a building.
 - (l) All provisions shall be made to prevent or minimize noise, odor, vibration, light, or electrical interference to adjacent lots.

- (m) Outdoor storage of autos and other vehicles shall not exceed three times the indoor repair area, shall be located to the side and/or rear of the principal structure and shall be no closer than 20 feet from side and rear lot lines.
 - (n) Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of 45 days.
 - (o) As part of the land development approval process, the applicant is required to present a plan that demonstrates the methods by which any spills of liquids will be contained and shall also demonstrate that the stormwater management system is designed to capture volatile organic compounds, oils, and solids. The applicant shall submit a copy of the maintenance agreement setting forth the terms for the management of the facility.
- (22) D-22. Auto, Boat, Recreational Vehicle, Manufactured Home Sales. Automotive, boat, recreational vehicle, manufactured home sales include the sale and lease of new or used automobiles, boats, motorcycles, trucks, trailers, farm machinery, manufactured homes, recreational vehicles, and travel campers, provided:
- (a) No vehicle on display shall occupy any part of the street right-of-way, required yard areas or required parking area.
- (23) D-23. Vehicle fueling center and convenience store. A facility associated with the sale of gasoline and other alternative fuel products that also offers for sale grocery type items, and including items from the following groups: beverages, snacks (including confectionery), dairy products and tobacco. Food preparation for take-away consumption shall be permitted. The use may provide for indoor automated teller machines and financial services, indoor public telephone facilities, indoor vending machines, electric vehicle charging stations, and air pumps for the inflation of tires.
- (a) The minimum required lot area: two acres.
 - (b) The minimum required lot width: 200 feet measured at the street line.
 - (c) Access shall be to an Arterial Road or to a street location that is within 1500' of an arterial road. Distance shall be measured along the centerline of the street from the point of access to the nearest intersection with an Arterial Road.
 - (d) All activities except those performed at fuel pumps and air pumps must be performed completely within an enclosed building.
 - (e) No drive-in windows are permitted for the sale of convenience items.
 - (f) No vehicle may be stored on the site, and no vehicle may remain on the premises for more than 24 hours.
 - (g) As part of the land development approval process, the applicant is required to present a plan that demonstrates the methods by which any spills of liquids will be contained and shall also demonstrate that the stormwater

management system is designed to capture volatile organic compounds, oils, and solids. The applicant shall submit a copy of the maintenance agreement setting forth the terms for the management of the facility.

- (h) Such use may be conducted on a twenty-four-hour basis, notwithstanding any other provision of this Subsection, providing that all of the following criteria are met:
 - 1. No deliveries or pick-up of inventory, merchandise, foodstuffs, fuel, trash, or other product shall occur between the hours of 10:00 p.m. and 7:00 a.m.
 - 2. A buffer or screen which is a minimum six feet high above grade, consisting of two of the following elements (except for an area occupied by a trash enclosure, in which case the screen shall consist of one of the following elements): a decorative wall, fencing, or landscaping to screen adjoining residential properties and to inhibit light generated on-site from traversing off the site.
 - 3. No amplified sound and/or gas pump televisions are permitted to be operated between the hours of 10:00 p.m. and 7:00 a.m.

(24) D-24. Car Wash. A facility for washing vehicles, subject to the following provisions:

- (a) A car wash shall include a water recycling facility.
- (b) Car washes shall be designed with a stacking area to accommodate a minimum of eight cars. The stacking area shall not in any way conflict with through circulation or parking.
- (c) Self-service car wash facilities shall be permitted to operate only between the hours of 7:00 a.m. and 10:00 p.m.
- (d) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- (e) Access points shall be limited to two on each street abutting the lot.
- (f) On-lot traffic circulation channels and parking areas shall be clearly marked.
- (g) Signs and outdoor lighting shall be in accordance with this chapter.
- (h) Adequate provisions shall be made for the proper and convenient disposal of refuse.
- (i) Centralized sewage disposal facilities and centralized water supply facilities shall be provided.

(25) D-25. Motor Vehicle Racetrack.

- (a) No loudspeaker or amplifying device shall be permitted which will project sound that is perceptible from within a dwelling on another lot.

- (b) Lighting perceptible beyond the property line shall be minimized in accordance with § 155.123 of this Ordinance.
 - (c) The use shall also meet the other performance standards of §§ 155.120 through 155.123 of this Ordinance.
 - (d) The area used for racing of vehicles shall be setback a minimum of 250 feet from any residential lot.
- (26) D-26. Adult Use. This term is limited to the following: adult bookstore, adult movie theater, massage parlor or adult live entertainment facility:
- (a) No such use shall be located within:
 1. Five hundred linear feet of the lot line of any library, public park, or existing dwelling; nor
 2. One thousand linear feet of the lot line of any primary or secondary school, place of worship, day-care center, or child nursery.
 - (b) No such use shall be located within 1,000 linear feet of any existing "adult use."
 - (c) A thirty-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with §155.093, but with plantings of an initial minimum height of five 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 §155.140, 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 IV.
 - (j) A minimum lot area of two acres is required.
 - (k) For public health reasons, private or semiprivate 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 nontransparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.
 - (o) Any application for such use shall state the names and home addresses of
 - a) all individuals intended to have more than a 5% ownership in such use or in a corporation owning such use, and
 - b) an on-site manager responsible to ensure compliance with this chapter on a daily basis. Any changes to such information shall be updated at the beginning of each year, in writing, to the Township.
- (27) D-27. Medical marijuana dispensary.
- (a) A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Department of Health.
 - (b) A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
 - (c) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
 - (d) Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
 - (e) Permitted hours of operation of a dispensary shall be no earlier than 8:00 a.m. to no later than 8:00 p.m. (of the same calendar day).
 - (f) A medical marijuana dispensary shall be no greater than 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area.
 - (g) A medical marijuana dispensary shall:
 - 1. Have no drive-through service;
 - 2. Not have outdoor seating areas;
 - 3. Not have outdoor vending machines;

4. Prohibit the administering of, or the consumption of medical marijuana on the premises; and,
 5. Not offer delivery service.
- (h) A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
 - (i) A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private, or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
 - (j) A medical marijuana dispensary shall be a minimum of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
 - (k) Any medical marijuana dispensary lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private, or parochial school or a day-care center.
 - (l) All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 - (m) Parking requirements shall follow the parking regulations found in Article IX for offices or treatment center.
 - (n) A buffer yard required by § 155.093(B) Buffer Yards with a solid, non-transparent fence at a height of six feet from ground to peak is required where a medical marijuana dispensary adjoins a residential use or district.
 - (o) Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
 1. All accesses must secure the appropriate highway occupancy permit and all access to a Township road must secure a driveway permit.
 2. The clear sight triangle found in § 155.092(C) Clear Sight Triangle at Driveway Intersection must be provided and maintained.

3. The access/driveway must be designed and improved to the standards set forth in Article IX.
4. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

(E) Common Carriers, Public Utilities, Public Service Use

- (1) E-1. Government Facility and/or Municipal Use. All government and/or municipal buildings, structures and uses including, but not limited to, governmental offices, garages for the storage of tools, equipment and vehicles, municipally sponsored police and emergency services, transportation, utilities, renewable energy facilities, information resources and the use of land for the stockpiling of materials used by the government or local municipality in its functions. Such use shall not be deemed to encompass a landfill, incinerator, or other waste disposal facility.
- (2) E-2. Airport, Private or Public
 - (a) Private Airport : An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa.C.S.A. § 5102.
 - (b) Public Airport: An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa.C.S.A. § 5102.
 - (c) The Pennsylvania Bureau of Aviation with the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing for a private airstrip, private airport.
 - (d) The Federal Aviation Administration shall have granted approval for the use of the air space.
 - (e) The use shall comply with any other applicable federal and state regulations and requirements.
 - (f) Areas used for landings, take-offs and ground circulation shall be located at least 300 feet away from adjacent property lines.
- (3) E-3. Public Utility Facility. A use or extension thereof which is operated, owned or maintained by public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.
 - (a) Such installation is essential to serve the immediate community.
 - (b) No public business office or any storage yard or storage building is operated in connection with the use.

- (c) A fifty-foot buffer yard shall be provided along all property lines in accordance with the buffer requirements in Article 155.093(B) herein, unless the structure is designed with sound containment and mitigation.
- (4) E-4. Emergency Services Station. Emergency services shall include fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature, provided:
 - (a) Minimum lot size is 3 acres.
- (5) E-5. Wireless Communication Facility (WCF). The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
 - (a) The definitions found herein apply only to Wireless Communications Facilities and the regulations found in this section:

ACCESSORY EQUIPMENT — Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar equipment.

ANTENNA — Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham, or citizen band radio antennas.

BASE STATION — A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., Wi-Fi) and fixed wireless services (i.e., point to point microwave transmissions) such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
3. The term includes any structure other than a tower that, at the time the relevant application is filed with the Township under this subpart, supports or houses equipment described in subparagraphs (i) and (ii) of this section that has been reviewed and

approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with the Township under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

COLOCATION — The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

DISTRIBUTED ANTENNA SYSTEM (DAS) — A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

ELIGIBLE FACILITIES REQUEST — Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) colocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE— Any tower or base station, provided that it is existing at the time the relevant application is filed.

EQUIPMENT COMPOUND — An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

FT. WORTH ATTACHMENT — A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment, and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

MINIMUM FUNCTIONAL HEIGHT — Minimum height necessary for a WCF to function satisfactorily.

MODIFICATION — The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MONOPOLE — A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

REPLACEMENT — The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

RIGHT-OF-WAY (ROW) — The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the Right(s)-of-Way.

SITE — For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

STEALTH TECHNOLOGY — State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

SUBSTANTIAL CHANGE OR SUBSTANTIALLY CHANGE — A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for

other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site.

TOWER — Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. Wi-Fi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF) — Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole,

light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

TRANSMISSION EQUIPMENT — Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WCF ON EXISTING STRUCTURE — Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

WIRELESS — Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) — The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling, and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

WIRELESS SUPPORT STRUCTURE — A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

- (b) Bulk and area requirements for tower-based WCF.
- (c) Design, construction and operations.
 - 1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed, and replaced in strict compliance with all current applicable federal and state technical and safety codes.
 - 2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
 - 3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or

the reception of broadband, television, radio, or other communications services.

4. Colocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.
5. Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name, and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.
6. Lighting. Towers shall not be artificially lighted beyond what is required by law.
7. Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
8. Vehicular Access.
 - a. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.
 - b. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
 - c. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
 - d. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 - e. An applicant shall present documentation to the Township that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.

- f. Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
 - g. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.
9. Fencing. A security fence, which may include barbed wire, with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the Township when the fence would not be appropriate or feasible.
10. Safety in Rights-of-Way.
- a. Schedule of operations. The Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal, and/or Replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - b. Alteration of a WCF. Within 60 days following written notice from the Township, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 - i. The construction, repair, maintenance, or installation of any municipal or other public improvement located in the Right-of-Way.
 - ii. The operations of the Township or other governmental entity in the Right-of-Way.

- iii. Vacation of a street or road or the release of a utility easement.
 - iv. An emergency as determined by the Township.
 - v. No permit is required for such removal, relocation, change, or alteration ordered by the Township.
 - c. Visual obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by the Township. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cartway.
 - 11. Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety, and noise impacts of such maintenance.
 - 12. Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the Township Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.
 - 13. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
 - 14. Inspections for all WCFs where the new Tower is more than 40 feet in height. A copy of any required inspection report shall be provided to the Township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.
 - 15. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.
- (d) Aesthetics, landscaping, and screening.
- 1. Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings

and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

2. Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:

a. The applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.

b. Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the Township.

(e) Replacement, colocation, or modification.

1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Colocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the Township building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

2. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Township.

3. Any Substantial Change to an existing Tower-Based WCF shall require approval of the Township in accordance with the terms of this Section.

4. Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Township building code official for compliance with the building code.

(f) Permit requirements.

1. Colocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications

equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a 1/2 mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.

2. Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right-of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.
 3. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.
 4. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit, with its application, copies of all FCC permits and licenses.
 5. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
 6. Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
 7. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.
- (g) Discontinuation, abandonment, and removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
1. All unused or abandoned WCFs and accessory facilities shall be removed within 12 months of the cessation of operations at the Site unless a time extension is approved by the Township.
 2. If the WCF and/or accessory facility is not removed within 12 months of the cessation of operations at a Site, or within any longer period approved by the municipality, the WCF and accessory facilities and

equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.

3. Any unused portions of WCFs, including Antennas, shall be removed within 12 months of the time of cessation of operations.
- (6) E-6. Parking Lot or Structure as the Principal Use that does not primarily serve tractor-trailer trucks or trailers. A lot, building, or structure used as the principal use of a property for the parking and storage of automobiles and is available to the general public, subject to the following criteria:
 - (a) No sale, rental or repair of vehicles shall be performed.
 - (b) Parking may be provided on a short-term or long-term lease basis.
 - (c) The parking areas design standards of this Ordinance and the municipal Subdivision and Land Development Ordinance shall be met.
 - (d) All parking areas shall be fully screened from view from neighboring parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.
 - (7) E-7. Parking Lot or Structure as the Principal Use that primarily serves tractor-trailer trucks or trailers. A lot, building, or structure used as the principal use of a property for the parking and storage of vehicles and is available to the general public, subject to the following criteria:
 - (a) Minimum lot area of 2 acres.
 - (b) The use must have direct access to an arterial or collector roadway.
 - (c) No sale, rental or repair of vehicles shall be performed.
 - (d) The parking areas design standards of this Ordinance and the municipal Subdivision and Land Development Ordinance shall be met.
 - (e) Any parking area for trucks shall be fully screened from view from neighboring parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.
 - (8) E-8. Heliport.
 - (a) The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing a heliport.
 - (b) The Federal Aviation Administration shall have granted approval for the use of the air space.
 - (9) E-9. Solar energy systems (principal use).
 - (a) The definitions found herein apply only to principal solar energy systems (PSES) and the regulations found in this section:

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): (often referred to as Solar Farm or Commercial Solar) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM: A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

- (b) A project narrative shall be submitted as part of an application for a PSES and must include the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system.
- (c) The PSES layout, design and installation shall conform to applicable industry regulations, and with all other applicable fire and life safety requirements.
- (d) All on-site utility transmission lines less than 34.5 kV and plumbing shall be placed underground to the greatest extent feasible.
- (e) The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system.

- (f) All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways. An analysis of glare potential and mitigation measures, including sight line perspective drawings from adjoining residential structures and those within 1,000 feet if at a higher elevation shall be provided by the applicant.
- (g) All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- (h) The PSES owner and/or operator shall maintain a phone number throughout the life of the project for the Township Zoning Officer to contact with inquiries and verified complaints. The PSES owner and/or operator shall make reasonable efforts to respond to the inquiries and complaints. A contact name, with knowledge of the system, must be provided to the Township with updates due to employee advancement or turnover.
- (i) Minimum lot area: 3 acres, maximum lot area = 100 acres.
- (j) PSES shall be setback a minimum of 50 feet from all property and street lines.
- (k) Ground mounted PSES solar panels shall not exceed 25 feet in height.
- (l) The area beneath the ground mounted PSES shall be considered impervious cover for zoning purposes. However, use of impervious construction materials under the system could cause the area to be considered impervious and is subject to the impervious coverage requirement for the district in which the use is located.
- (m) A 25-foot buffer yard shall be maintained along all property boundaries which shall be planted with an evergreen screen that consists of a hedge, or a row of evergreen trees.
- (n) A ground mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system without written consent of the easement or right-of-way holder.
- (o) In accordance with NEC, all ground mounted PSES shall be completely enclosed by fencing with locking gate. Current NEC code requires a minimum six (6) foot high fence with barbed wire or a 7' high fence.
- (p) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
- (q) If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be returned to an environmentally stable condition.

- (r) For roof mounted PSES the owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of holding the load of the PSES. PSES mounted on roofs of any building shall be subject to the maximum height regulations specified for buildings within the applicable zoning district.
 - (s) The applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.
 - (t) The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months and the owner has not initiated necessary remedial actions to return the PSES to a generating state. If the PSES owner fails to dismantle and/or remove the PSES within eighteen (18) months of cessation or abandonment, the Township may complete the decommissioning at the property owner's expense.
 - (u) The facility owner/operator shall, at their expense, complete decommissioning of the PSES within twelve (12) months after the end of the useful life of such facility or system. A PSES will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of all Solar Electric Energy Systems, buildings, cabling, electrical components, roads, foundations, and any other associated facilities. Disturbed earth shall be graded and re-seeded.
- (10) E-10. Wind energy facility (principal use).
- (a) The definitions found herein apply only to principal wind energy systems and the regulations found in this section:

APPLICANT — is the person or entity filing an application under this Ordinance.

FACILITY OWNER — means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

HUB HEIGHT — means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

OCCUPIED BUILDING — means a residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted.

OPERATOR — means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

NON-PARTICIPATING LANDOWNER — means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

TURBINE HEIGHT — means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WIND ENERGY FACILITY — means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE — means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

- (b) Permit application. The application shall contain the following:
1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
 3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
 4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 5. Documents related to decommissioning including a schedule for decommissioning.
 6. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.

- (c) The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- (d) All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (e) All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
- (f) Wind Turbines shall be a non-obtrusive color such as white, off-white, or gray.
- (g) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (h) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner, and Operator.
- (i) On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
- (j) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (k) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
- (l) Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
- (m) All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- (n) Setbacks.
 - 1. Wind Turbines shall be set back from the nearest Occupied Building a distance of not less than the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. These setback distances shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

2. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
 3. All Wind Turbines shall be set back from the nearest property line a distance of not less than the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
 4. All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- (o) Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
 - (p) The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.
 - (q) The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.
 - (r) The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 - (s) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 - (t) Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.

- (11) E-11. Emerging energy facility. A private facility capable of converting renewable energy sources, other than solar, water, wind, or geothermal sources, into a viable energy source and utility provisions for a permitted use.
- (a) Emerging energy systems may be located on or attached to an occupied building provided that the structural components of the emerging energy systems do not exceed the permitted building height requirements of the zoning district to which it is located.
 - (b) Emerging energy systems may be located on a lot with a permitted use provided that all structural components comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.
 - (c) A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, shall be submitted, which identifies property lines, lot area, location of existing natural and manmade features, location of the proposed emerging energy system, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings.
 - (d) Emerging energy systems may be located on a lot provided that it is located, designed, and installed considering the health, safety, and general welfare of the adjacent property owners. As part of the special exception application, the Board of Supervisors may attach reasonable conditions and safeguards.
 - (e) A clearly visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations.
 - (f) The landowner or energy facility operator shall, at its expense, complete decommissioning of the emerging energy facility within 12 months after the end of the useful life of the emerging system. Extensions of this decommissioning period may be granted upon request when safety concerns prohibit the complete decommissioning of the emerging energy system within 12 months' time. The emerging energy system will presume to be at the end of its useful life if no energy is generated for a continuous period of 12 months. The removal of the above-ground emerging energy facility components shall be completed within 12 months of decommissioning of the emerging energy system. All disturbed earth shall be restored, graded, and reseeded; and all recyclable materials of a decommissioned emerging energy system or facility shall be properly recycled.

(F) Industrial Uses

- (1) F-1. Manufacturing. The making 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. Manufacturing uses shall include but not be limited

to the production, processing, cleaning, and testing of materials, goods, foodstuffs, and products, and the commercial generation of electricity, provided:

- (a) All manufacturing uses must meet the nuisance standards listed in this Chapter.
 - (b) Outside storage shall meet the requirements of Use G-9 Outdoor Storage and Display.
- (2) F-2. Researching and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use). Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development, provided that:
- (a) No research facility shall be a commercial production facility.
 - (b) No research facility shall be permitted which constitutes a danger to the community because of combustible or radioactive materials.
- (3) F-3. Warehouse, wholesale, and/or distribution. A building or group of buildings primarily used for the indoor storage, transfer, distribution, and/or the wholesale selling of products and materials to retailers, other merchants, or industrial, institutional, and commercial users, mainly for resale or business use. This use shall exclude retail sales.
- (a) F-3a. Small warehouse/wholesale establishment. Such use shall consist of less than 50,000 s.f. of gross floor area.
 - (b) F-3b. Warehouse, wholesale, and/or distribution center (greater than 50,000 s.f. gross floor area). Large warehouse/wholesale establishment. Such use shall consist of 50,000 s.f. of gross floor area or more.
 - (c) The following provisions shall be applicable to both small warehouses and large warehouses:
 - 1. Access to the site shall be to and from an arterial street.
 - 2. Maximum building height for such use shall be 50 feet.
 - 3. A traffic impact study consistent with the requirements of § 154.163(M) of the Upper Milford Township Subdivision and Land Development Ordinance, shall be prepared and submitted as part of the application. The traffic impact study shall be prepared by a professional traffic engineer. In addition to the requirements of § 154.163(M) of the Upper Milford Township Subdivision and Land Development Ordinance, the traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study and will identify any new proposed truck routes and necessary truck routing signage.

4. Buffer yards. Buffer yards shall be required between uses and along existing and proposed streets in accordance with the provisions of § 155.093 and the following requirements specific to warehouse or wholesale sales use:
 - a. The buffer plantings are intended to be an impenetrable visual screen. However, it is not intended to be a monocultural planting. A variety of evergreen tree species in conjunction with deciduous and/or evergreen shrubs should be utilized to provide complete screening and aesthetic variety and appeal.
 - b. A thirty-foot buffer shall be required along the frontage of all streets.
 - c. A fifty-foot buffer shall be required between the industrial use and all other uses.
 - d. Trees used for screen buffers shall be composed of 100% evergreen varieties. Shrubs may be a combination of evergreen and deciduous varieties. The required plant material shall be so arranged as to provide a 100% visual screen within eight years of planting. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of these trees will be of a single variety.
 - e. Where space is limited or there are other site constraints, walls, fences, and/or earth berms may be used in combination with plant material subject to the approval of the Board of Supervisors.
 - f. Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the landowner.
5. The minimum yard setbacks shall be as follows:
 - a. Front yard: 50 feet.
 - b. Side yard (each): 50 feet.
 - c. Rear yard: 50 feet.
 - d. Where a property abuts a residential use, the required side and rear yards shall be increased to 100 feet.
6. Sufficient off-street queueing space shall be required at facility entrances to prevent vehicles from queueing on public streets while waiting for access to the facility.

- (4) F-4. Self-Storage Development. Such use shall include the storage of items, limited to personal and small business property, within a warehouse structure or mini warehouse structure, provided:
- (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 accessways.
 - (e) Major bodywork 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) The use shall be enclosed with a fence.
 - (h) Maximum building length: 250 feet.
 - (i) Minimum separation between buildings: 20 feet.
 - (j) No business activity other than leasing of storage units shall be permitted.
- (5) F-5. Trucking Company Terminal. A use of land and structures for the purpose of handling freight from one truck to another, including some short-term warehousing. Such use shall be permitted, provided:
- (a) Minimum lot area: five acres for a use with five or less loading/unloading bays; 10 acres for any other trucking company terminal.
 - (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 fifty-foot-wide buffer yard. Any entrance for trucks, loading/unloading area, outdoor storage, or truck parking area shall be a minimum of 250 feet from any dwelling.
 - (c) The use shall have truck access onto an arterial street without the trucks having to travel along a primarily residential street.
 - (d) 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.

- (e) 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.
 - (f) Short-term warehousing of less than 30 days may be permitted under this use.
- (6) F-6. Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets. A business establishment specializing in the sales and/or repair of industrial equipment that may be used in manufacturing, fabricating, and processing.
- (7) F-7. Junk Yard. Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles and parts thereof, provided that:
- (a) Lot area: three acres minimum; 20 acres maximum.
 - (b) Such use shall be a minimum of 200 feet from any public road as measured from the street line.
 - (c) The land area used for such purposes shall not be exposed to public view from any residence or public street or road.
 - (d) Such uses shall be entirely enclosed by a solid fence or wall at least six feet high and constructed of plank boards, brick, cinder block or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in uniform color.
 - (e) A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four to five feet in height and planted on ten-foot staggered centers.
 - (f) The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
 - (g) The storage of paper shall be within a building.
 - (h) The storage of toxic chemicals shall be prohibited.
 - (i) Dumping of trash or landfill operations and burning of any materials shall specifically be prohibited.
- (8) F-8. Solid Waste Landfill. A facility using land for disposing of solid waste. The facility includes land affected during the lifetime of the operation including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of, or incidental to, the operation of the facility. The term

does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge. (Pa.Code, Title 25, Environmental Protection Part I, Chapter 271.1, as amended). A solid waste landfill is subject to the following provisions:

- (a) Minimum lot area: 50 acres.
- (b) The solid waste landfill operation shall be set back from any property line or street right-of-way line at least 300 feet.
- (c) Direct access to an arterial road shall be required for the operation of a solid waste landfill.
- (d) A traffic impact study shall be required.
- (e) Operation of any solid waste landfill shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (DEP) and all provisions of this Chapter and all other applicable ordinances. In the event that any of the provisions of this Chapter are less restrictive than any present or future rules or regulations of the Department, the more restrictive Department rules or regulations shall supersede and control in the operation of such solid waste landfill.
- (f) Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection (DEP) and the municipality.
- (g) Municipal waste shall not be burned at a solid waste landfill.
- (h) A solid waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.
- (i) Measures shall be provided to control dust and a working plan for cleanup of litter shall be submitted to the municipality. To control blowing paper, there shall be erected a fence having a minimum height of 6 feet, with openings not more than 3 inches by 3 inches, 20 feet inside all boundaries. The entire area shall be kept clean and orderly. Cracks in, depressions in or erosion of cover shall be repaired daily.
- (j) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every solid waste landfill shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations.
- (k) Unloading of waste shall be continuously supervised.
- (l) Hazardous materials, as listed on the Federal Hazardous Waste List promulgated under the Resource Conservation and Recovery Act as defined

in CFR, Title 40, Chap. 1, Part 261, Subpart D, dated July 1, 1984, as amended, shall not be disposed of in a solid waste landfill.

- (m) The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a solid waste landfill.
 - (n) Litter control shall be exercised to confine blowing litter to the work area and a working plan of clean-up of litter shall be accomplished.
 - (o) Salvaging shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of disease transmitting organisms.
 - (p) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling onto the fill, and to prevent the collection of standing water. The operator shall comply with local requirements and applicable municipal ordinances so that there is no adverse off-site impact from the drainage of surface water.
 - (q) Operation of any municipal waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, 35 P.S. §691.1 et seq., as amended.
 - (r) A dense evergreen buffer shall be provided outside of the fenced area. Evergreens shall be 4 to 5 feet in height and shall be planted in two rows 10 feet apart on 10-foot staggered centers. In addition, the buffer requirements of this Chapter shall be met.
 - (s) A final inspection of the entire site shall be made by the Department of Environmental Protection (DEP) and the municipality and their authorized representatives to determine compliance with applicable Department of Environmental Protection's rules and regulations Title 25, Pa.Code, Chapter 273, as amended, and approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the municipal waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first 2 years following completion of the municipal waste landfill. A bond shall be posted to ensure that all corrective work is completed.
- (9) F-9. Sawmill/ Planing Mill. A sawmill or planing mill shall include facilities where wood products are processed to finished items such as molding, trim, etc.
- (a) A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot. A sawmill may also be referred to as a planing mill.

- (10) F-10. Slaughterhouse, Stockyard or Tannery. A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packaging, treating, storage or sale of the product on the premises.
- (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.
 - (c) The slaughterhouse shall comply with all applicable State and Federal Regulations.
- (11) F-11. Medical Marijuana Grower/Processor. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a Medical Marijuana Permit issued by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act (Act 16 of 2016) to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act. A Medical Marijuana Grower/Processor shall be subject to the following regulations:
- (a) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
 - (b) The floor area of a medical marijuana grower/processor shall not exceed 20,000 square feet and shall include space for production, secure storage of marijuana seeds, related finished product, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
 - (c) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
 - (d) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Department of Health policy and shall not be placed within any unsecured exterior refuse containers.
 - (e) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

- (f) Grower/Processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
 - (g) Parking requirements shall follow the parking regulations found in § 155.160 for all industrial uses (including warehousing, distribution, and manufacturing).
 - (h) A buffer yard as required by § 155.093(B) Buffer Yards with a solid, non-transparent fence at a height of six feet from ground to peak is required where a medical marijuana grower/processor adjoins a residential use or district.
 - (i) Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - 1. All accesses must secure the appropriate highway occupancy permit and all access to a township road must secure a driveway permit.
 - 2. The clear sight triangle found in § 155.092(C) Clear Sight Triangle at driveway intersections must be provided and maintained.
 - 3. The access/driveway must be designed and improved to the standards set forth in § 155.093(B) Buffer Yards.
 - (j) A grower/processor must be legally registered in the Commonwealth of Pennsylvania and possess a valid, current medical marijuana permit from the Department of Health.
- (12) F-12. Packaging. A facility dedicated to the packaging of goods for sale or shipment.
- (a) All operations of an industrial scale shall occur within an enclosed building.
 - (b) Must meet the nuisance standards listed in this Chapter.
- (13) F-13. Petroleum Refining. Such use shall include oil-related industrial activities involving the processing or manufacture of substances such as asphalt and tar paving mixtures, asphalt, and other saturated felts (including shingles), fuels, lubricating oils and greases, paving blocks made of asphalt, creosoted wood, and other compositions of asphalt and tar with other materials.
- (14) F-14. Photo Processing, Bulk. This use shall be limited to photo processing and printing, provided that such uses are served by public water and public sewer services.
- (15) F-15. Printing or Bookbinding. A facility dedicated to the process of printing, publishing, and/or bookbinding of materials for sale or shipment.
- (16) F-16. Recycling Center. Such use shall be limited to an area of land, with or without buildings, that is used for the storage of used or discarded materials, administered

by the municipality for the purpose of recycling, including but not limited to wastepaper, metal and glass, provided that:

- (a) The proposed use of an area shall not be detrimental to adjacent land uses.
 - (b) There shall be a maximum lot size of five acres.
 - (c) Such use shall be a minimum of 200 feet from any public road as measured from the centerline of the road.
 - (d) The land area used for such purposes shall not be exposed to public view from any residence or public street or road.
 - (e) Such use shall be entirely enclosed by a solid fence or wall, at least six feet high and constructed of plank boards, brick, cinder block, or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in a uniform color.
 - (f) A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four to five feet in height and planted on ten-foot staggered centers.
 - (g) The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
 - (h) There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.
 - (i) The storage of paper shall be within a building.
 - (j) The storage of toxic chemicals or nuclear wastes shall be prohibited.
 - (k) All such uses shall be sealed from groundwater contamination and shall provide groundwater monitoring wells in accordance with the requirements of the municipality.
- (17) F-17. Lumberyard. An area and structure used for storage, distribution, and sale of finished or rough-cut lumber and lumber products.
- (18) F-18. Mineral Extraction. Such use shall include, but is not limited to, extractive operations for limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil, natural gas, and water (groundwater or spring water) subject to the following provisions:
- (a) The following definitions are applicable to the regulations contained herein:

DERRICK — Any portable framework, tower mast, and/or structure that is required or used in connection with drilling or reworking a well for the production of oil or gas.

DRILLING — Any digging or boring of a new or existing well to explore, develop, or produce oil, gas, or other hydrocarbons, or to inject gas, water, or any other fluid or substance into the earth.

DRILLING EQUIPMENT — The derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with drilling.

- (b) Specifically related to water extraction, the provisions set forth in this section shall apply to the extraction of groundwater or spring water averaging more than 10,000 gallons per day removed from the tract for off-site consumption.
- (c) The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent properties or the well-being of the surrounding area and its residents.
- (d) The site shall be reclaimed to a nonhazardous state permitting some reasonable future use and so that the extracting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.
- (e) All activities of these land uses shall comply with all setback requirements of the zoning district in which the site is located or a minimum of 100 feet, whichever is greater, to protect adjacent properties.
- (f) Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and/or mining activities.
- (g) A narrative describing an overview of the project, including the number of acres to be involved, the number of wells to be drilled (if applicable), the location, and the number and description of equipment and structures, to the extent known, shall be provided.
- (h) The contact information of the individual(s) responsible for the operation and activities at the site shall be provided to the Township and all emergency service and all emergency service responders. Such information shall include a phone number where such individual(s) can be contacted 24 hours per day, 365 days per year.
- (i) A location map of the site showing the approximate location of derricks, drilling rigs, equipment, and structures (as applicable), and all permanent improvements to the site, and any post-construction disturbance in relation to natural and other surroundings shall be provided. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site.
- (j) A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals, and other

materials used in the siting, drilling, construction, maintenance, and operation of the site shall be provided.

- (k) A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements, and shall have entered into a roadway maintenance and repair agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of Township streets that are to be used by vehicles for site construction, drilling activities, and site operations shall be provided.
 - (l) A copy of all information submitted to the state agencies shall also be submitted to the Township at the same time.
 - (m) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Township. Compliance with such plan shall be a condition of Township permits.
 - (n) Prior to submitting an application, the applicant is strongly encouraged to meet with Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.
 - (o) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statutes or regulations.
- (19) F-19. Lawful uses not otherwise permitted. This Section is intended to provide for any lawful use which is required to be permitted by the Pennsylvania Municipalities Planning Code, and which is not otherwise permitted in other use categories described in this Section. Lawful use not otherwise permitted shall be subject to the following regulations in addition to all other applicable regulations found in this Chapter:
- (a) The use must comply with the front, rear and side yards, minimum lot area, maximum building height and impervious surface area requirements of the district in which the use is proposed.
 - (b) The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection or any other Commonwealth or Federal Governmental Agency which regulates such use.
 - (c) A buffer area shall be established in accordance with the conditions imposed upon the granting of special exception approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be in accordance with § 155.093 of the Zoning Ordinance and shall be of sufficient width to protect the surrounding area

from the objectionable effects of the proposed use including, but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.

(G) Accessory Uses

- (1) G-1. Accessory agricultural uses (roadside stands, agritainment, agritourism). The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland by allowing working farmers to market their products and services directly to the public as an accessory use and in a manner that is compatible with the rural residential character of the Township.
 - (a) Roadside Stands for Sale of Agricultural Commodities Grown on Site. Agricultural commodities grown by the residents of the property may be sold at a roadside stand on the property. At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property. Each roadside stand must not exceed a maximum size of 400 square feet and must also provide, to the Township's satisfaction, a safe means of egress and ingress from a public street as well as sufficient off-street parking to accommodate customers. Said roadside stand need not be in the immediate proximity to a public roadway if the other standards as herein set forth are met.
 - (b) Agricultural Sales of Farm Products. The sale of food, farm and/or agricultural commodities to the general public shall be permitted, subject to the following regulations:
 1. The maximum floor area for the retail agricultural sales shall be 3,000 square feet. The 3,000 square foot maximum shall not include areas used for traditional agricultural activities (not retail sales).
 2. Floor area shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the calculation of maximum limits are display areas outside the building or structure as well as inside floor area for storage and processing of products where the customer is completely restricted from access.
 3. Agricultural sales of farm products use is strictly an accessory use which shall be clearly subordinate to principal uses A1, A2 and A4.
 4. Farm products shall be limited to plant material, crops harvested from plants, dairy products, poultry products, meat products, and such things as honey, preserves and jellies made from fruit or vegetable products. Baked goods and related specialty food items made with farm products may also be sold. Sales of associated incidental items shall be permitted provided they do not constitute more than 25% of annual sales volume in dollars. There shall be no sale of tobacco products, newspapers, magazines, or other sundries.

5. Buildings shall comply with the minimum setback requirements of the zoning district. Temporary buildings or stands shall be located behind the existing right-of-way line and be located so as not to constitute a traffic hazard, in the opinion of the Township.
6. Parking. No less than four off-street parking spaces shall be provided behind the existing right-of-way and on the same side of the street as the stand or building conducting the use. Parking spaces need not be permanently paved but must be improved with a material approved by the Zoning Officer and appropriately marked.

(c) Agritainment.

1. The use shall be accessory to an owner-occupied residential dwelling or farm, and the use shall be owned and operated by the residential dwelling or farm owner(s).
2. No portion of the event, including parking, shall take place within 100 feet of the boundaries of the lot.
3. The events held at the venue shall be private family or social events for invited guests, for which fees may be charged, and shall not be open to the general public.
4. The event may be conducted in buildings on the residential or farming lot and in the outdoor areas of the lot, and the owner or his/her designated representative shall be present at all times during any event.
5. The venue shall not host more than 150 persons at one time.
6. Catered food, drinks (including beer and wine), and related event services may be provided by the owner or by providers retained by the owner. Alcoholic beverages shall not be permitted outside of the venue. All federal, state, and local laws and regulations shall be complied with by the owner and any providers in connection with such services.
7. Lighting, sound and music equipment and/or musicians may be provided at the venue, provided no sound or artificial light shall be permitted to leave the boundaries of the lot. Refer to Article VII of this chapter for requirements.
8. Parking shall be provided for patrons of the event, and no parking by patrons shall be permitted on any public road. The owner(s) shall ensure that ingress and egress during the event to the venue does not cause congestion on any public road. Refer to Article VI of this chapter for requirements.
9. Signs for this use are regulated in Article VIII as "all residential districts permitted principal nonresidential signs."

- a. Freestanding signs: maximum eight feet high.
 - b. Maximum square footage of sign area: one sign on each street that the lot abuts, maximum 20 square feet for each sign.
 - c. No wall signs or window signs allowed.
 - d. Illumination of signs shall be external and within the regulations of § 155.123.
10. The owner(s) shall be responsible to provide:
- a. Sanitation (municipal waste and recycling) facilities at the event commensurate with the number of patrons attending;
 - b. Sanitary sewer facilities at the event commensurate with the number of patrons attending.
11. No public liability or property insurance shall be required by the Township for this use.
12. The operation of the use shall at all times comply with all federal, state, and local laws and regulations.

(d) Agritourism.

1. The following activities, and activities that the applicant proves are closely similar, shall be permitted as an agritourism enterprise:
- a. Farmers' markets, providing all vendors and sales are located in an enclosed building;
 - b. "U-pick" operations;
 - c. Dairy, ice cream and bakery retail facilities;
 - d. Wineries, winery tours and tasting rooms;
 - e. Local farm products retail operations (including crafts, food products, garden and nursery products, and clothing products made from the wool of animals raised on the farm use, etc.);
 - f. Corn mazes (with educational/interpretation components);
 - g. Farm-related interpretive facilities and exhibits;
 - h. Agriculturally related educational and learning experiences;
 - i. Agriculturally related special events, agricultural fairs and festivals;
 - j. On-site farm, garden, greenhouse, and nursery tours;

- k. Walking and bicycle tours and trails;
 - l. Horseback/pony rides, petting zoos, and other animal exhibits.
2. The following activities shall be prohibited:
 - a. Restaurants, and/or taverns;
 - b. Flea markets;
 - c. Any other use that is not agriculturally related or is not related to the natural resources that are present on the property, or is deemed not to be incidental to the agricultural operation on the property, or is otherwise deemed to be too intense for the agricultural zoning district whereby the intent of the agricultural zoning district will not be preserved.
 3. It shall be the responsibility of the applicant and/or landowner to prove compliance with these regulations at the time of application for a zoning permit.
 4. Agritourism enterprises must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.
 5. An agritourism enterprise shall be conducted by a resident or owner of the property and/or his/her immediate relatives. Up to four unrelated full-time employees may be employed by the owner or immediate relatives. Additional part-time employees or volunteers may be permitted for special events, fairs, or festivals.
 6. At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property.
 7. The applicant shall identify the anticipated hours of operation for the agritourism enterprise. In no case shall the agritourism enterprise generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Agritourism enterprises shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m. This shall not include commercial retail sale of agricultural commodities that are regulated under laws of the commonwealth.
 8. The parking area shall be designed in accordance with this chapter.
 9. All signage advertising the agritourism enterprise shall comply with Article VII of this chapter.

10. For purposes of this section, existing and new buildings shall maintain a residential or agricultural appearance as viewed from a public street.
 11. The reuse of an existing barn or other existing buildings shall be given priority over the construction of new building(s). If a new building is proposed, any land development plan shall be in accordance with the regulations of Chapter 154, Subdivision and Land Development, of this Code. The total of all building floor areas utilized for an agritourism use after the adoption of this chapter shall not exceed 5% of the total area of the lot on which it is located and any contiguous property under the same ownership. All structures shall be subject to the requirements of the Pennsylvania Uniform Construction Code.
 12. All food and beverages sold for consumption on-site shall comply with federal, state, and local regulations. Food and beverages should be limited to only those value-added products that are produced from or grown on the farm unless they are secondary and incidental to the primary agricultural use on the property. In all cases, the use of locally grown or produced food and/or beverages is encouraged.
 13. Applicant must provide evidence that sufficient sanitary sewer facilities will be provided in accordance with all applicable DEP regulations.
 14. Applicant shall provide evidence that all other applicable state and federal permits for operation of an agritourism enterprise have been obtained.
 15. There shall be no outside display, sales, or storage permitted, unless this activity is fully screened with a combination of opaque wood fencing, and dense landscaping. This activity shall be prohibited within 100 feet along all public rights-of-way. This shall not be interpreted to prohibit outside sales or display of products during a permitted special event, agricultural fair, or festival.
 16. This Subsection shall not regulate agricultural uses that are permitted under other provisions of this chapter or laws of the commonwealth.
- (2) G-2. Keeping of livestock accessory to a residential use. Such use may include any activity involving the raising, caring for, housing, and principally the hobby/personal use of livestock and products derived from those animals by the occupant, owner, or leaser of the lot on which such use is located. Such use shall be accessory to a dwelling located on the same lot. This definition excludes all commercial animal operations such as, but not limited to, livestock production for wholesale and retail markets, kennels, boarding and riding stables and liverys.

- (a) Permitted number of animals. The maximum number of animals permitted on a lot shall be as follows:

Lot Area	Grazing Animal Unit*		Non-Grazing Animal**		Fowl or Poultry***	Smaller Fowl****
First acre	1.5	or	5	and	25	25 pair
Each additional contiguous acre	1.5	or	5	or	25	25 pair

*"Grazing Animal" includes, but is not limited to horses, cows, goats, and sheep.

** "Non-Grazing Animal" includes, but is not limited to, pigs.

*** "Fowl or Poultry" Such as chickens, turkeys, etc.

**** "Smaller Fowl" Such as pigeons, pheasants and quail.

- (b) Manure storage locations, amounts, disposal and land application shall be the responsibility of the property owner and shall be consistent with the Pennsylvania Nutrient Management Act (N.M.A.), Act of July 6, 2005, P.L. 112, No. 38 (Act 38) and the regulation implementing the N.M.A., which are codified at 25 Pa. Code Chapter 83, Subchapter D and generally went into effect on October 1, 1997; and/or requirements specified in 25 Pa. Code § 91.36 and the manuals and guides referenced in that provision.
- (c) A structure used to house Grazing Animals, Non-Grazing Animals, Fowl, Poultry or Smaller Fowl accessory to a residential use, shall not be within the required front yard, or within 100' of an adjacent residential dwelling and shall meet the setback requirements of Section 155-081.G(5)(b).
- (d) Lofts or other structures used to house animals or fowl shall be maintained in a clean, orderly condition and kept in good repair.
- (e) Commercial Use. Commercial breeding or use of animals shall not be permitted under this use.
- (f) All animals shall be kept under control on the owner's property.
- (g) Beekeeping. The keeping or maintenance of an apiary as an accessory residential use for the consumption of bee products or enjoyment.

1. Terms. As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Apiary – Any place where one or more colonies or nuclei of bees are kept.

Bee – Any stage of the common hive or honeybee (*Apis mellifera*) or other species of the genus *Apis*.

Beekeeper – An owner of an apiary or a person who has charge of an apiary or one or more colonies of bees in the Township.

Colony – An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones.

Department – The Pennsylvania Department of Agriculture.

Hive – Any frame hive, box hive, box, or other receptacle or container, natural or artificial, or any part thereof, which may be used or employed by a beekeeper as a domicile for bees which are expected to establish a permanent nest.

2. Registration, Certification, and Permits.
 - a. No beekeeper may own or maintain an apiary within the Township without first registering all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa.C.S.A. § 2101 et seq., as amended.
 - b. Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property.
3. Location of Hives. Location of hives must comply with the following criteria:
 - a. Hives shall not be located within 10 feet of any side or rear property line.
 - b. Hives shall not be located within a front yard.
 - c. Hives shall not be located within 50 feet of a swimming pool or permanently kenneled animal.
4. Maintenance. All beekeepers, shall, to the best of their ability, maintain their colonies per the Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania as provided and amended by the Pennsylvania Apiary Advisory Board.
5. Inspections. If an inspection is required as a result of a nuisance complaint, the designated Township Zoning Officer will inspect the property only and not the beehives. It is recommended that the state or local beekeeping organization be contacted to assist in understanding how the complaint arose and to what extent it is actually caused by the honeybees/beekeeper (i.e. “bee” stings are often caused by yellow jackets, hornets and wasps and mistakenly blamed on honeybees because the honeybee colonies can be seen

unlike many other aggressive stinging insects). A notice of 48 hours shall be given to the beekeeper prior to any inspection.

6. The sale of honey must comply with state and federal laws and regulations and with the existing Township Code of Ordinances.

- (3) G-3. Home Occupation, Major. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves some customer, client or patient traffic, whether vehicular or pedestrian, pickup, meeting location, delivery or removal functions to or from the premises in excess of those normally associated with a residential use. The business or commercial activity must satisfy the following requirements:
- (a) The home occupation shall not be conducted on the premises outside of a building.
 - (b) The home occupation shall not exceed 25 percent of the floor area of the principal dwelling unit.
 - (c) There shall be no outside storage of materials.
 - (d) There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than 2 square feet in size constructed and placed in accordance with Article 6.
 - (e) No more than one employee may work on the premises at the same time who are not residents of the principal dwelling unit.
 - (f) No servicing by truck in excess of 3 times per week shall be permitted.
 - (g) Uses permitted as a home occupation include: art studio, barber shop, beauty shop, professional office, and instruction of not more than 4 pupils simultaneously (or in case of musical instruction, not more than 3 pupils simultaneously).
 - (h) The following uses shall not be permitted as a home occupation: animal hospital, stable, kennels, funeral parlor, retail store or restaurant.
 - (i) No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the property.
 - (j) Parking and Loading – Adequate space for off-street parking and loading shall be provided in accordance with Article 6 of this Ordinance.
 - (k) Building Appearance – There shall be no reduction in the existing outside residential appearance of the building or premises or other visible evidence of the conduct of a home occupation. Outdoor storage of material and equipment shall be prohibited.

- (l) Nuisance – No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the property.
 - (m) Business Vehicles – A maximum of 2 vehicles, which are used for a home occupation shall be permitted on the lot of the home occupation. No one vehicle shall exceed a gross vehicle weight rating (GVWR) 26,000 pounds and/or no trailer shall exceed a GVWR of 26,000 pounds.
- (4) G-4. No-impact home-based business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (b) The business shall employ no employees other than family members residing in the dwelling.
 - (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (d) There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.
 - (e) Business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (f) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
 - (g) The business activity shall be conducted within a structure on the property and may not occupy more than 25% of the habitable floor area of the principal dwelling.
 - (h) The business may not involve any illegal activity.
- (5) G-5. Residential accessory use. Permitted residential accessory buildings, structures, or uses includes the following.
- (a) Fences and walls.
 - 1. Fences and walls in the required side and rear yard areas shall not exceed six feet in height (except tennis court fences which shall not exceed ten feet in height), and shall be at least two feet from a lot

line or easement line unless the abutting property owner agrees in writing to allow it to be closer.

2. Fences or walls placed in the required front yard shall not exceed six feet in height and shall be no closer than one foot to a property line.

(b) **Building.**

1. An accessory building shall not be allowed in the minimum required front yard. If an accessory building intrudes into the minimum rear or side yard for a principal building, then Subsection (G)(5)(b)2. below shall apply.
2. Accessory structures may be located within the required side and rear yard as follows:

Size of Accessory Structure	Height Requirements	Required Side and Rear Yards*
Up to 144 square feet	Not to exceed 15 feet	Located up to within 5 feet of a side or rear property line
Over 144 square feet	Not to exceed 25 feet	Located up to within 10 feet of a side or rear property line
*Note: In some zoning districts the above yards may be permitted at a lesser distance if allowed by the particular zoning district.		

(c) **Parking or storage of recreational vehicles and other recreational equipment.** Recreational vehicles and recreational equipment shall include, but not be limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, buses or trucks adapted for vacation use, snowmobiles, minibikes, all-terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

1. A recreational vehicle shall not be stored for more than seven days within a required front yard setback or within 10 feet of side or rear property lines. Storage of greater than three days shall utilize the side or rear setback area.
2. A recreational vehicle stored on the lot of a single-family detached house other than within an approved mobile home park shall be set back a minimum of five feet from the lot line of an abutting single-family detached house.

3. A recreational vehicle shall not be used as a permanent dwelling unit.
 4. A recreational vehicle shall not be parked within 10 feet inside from the curb of a public street or within 10 feet from the cartway of an uncurbed public street, or beyond the clear sight triangle, whichever is most restrictive.
 5. The recreational vehicle provisions of this Subsection shall not apply within a manufactured/mobile home park.
 6. Any recreational vehicle legally parked on a Township street shall be able to be driven away under its own power or be attached to a tow vehicle at all times.
 7. Any recreational vehicle parked on a Township street shall be parked only along the road frontage of the property owner of the recreational vehicle and shall be parked there for no more than three days in any seven-day period.
- (d) Parking of commercial vehicles and trucks. The parking of commercial vehicles is prohibited on a principally residential lot in a residential district, except for one of the following, provided that such vehicle(s) is needed by residents of the dwelling to travel to and from work:
1. The parking of a maximum of two vehicles, each of up to 12,000 pounds aggregate gross vehicle weight; or
 2. The parking of one vehicle with an aggregate gross vehicle weight of over 12,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 75 feet from any dwelling on another lot.
- (e) Tennis courts or sports courts. Tennis courts or sports courts and any accessory construction associated with tennis courts or sports courts, including but not limited to fencing and paving, shall be no closer than 15 feet to any side or rear property line and shall not be located in the front of a dwelling. No lighting shall shine directly beyond a boundary of the lot where the court is located.
- (f) Garage sale.
1. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
 2. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than four days total in any three consecutive months.
 3. The use shall be clearly accessory to the principal use.
- (g) Swimming pool.

1. A building permit shall be required to locate, construct, or maintain a noncommercial swimming pool.
2. The pool shall not involve any commercial use.
3. 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 enclosure not less than four feet in height (above the surrounding average ground level). This enclosure shall be constructed to make it very difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.
4. Enclosure around aboveground pool. Any existing or new aboveground pool shall include a secure fence, wall or other enclosure a minimum of four feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
5. 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 building. 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 water surface of a pool shall be set back a minimum of 15 feet from all lot lines and shall not be located under or within 20 feet of overhead electrical lines or over a water or sewer easement or within 10 feet of a septic tank or septic drain field.
6. 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.
7. The Township may establish an inspection fee to ensure compliance with this chapter and shall require that the applicant call for a final inspection of the pool by the Township prior to use. The Township does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions. A pool alarm must be installed and made operational within the pool and must be in place until the pool is drained or covered.

8. 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.
 9. 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.
- (6) G-6. Accessory family dwelling unit. One accessory dwelling unit to a single-family detached dwelling shall be permitted as a residence by family members or a family caregiver, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed accessory dwelling unit is to be constructed or to be used.
- (a) The accessory family dwelling unit shall occupy no more than 25% of the total usable floor area of the principal residence, not including any garage.
 - (b) Accessory family dwelling unit shall be part of the principal structure.
 - (c) The required off-street parking for the principal dwelling plus one additional off-street parking space for the accessory family dwelling unit shall be provided.
 - (d) There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the neighborhood. Recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as an accessory family dwelling unit.
 - (e) No more than one accessory family dwelling unit shall be permitted per single-family detached dwelling.
 - (f) A maximum of two occupants are permitted in such units. Accessory family dwelling unit shall be occupied by family members or a family caregiver.
 - (g) Each accessory family dwelling unit shall be registered with the Township Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Township Board of Supervisors for the registration of said use, which said fee shall be fixed periodically by the Board of Supervisors by resolution. Registration of an accessory family dwelling unit shall expire upon conveyance of the property, at which time the new property owner may reregister said use if warranted.
 - (h) A certification shall be received from the regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family

dwelling as well as the accessory family dwelling unit as defined in this Subsection.

- (i) The record owner of the property shall grant a deed restriction limiting such use in accordance with the foregoing provisions in favor of the Township, which agreement shall contain the following provisions:
 - 1. A description of the dimensions and location of accessory use.
 - 2. Being in a recordable document acceptable to the Township for filing with the Lehigh County Recorder of Deeds Office. All costs for the preparation and recording of the foregoing document are the responsibility of the applicant for the accessory use.
 - 3. The rental of an accessory family dwelling unit shall not be permitted, nor shall it be used in any way as an income property.
 - 4. A maximum of two occupants are permitted in such units. Accessory family dwelling unit shall be occupied by family members or a family caregiver.

- (7) G-7. Accessory day care. Providing day care on a regular and frequent basis for compensation can be provided as a residential accessory use, provided that:
 - (a) The number of children in the care of the owner/tenant of the residence shall be limited to three children in addition to the children of the owner/tenant and who normally reside on the premises.
 - (b) No outside advertising is permitted.

- (8) G-8. Accessory structure, nonresidential. Such use shall include an accessory building or structure, or uses customarily incidental to nonresidential uses, except outside storage, provided:
 - (a) A trailer or shipping container, whether or not removed from its wheels and mounted on a permanent foundation, may not be used as an accessory building.
 - (b) Fences and walls.
 - 1. Fences and walls in the required side and rear yard areas shall not exceed six feet in height (except tennis court fences which shall not exceed ten feet in height), and shall be at least two feet from a lot line or easement line unless the abutting property owner agrees in writing to allow it to be closer.
 - 2. Fences or walls placed in the required front yard shall not exceed six feet in height and shall be no closer than one foot to a property line.

- (9) G-9. Outdoor storage and display. Any outside storage or display, other than storage as a principal use of the land, necessary to the normal operation of a principal use, subject to the following provisions:

- (a) No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required front yard shall be occupied by outside storage.
 - (b) Outside storage areas shall occupy an area of less than 1/2 of the existing building coverage.
 - (c) Outside storage areas shall be shielded from view from the public streets in accordance with the buffer requirements of this chapter.
 - (d) Uses requiring more substantial amounts of land area for storage or display may be exempt from the provisions of clause (b), above, when granted as a special exception; provided that:
 - 1. No more than 25% of the lot area shall be used in outdoor storage.
 - 2. In particular, uses appropriate for consideration under this provision include, but are not limited to, Normal Agricultural Operation, (Use A-1), Auto, Boat, Recreational Vehicle, Manufactured Home Sales (Use D-22), Manufacturing (Use F-1), Trucking Company Terminal (Use F-5), and Recycling Center (Use F-16), and Mineral Extraction (Use F-18).
 - (e) The storage of tractor trailers, panel trucks, vans and similar vehicles which supply or service establishments in commercial or industrial districts shall be permitted, provided that such vehicles shall be used by the establishment in the normal conduct of its business.
- (10) G-10. Temporary structures or use. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:
- (a) Duration. The life of such permit shall not exceed one year and may be renewed for an aggregate period of not more than two years.
 - (b) Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If not removed by the owner upon expiration of the permit, the Township may remove such structure or use and recover the costs for the removal from the owner.
- (11) G-11. Mobile food vendors. A mobile food vendor is a self-contained food service operation, located in a readily movable motorized, wheeled, or towed vehicle, used to store, prepare, display, or serve food intended for individual portion service. Such use may include, but is not limited to, food trucks or canteen trucks.
- (a) Mobile food vendors must comply with all federal, and state licensing, which includes registering for and obtaining a local zoning permit, requiring up-to-date records on health inspections, as well as any and all other permitting regulations and all business tax, sales tax, and other tax requirements.

- (b) It shall be unlawful to operate a mobile food service vehicle to sell or offer for sale any food, service, or merchandise at any location within the Township unless a permit has been issued by the Township and in compliance with the other requirements of this article. A Township permit shall not be required for mobile food service vehicles hired to cater a private event.
 - (c) Mobile food vendors may not operate within the public right-of-way or on any Township property except as may be specifically allowed by the Township. No unattended mobile food service vehicle shall be left at any time in the right-of-way or parked on any other public property overnight.
 - (d) A mobile food service vehicle with a valid permit may operate on private property if allowed as a permitted use subject to §155.069 Setbacks. The mobile food vendor shall have the written permission of the property owner, which shall be made available to the Township immediately upon request.
 - (e) Mobile food service vehicles, including any canopies, signage, equipment, and seating areas, may not occupy required parking spaces for the principal use, and shall not block fire lanes or designated traffic lanes.
 - (f) Mobile food vendors may operate beginning at 7:00 a.m. and ending at 9:00 p.m. unless otherwise restricted by the Township or by the property owner.
 - (g) Mobile food vendors which are the principal use of a property shall be regulated as an D-21 restaurant use.
 - (h) Signage for each mobile food service vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches from the vehicle. One sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed eight square feet per side or 48 inches in height and shall not obstruct or impede pedestrian or vehicular traffic.
- (12) G-12. Outdoor seating associated with food and/or beverage service establishments. Such use shall be permitted as an accessory to eating places, bars, taverns, or craft beverage production facilities and meet the following requirements:
- (a) The area used for outdoor seating shall comply with all applicable requirements of the zoning district in which it is located.
 - (b) Outdoor seating areas shall be separated from abutting residential uses by an opaque fence or wall along side and/or rear yards. The opaque fence or wall shall be a minimum of five feet high and a maximum of six feet high.

- (c) Outdoor seating shall not impede pedestrian traffic flow or vehicular sight distance. A minimum pathway of at least five feet free of obstacles shall be maintained.
 - (d) Any lighting associated with the outdoor seating area shall not disturb neighboring properties and shall comply with all lighting regulations of Township ordinances.
 - (e) Refuse facilities shall be provided. All trash shall be removed from the outdoor seating area and from the area surrounding the outdoor seating area on at least a daily basis.
 - (f) The outdoor seating area shall not occupy areas that are required by the establishment to meet the parking requirements of this chapter.
- (13) G-13. Accessory solar energy equipment. Solar energy equipment is defined as any device, structure, or electrical system that converts solar energy into electrical energy, heats water or produces hot air or similar function through the use of solar panels. A solar panel is a device containing one or more receptor cells equal to or greater than two square feet, for the purpose of converting solar energy into electrical or thermal energy.
- (a) Any solar energy equipment shall be considered accessory to the principal use and the generation of energy or heat as an accessory use to the principal use and shall be located on the same lot as the principal use.
 - (b) Solar energy equipment shall be set back a minimum of 60 feet from all lot lines, unless the minimum yard or setback requirements for accessory structures require a greater setback, in which case the greater setback requirement shall apply.
 - (c) No solar energy equipment shall be located in the required minimum front yard, or in front of the principal building, or closer to the front lot line than the principal building.
 - (d) Maximum height of solar energy equipment from ground level: 10 feet.
 - (e) Roof-mounted solar collectors or roof shingles are not subject to the requirements of this section, except that the maximum height requirements for principal structures plus any roof-mounted equipment shall apply.
 - (f) Solar energy equipment shall be subject to any and all municipal regulations as may exist in local subdivision/land development ordinances or other municipal ordinances.
- (14) G-14. Wind turbine as an accessory use that is primarily intended for generating on-site electricity.
- (a) There shall be a maximum of one device on a single parcel, or multiple contiguous parcels in the same ownership.

- (b) Wind energy facilities and/or systems shall be located no less than 100 feet from overhead utility lines and no less than 300 feet from a street line unless the building located on the parcel is located closer to the street line than 300 feet, at which time, the wind energy facility and/or system may be located no closer than the front setback of the house and/or primary building from the street line. In no case, however, shall a wind energy system be located within a front yard as defined in the Zoning Ordinance or within the minimum required side and/or rear yard.
- (c) Maximum height of the structure, including all moving and rotating parts, shall be 65 feet, measured from the undistributed ground elevation at the base of the device, to the highest point of the arc of the blade, or to the top of the tower, whichever is greater, unless a greater restriction is imposed by FAA regulations.
- (d) Minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be 15 feet, as measured at the lowest point of the arc of the blades.
- (e) When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 150 square feet in area, shall not exceed eight feet in height, and must not be located in any required front, side, or rear yards.
- (f) Wind turbines shall be an unobtrusive, nonreflective color such as white, off-white, or gray, or the original factory galvanized steel.
- (g) Shadow flicker at any occupied building on any adjacent property caused by a wind energy facility and/or system located within 1,000 feet of the occupied building shall not exceed 30 hours per year.
 - 1. Noise and/or shadow flicker provisions may not be applicable if the following conditions are met:
 - a. The affected property owner(s) sign an agreement that allows the noise and/or shadow flicker to exceed the above noted requirements.
 - b. The written agreement shall state the zoning ordinance requirements, indicate how the wind energy facility and/or system does not comply with the requirements, and state the maximum limit the noise and/or shadow flicker may be above the zoning requirements.
 - c. Any such agreement shall be signed by the applicant and the applicable adjacent property owner(s) and recorded on all affected properties in the Recorder of Deeds Office.
- (h) Operation of a device shall comply with the performance standards of Article VII of the Zoning Ordinance.

- (i) The use shall not interfere with the reception of any radio, television, or other communication equipment, nor inhibit solar access to adjacent properties.
- (j) No artificial lighting (unless required by the Federal Aviation Administration), signage (with the exception of warning signage at the base of the tower), or any forms of advertising shall be utilized or attached to the wind energy facility and/or system.
- (k) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall not provide steps or a ladder readily accessible to the public for a minimum height of eight feet above the ground surface. All wind energy facilities and/or systems and associated buildings shall be enclosed by a fence at least four feet in height which is located at least five feet from the base. All access doors and gates shall be locked, as appropriate, to prevent entry by unauthorized persons.
- (l) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (m) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along guy wires up to a height of 10 feet from the ground.
- (n) All wind energy facilities and/or systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (o) All wind energy facilities and/or systems shall primarily serve on-site generation needs unless otherwise approved by the Board of Supervisors. If a hookup to a public or community utility system is proposed, electrical plans must be prepared by a certified electrical engineer, at the applicant's expense, and submitted to the utility company and Township for approval.
- (p) If a proposed project includes the installation of building-integrated wind energy facilities, then such facilities shall be integrated into the overall design and architecture of the proposed project.
- (q) Building-integrated wind energy facilities and/or systems shall not have a height (as measured from the highest portion of the roof), including all mounting and supporting structures, greater than 25% of the height of the building on which the facility is to be installed, and may not exceed 65 feet from the ground to the highest point of the turbine rotor plane.
- (r) Design and location of a wind energy facility and/or system shall consider, to the greatest extent possible, the aesthetics of the surrounding environment. In no case shall a device be attached to a structure listed on the Registry of Historic Structures. The Township may require submission of

illustrations and photos depicting the color, size, shape, and architectural features of the proposed device; and submission of color photographs of the proposed tower location taken from view of all adjoining properties and roads. All utility lines, including electrical wires other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing utility company.

- (s) Any wind energy facility and/or system that is defective, or has been abandoned, that is deemed to be unsafe by the Township Building Code Official shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within three months of written notification from the Township. If the owner fails to remove or repair the defective or abandoned wind energy system, the Township may pursue a legal action to have the system removed at the owner's expense.
- (t) A plot plan of the parcel on which the facility will be located shall be submitted, which identifies property lines, lot area, location of existing natural and manmade features, location of the proposed wind energy device, ownership information for adjoining properties, and setback measurements from property and street lines.
- (u) A wind energy facility and/or system, including the tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code. Prior to issuance of a building/zoning permit for installation of the device, the applicant must submit to the Township all documentation required by the Township Building Code Official to verify that the design of the device complies with the Pennsylvania Uniform Construction Code (UCC), including, but not limited to, documentation of the structural integrity of the foundation, base, tower, and all appurtenant structures; and electrical design. Design information must be certified by a licensed professional engineer in the Commonwealth of Pennsylvania, and/or equipment manufacturer.
- (v) The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.

ARTICLE VI GENERAL REGULATIONS

§ 155.090 FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

- (A) Frontage required onto improved street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.
- (B) Number of principal uses and principal buildings per lot.
 - (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building.
 - (a) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
 - (b) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
 - (2) A lot within a residential or R-A District shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this chapter.
 - (a) A manufactured home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this chapter are met.
 - (b) A lot may include a dwelling unit and any permitted accessory use(s).
 - (c) A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law. Each principal condominium building shall be laid out so that each building would be able to meet the dimensional requirements of this chapter as if the building was on its own fee simple lot.
 - (3) More than one permitted principal use may be permitted on a lot provided that all of the district requirements set forth in §155.069, Table of Dimensional Requirements

and general regulations set forth herein are met for each principal use and for each principal structure. If differing dimensional requirements apply for different uses on the lot, then the most restrictive provision shall apply. All principal use(s) and/or principal structure(s) on the same lot shall be in common ownership.

- (C) Minimum size of dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.
- (D) Maximum occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

§ 155.091 HEIGHT EXCEPTIONS.

- (A) The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this chapter; water towers, clock or bell towers; steeples and religious symbols attached to places of worship; electrical transmission lines; elevator shafts; wind turbines (provided they meet § 155.034); skylights; agricultural silos and related equipment; solar energy collectors and mounting devices; chimneys; heating/ventilation/air conditional equipment; industrial mechanical equipment areas that are not occupied by humans; or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.
- (B) See also definition of “height” in § 155.051 and provisions in § 155.069.
- (C) However, structures approved to exceed the height requirement shall not restrict solar access to active solar collection panels on another lot.

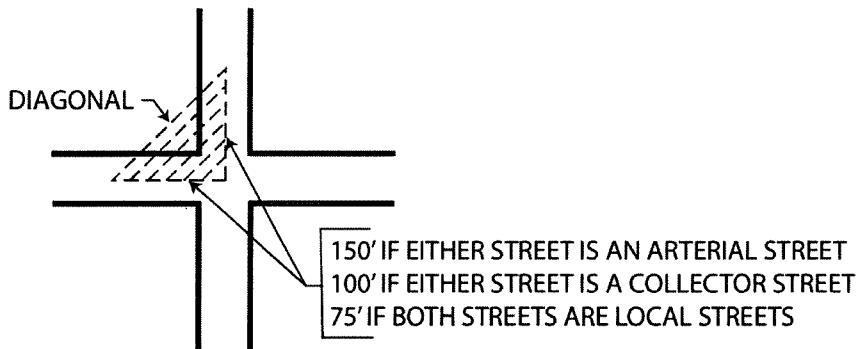
§ 155.092 SPECIAL LOT AND YARD REQUIREMENTS AND CLEAR SIGHT TRIANGLES.

- (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 chapter. This includes but is not limited to: setback areas; non-impervious areas; and off-street parking areas.
 - (2) Emergency access: all uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property owner’s association.
- (B) Exceptions to minimum lot areas, lot widths and yards.
 - (1) Corner lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of “lot, corner” in § 155.051.
 - (2) Projections into required yards.

- (a) Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, chaise for heating;
- (b) Pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement;
- (c) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area; and
- (d) For decks and porches, see § 155.069.

(C) Clear sight triangle.

- (1) At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of two feet and ten feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the street centerlines, and a third diagonal leg connecting the two legs to form a triangle. Two legs that are each 150 feet long shall extend from the intersection of street centerlines if either street is an arterial street. Two legs that are each 100 feet long shall extend from the intersection of the street centerlines if either street is a collector street and no arterial streets are involved. The two legs shall be 75 feet from the intersection of the street centerlines if both streets are local streets.
- (2) In addition, the Township may require that such clear sight triangle be elongated where a new street will enter onto an arterial or collector street. Such clear sight triangle shall be designed to keep an area free of sight obstructions that is equal in length along the arterial or collector street to the clear sight distance that would be required under PennDOT sight distance requirements. Such clear sight triangle may be required regardless of whether a state road is involved.
- (3) In place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 300 feet and the leg along the local street shall be decreased to 15 feet beyond the travel lane of the arterial or collector street.
- (4) The clear sight triangle shall be kept free of such obstructions in perpetuity.



§ 155.093 LANDSCAPING.

(A) Generally.

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

(B) Buffer yard requirements. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this chapter.

Required Buffer Yards		
See §155.093(C) and (E) for information regarding existing trees		
	20 foot wide buffer	40 foot wide buffer
Principal nonresidential use		
Adjoining residential	X	
Principal nonresidential Use/Manufacturing w/loading dock		
Adjoining residential		X
Outdoor Industrial Storage or loading area – visible from public street		
Adjoining lot lines and street rights-of-way	X	
Overnight parking of 2 or more tractor-trailer trucks or trailers		
Adjoining lot lines and street rights-of-way	X	
Residential (new dwellings)		
with rear yards abutting a street	X	

- (1) A minimum 20-foot-wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal nonresidential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.

- (a) If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 40 feet, and the minimum initial height of plantings shall be increased to six feet.
- (b) If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this section.
- (c) A 20-foot minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.
- (d) A buffer yard is also required to be provided by the following if they are abutting and visible from a public street:
 - 1. Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area; or
 - 2. Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of two or more tractor-trailer trucks or trailers of tractor-trailers.
- (2) A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
- (3) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- (4) Fence: the Township may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (nonresidential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
- (5) Each planting screen shall meet the following requirements.
 - (a) Plant materials needed to form the visual screen shall have a minimum height when planted of six feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - (b) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within two years a

mostly solid year-round visual screen at least six feet in height. It is recommended that a landscape architect licensed by the Commonwealth of Pennsylvania be employed to ensure the proper use and arrangement of plant material and to provide an aesthetically pleasing effect.

- (c) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - (d) The plant visual screen shall extend the full length of the lot line, except for:
 - 1. Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot;
 - 2. Locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back; and
 - 3. Locations needed to meet other specific state, Township, and utility requirements, such as stormwater swales.
 - (e) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 25% shall be of one species.
 - (f) Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
 - (g) The plant screening shall primarily use evergreen trees.
 - (h) The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board, may by special exception, reduce the width of the buffer yard if the required width is not feasible.
- (6) Buffer yard plans: prior to the issuance of a permit under this chapter where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
- (a) The location and arrangement of each buffer yard;
 - (b) The placement, general selection of species and initial size of all plant materials; and
 - (c) The placement, size, materials, and type of all fences to be placed in such buffer yard.
- (7) Any existing trees within the required buffer yard that are a minimum of 2-1/2 inches in diameter at breast height (dbh) in accordance with American Association of Nurserymen standards, are in good health, and are proposed to remain, may count as required trees within the buffer yard.

- (C) Street trees. Refer to the Upper Milford Subdivision and Land Development Ordinance.
- (D) Parking lot landscaping. Refer to the Upper Milford Subdivision and Land Development Ordinance.
- (E) Deciduous trees required by this section shall meet the following standards:
 - (1) Type of trees permitted.
 - (a) Required trees, including replacement trees, shall be chosen from the following list of approved trees, unless the applicant proves to the satisfaction of the Township that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

Types of Deciduous Trees Permitted to Meet Chapter Requirements

Acer rubrum – American Red Maple
Acer saccharum – Sugar Maple
Carpinus caroliniana – American hornbeam
Carpinus betulus – European Hornbeam
Celtis occidentalis – Common Hackberry
Fagus sylvatica – European Beech
Gleditsia triacanthos – Thornless Locust or Honey Locust
Liriodendron tulipifera – Tulip Poplar
Liquidambar styraciflua ‘*Rotundiloba*’ – Fruitless Sweetgum
Ostrya virginiana – American Hop Hornbeam
Prunus sargentii – Sargent Cherry
Quercus alba – Swamp White Oak
Quercus bicolor – Swamp Oak
Quercus coccinea – Scarlet Oak
Quercus imbricaria – Shingle Oak
Quercus palustris – Pin Oak
Quercus phellos – Willow Oak
Quercus rubra – Southern Red Oak
Quercus stellata – Post Oak
Quercus shumardi – Shumard Oak
Quercus muehlenbergii – Chinkapin Oak
Quercus velutina – Eastern Black Oak
Tilia americana – American Linden
Tilia cordata – Little Leaf Linden
Tilia euchlora – Crimean Linden
Tilia petiolaris – Silver Linden
Ulmus americana ‘*Delaware*’ – Delaware American Elm
Ulmus americana ‘*Jefferson*’ – Jefferson American Elm
Ulmus americana ‘*New Harmony*’ – New Harmony American Elm
Ulmus American ‘*Princeton*’ – Princeton Elm
Ulmus hybrids – Homestead or Sapporo Autumn Gold Elms
Ulmus parviflora – Chinese or Lacebark Elm, not including Siberian Elm

Types of Evergreen Trees Permitted to Meet Chapter Requirements

Abies balsamea – Balsam fir
Abies concolor – White fir
Chamaecyparis thyoides – Atlantic white cedar
Ilex opaca – American holly
Juniperus virginiana – Eastern redcedar
Picea abies – Norway spruce
Picea glauca – White spruce
Picea mariana – Black spruce
Picea pungens – Colorado spruce
Pinus banksiana – Jack pine
Pinus echinata – Shortleaf pine
Pinus resinosa – Red pine
Pinus rigida – Pitch pine
Pinus strobus – White pine
Pinus sylvestris – Scotch pine
Pinus taeda – Loblolly pine
Pinus thunbergii – Japanese black pine
Pinus virginiana – Virginia scrub pine

- (b) Quality of trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- (c) Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
- (d) Planting and maintenance. Required trees shall be:
 - 1. Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and
 - 2. Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.

§ 155.094 ULTIMATE RIGHT-OF-WAY WIDTHS FOR ROADS.

- (A) Purposes. Minimum ultimate right-of-way widths are established for roads where the existing right-of-way is less than that indicated in Subsection (C) below for the particular class of road.
- (B) Measurement.
 - (1) The ultimate right-of-way shall be measured from the centerline of the existing road.
 - (2) All front yards and other appropriate yards shall be measured from the ultimate right-of-way line.
 - (3) See the classification of each road/street in Appendix A.

(C) Minimum widths. Minimum ultimate right-of-way are as follows:

Street Classification	Minimum Ultimate Right-Of-Way
Arterial	80 ft.
Collector	60 ft.
Local	50 ft.
Private	50 ft.

*Greater width may be required in accordance with use intended, such as if right-turn and left-turn lanes are needed

(D) Dedication.

- (1) Land within an ultimate right-of-way shall be kept free of buildings, parking, storage, and other uses that could obstruct the use of the right-of-way for future road improvements, utilities, pedestrian/bicycle improvements and/or stormwater improvements. PennDOT may require a dedication of part or all of the ultimate right-of-way width along a state road.
- (2) Land within an ultimate right-of-way may be requested by the Township to be dedicated to the Township or to be reserved for future dedication when a need may arise.

§ 155.095 FRONTAGE DEVELOPMENT ALONG ARTERIAL AND COLLECTOR STREETS.

In order to encourage the sound development of frontage along arterial and collector streets (see Appendix A) and to minimize traffic congestion and hazard, the following special provisions shall apply unless superseded by PennDOT requirements.

- (A) Off-street parking and loading. 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 highway or street by a raised curb, planting strip, wall or other suitable barrier against accessways or access roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot.
- (B) Access. Each use with less than 100 feet of frontage on an arterial or collector street shall have not more than one accessway to each such street, and no business or other use with 100 feet or more of frontage on an arterial or collector street shall have more than two accessways to any one street for each 500 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.
- (C) Planned developments. In the case of a planned development, shopping center, office complex, group of multiple family dwellings, or similar grouping of principal buildings on a lot, and in any other case where practicable:

- (1) Each principal building shall front upon a marginal access street, service road, common parking lot or similar area and not directly upon a public street;
 - (2) Each point of vehicular access to and from a public street shall be located at least 200 feet from the intersection of any public street right-of-way lines, provided that such point of vehicular access which converts a "T" intersection into an intersection of two streets which cross one another shall be permitted;
 - (3) Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Township;
 - (4) All streets and accessways shall conform to the specifications determined by the Township Engineer and the requirements of the Township Subdivision and Land Development Ordinance. Provisions shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where deemed necessary by the Township Engineer; and
 - (5) All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Township.
- (D) Reverse frontage encouraged. Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged and reverse frontage shall be encouraged.

§ 155.096 NONCONFORMITIES.

- (A) Proof and registration of nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- (B) Continuation of nonconformities.
 - (1) A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners.
 - (2) Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 - (3) If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- (C) Expansion of or construction upon nonconformities. The following shall apply unless the structure is approved under Subsection (D) below.
 - (1) Nonconforming structure.
 - (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

1. Such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity; or
 2. Any expanded area will comply with the applicable setbacks in that District and other requirements of this chapter, except as may be allowed under Subsection (C)(1)(c) below.
- (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) As a special exception, the Zoning Hearing Board may approve a reduction of up to 50% in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition to such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This Subsection (C)(1)(c) shall not allow a reduction in setback to increase the number of dwelling units on the lot.
- (2) Nonconforming lots.
- (a) Permitted construction on a nonconforming lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed, or expanded on a nonconforming lot provided all of the following additional requirements are met:
1. The lot must be a lawful nonconforming lot of record;
 2. Minimum setback requirements shall be met;
 3. State and federal wetland regulations shall be met; and,
 4. If a septic or well is used, the requirements for such shall be met.
- (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.
- (3) Expansion of a nonconforming nonresidential use. A nonconforming 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% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article II.
- (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 total building floor area used by a nonconforming use or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the

nonconforming use at the time the use first became nonconforming. The maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.

- (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted by right use provided that:
- (a) The number of dwelling units or rooming house units are not increased;
 - (b) The expansion meets all applicable setbacks;
 - (c) No new types of nonconformities are created; and
 - (d) A nonconformity is not made more severe.
- (5) Nonconforming sign. The provisions of this chapter shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter.
- (D) Damaged or destroyed nonconformities.
- (1) A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if:
 - (a) The application for a building permit is submitted within 18 months after the date of damage or destruction;
 - (b) Work begins in earnest within 12 months afterward the building permit is issued and continues; and
 - (c) No nonconformity may be newly created or increased by any reconstruction.
 - (2) The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- (E) Abandonment of a nonconformity.
- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in the damaged or destroyed nonconformities provisions of this section in Subsection (D) above.
 - (2) The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.

- (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered “abandoned” under this chapter.
- (F) Changes from one nonconforming use to another.
 - (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 - (2) A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 - (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - (a) Traffic safety and generation (especially truck traffic);
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances and explosive hazards;
 - (c) Amount and character of outdoor storage;
 - (d) Hours of operation if the use would be close to dwellings; and
 - (e) Compatibility with the character of the surrounding area.
 - (4) A nonconforming use shall not be changed to a nonconforming adult use.
- (G) District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

§ 155.097 SITE DESIGN GUIDELINES.

The following advisory guidelines are intended to assist the applicant in the preparation of site and building plans and to assist the Township in reviews.

- (A) Relation of proposed buildings to the surrounding environment. Relate proposed structure(s) harmoniously to the terrain. Seek compatibility and logical transitions between existing and proposed uses, create focal points with respect to avenues of approach, and relate open space between all existing and proposed buildings.
- (B) Drive, parking and circulation. For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, stacking capacity at drive-through facilities, separation of main pedestrian crossings from the more heavily traveled vehicular routes.

- (C) Surface water drainage. Comply with the Township stormwater management regulations to minimize flooding on other properties. Consider methods to allow stormwater to infiltrate into the ground, as opposed to running off the ground. Separate possible contaminants from stormwater runoff routes. Make sure that vehicle routes can properly function during heavy rains.
- (D) Utility service. Place cable, electric service, and telephone lines underground, wherever possible. Locate above-ground utility structures to minimize their visibility and use earth-tone colors and landscaping around them when feasible.
- (E) Signs. Avoid excessively bright or garish signage and avoid use of day glow colors. Minimize the height of signs and add landscaping around the base of larger signs.
- (F) Special features. Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
- (G) Preservation of landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure the grade changes are compatible with the general appearance of the neighboring developed areas. Strive to protect the serenity of the surroundings and restore the trees and soil to their condition before development.
- (H) Solar energy use. Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

§ 155.098 DUMPSTER SCREENING AND LOCATION.

- (A) Site plans submitted to the Township shall show the proposed location of any trash/garbage/recycling dumpsters or containers. The Township may require that such proposed location be modified to provide compatibility with adjacent uses.
- (B) Trash/garbage/recycling dumpsters or containers shall be surrounded on at least three of four sides by a solid fencing, wall, or landscaping if the dumpster would be visible from a street or a residential lot. This section is not intended to regulate temporary dumpsters for construction or renovation debris.

§ 155.099 TWO DWELLINGS ON A LOT.

The Township may approve two single-family detached dwellings if one of the following sets of conditions are met.

- (A) Two single-family detached dwellings may be allowed on the lot if both buildings existed prior to the adoption of this chapter, and if one dwelling unit was converted from an agricultural building, spring house or a similar historic building.
- (B) Two single-family detached dwellings may be allowed on a lot if the applicant proves to the satisfaction of the Township that the land could be subdivided in the future in a manner that would result in two conforming lots, each with their own dwelling unit, and if each dwelling

unit has its own well, unless each dwelling unit is served by a public water system, and its own on-lot septic system, unless each dwelling unit is served by a public sewage system.

ARTICLE VII ENVIRONMENTALLY SENSITIVE AREAS

§ 155.110 ENVIRONMENTAL PRESERVATION REQUIRED.

- (A) All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
- (B) All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.

§ 155.111 NUISANCES PROHIBITED.

- (A) No land or structure in any zoning district shall be used or occupied in any manner that creates any:
 - (1) Dangerous, injurious, noxious, or otherwise objectionable condition;
 - (2) Fire, explosive other hazards;
 - (3) Heat, electromagnetic or other radiation;
 - (4) Noise or vibration;
 - (5) Dust nuisance; or
 - (6) Any other condition in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.
- (B) See also the Township open burning ordinance, as codified in §§ 92.35 through 92.43 of this code of ordinances.

§ 155.112 STEEP SLOPES.

- (A) Steep slopes are those slopes in excess of 15% (15 feet vertical distance over 100 feet horizontal distance).
 - (1) When a lot contains steep slopes, the lot shall meet one of the following conditions:
 - (a) The lot must contain a minimum of contiguous area of slopes less than 15%, equal to or greater than the minimum required lot area for the zoning district, in which the lot is located. (Note: no non-contiguous areas and slopes less than 15% may be totaled to achieve the required minimum area. Furthermore, no areas of over 15% slope may be included in the minimum area); or
 - (b) The lot area must be at least three acres (not including floodplains, wetlands, or slopes in excess of 25%) and have a width of at least 225 feet.
 - (2) When a lot complies with Subsection (A)(1)(a) above, all development (excluding septic systems) shall occur in that area not in excess of 15%. When development is

to occur in a steep slope area (i.e., 15% to 25%) the requirements of Subsection (A)(3) below and Subsection (A)(1)(b) above shall be met.

- (3) When a building site's natural grade exceeds 15% over a minimum building site area of 80 feet by 70 feet and/or when a steep slope over 15% will be disturbed, a site plan shall be submitted to the Planning Commission for review. The site plan shall:
 - (a) Include lot lines, a scale bar and north arrow, existing and proposed contours at two-foot intervals for all slopes to 25% and five-foot intervals for slopes over 25%, proposed site improvements, alterations, certification of ownership and acknowledgment of plan signed by owner or developer; and
 - (b) Address sedimentation and erosion control measures and site drainage.
- (4) The Zoning Officer may require the drawings to be prepared by a registered land surveyor, registered landscape architect or professional engineer.
- (B) No building shall be constructed or placed, and no re-grading shall occur on areas with a slope of 25% or greater. If trees or other vegetation are removed from areas of 25% or greater slope, they shall be replaced with new trees and vegetation that serve the same purposes. This section shall not apply to areas that were re-graded prior to the enactment of this chapter and clearly did not have a naturally-occurring steep slope or are part of a timber harvesting activity.

§ 155.113 AREAS WITH HYDRIC SOILS AND HIGH WATER TABLE SOILS.

- (A) Purposes. This section is intended to promote the public health, safety, and general welfare and to minimize these losses by establishing provisions designed to:
 - (1) Protect the long-term integrity of the structures constructed in the Township;
 - (2) Protect the water resources of the Township;
 - (3) Prevent development or use of land in a manner tending to affect adversely the quality or quantity of water recharged to aquifers;
 - (4) Minimize adverse effects on the natural balance of soils, vegetation, natural drainage, and subsurface features which contribute to beneficial filtering of contaminants and recharge of waters to aquifers;
 - (5) Regulate or prevent the erection of structures or location of uses in areas which may have a substantial adverse effect on water quality by virtue of the creation, handling, or disposal of potentially harmful substances;
 - (6) Carry out § 603(b) of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. § 10603(b), which allows zoning ordinances to permit, prohibit, regulate, restrict, and determine uses of land, watercourses and other bodies of water, and protection and preservation of natural resources;
 - (7) Carry out § 603(d) of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10603(d), which allows zoning provisions which regulate the siting, density and design of residential, commercial, industrial and other developments in

order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources;

- (8) Recognize that the Township is a unique hydrological entity in that a significant portion of Township residents rely on the ground water supply as their sole source of potable water;
 - (9) Recognize that aquifers used for the water supply are mainly ground water or semi-confined aquifers which are recharged or replenished primarily from rainfall;
 - (10) Recognize that continued development in recharge areas which contain favorable soil, vegetative and hydrogeologic conditions which serve to replenish water table aquifers will decrease the recharge capacity because fewer natural areas will be available to absorb rainfall and will increase the volume and speed of surface water runoff, which in turn will increase the amount of water lost to streams and to evapotranspiration;
 - (11) Recognize that the natural vegetation and soil associations within the high water table areas provide superior filtration of waters recharging the water table aquifers, therefore reducing the amounts of natural and human-made contaminants reaching the ground water supply; and,
 - (12) Recognize that while certain types of development will have no adverse effects on the beneficial aspects of high water table areas, or may actually enhance positive qualities, uncontrolled development will cause substantial destruction of the potential abilities of this area to sustain adequate and quality water supplies for the current and future residents of the Township.
- (B) Any proposed use which may directly (by means of effluent discharge into the ground) or indirectly (through the leaching of stored materials) result in the pollution of the ground water shall be prohibited from developing in any area which has a year round or seasonal high water table at a depth of less than 20 inches below the surface.
- (C) This Subsection (C) shall only apply to a lot that is submitted for its initial subdivision or land development approval after the effective date of this section. For the purpose of calculating any minimum lot area, any lot developed in a site that contains soils having a water table less than 20 inches below the surface, as indicated by seasonal or actual water level observation shall have a minimum contiguous lot area of at least that required by the district, exclusive of that area located within the high water table area. No occupied structures (for example, a home basement, garage, shed, pool) shall be placed within the delineated high water table area of 20 inches or less. The lowest enclosed floor of a new occupied structure, including any basement, shall be built a minimum of six inches above the seasonal high water table elevation. Any occupied structure shall be constructed to limit the need for ground water pumping.
- (D) At time of building, high water table testing within the building envelope shall be required to be submitted with the building permit application. Water table elevation must be determined in accordance with the herein contained criteria in order to establish the lowest floor's elevation.
- (E) Investigations.

- (1) The determination of a water table evaluation shall be made by a qualified soil scientist who is recognized as either:
 - (a) An ARCPACS certified professional soil scientist (CPSS) or certified professional soil classifier (CPSC); or,
 - (b) A professional member of the Pennsylvania Association of Professional Soil Scientists (PAPSS).
- (2) The Township may require that an on-site investigation or evaluation be conducted for the purpose of determining the presence, location, and extent of a high water table if any of the following conditions exist:
 - (a) There is evidence of surface water that persists for more than a two-week period;
 - (b) “Waters of the United States” or “waters of the commonwealth” are present on the property; or
 - (c) There are other visual indicators of the presence of a high water table.
- (3) The methodology of testing shall be in general conformance with the United States Department of Agriculture Natural Resources Conservation Service publication titled Field Indicators of Hydric Soils in the United States, Version 6.0, 2006, or as may be subsequently revised. Test excavations shall be observed by a representative from the Township, with limiting zone elevations measured by field survey tied to a site benchmark.

§ 155.114 DEVELOPMENT ALONG STREAMS AND WETLANDS.

- (A) Permits or approvals may be required for activity within or adjacent to a waterway from the State Department of Environmental Protection, the Army Corps of Engineers, the Federal Emergency Management Agency, or other entities.
- (B) Any street, driveway or utility crossing of a stream shall be approximately perpendicular to the stream, to the maximum extent feasible. As part of any street, driveway, or utility construction within or adjacent to a stream, the applicant shall complete remedial measures to mitigate the impact upon the stream, including planting of trees and thick lower-level vegetation and use of best management practices.
- (C) All lots adjacent to streams and wetlands shall contain a contiguous lot area that meets the minimum lot area required for that use and district exclusive of the stream and/or wetland area. If no alteration is proposed of any areas within 300 feet of hydric soil areas and other suspected wetland areas, then a detailed wetland delineation and a deletion of wetlands from minimum lot area is not required by this zoning chapter.
- (D) All areas within 50 feet from the top of the primary bank of a stream, natural lake or pond, or wetland shall not be occupied by any of the following: a building, vehicle parking or business outdoor storage. Setback shall not apply to wetlands that the applicant proves to the satisfaction of the Township Engineer were clearly human-made, such as within detention basins or human-made drainage ditches constructed as part of an approved subdivision or land development plan.

(E) Vegetation.

- (1) Where existing trees and/or shrubs are removed from lands that are less than 50 feet from the top of the primary bank of a stream or natural lake or pond, as part of, or in preparation to, a subdivision, land development or permitted construction of a new building, then new trees and shrubs shall be planted and maintained.
- (2) The new trees and shrubs shall have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed.
- (3) Mature healthy trees shall only be removed within this 50-foot-wide area as part of a development where there is no feasible alternative, such as to allow a utility crossing.
- (4) Publications of the Pennsylvania Department of Conservation and Natural Resources (including Stream ReLeaf) and/or other governmental or non-profit organizations shall be used as standards for the planting of the buffer. These publications include recommended species. During the time period of any maintenance agreement with the developer, the developer shall replace any such trees or plants that do not survive within 100 days afterwards. If such trees and plants do not survive beyond the maintenance agreement time period, they shall be replaced within 100 days afterwards by the current owner of the property.

§ 155.115 ALLUVIAL SOILS AREAS.

(A) Determination of alluvial soils area.

- (1) Based upon mapping by the U.S. Department of Agriculture, the following soil types, or their successor types, shall be considered to be alluvial soils that are subject to the flooding:
 - (a) Atkins silt loam;
 - (b) Atkins silt loam, local alluvium;
 - (c) Huntington silt loam;
 - (d) Melvin silt loam;
 - (e) Philo silt loam; and
 - (f) River wash.
- (2) The Zoning Officer shall require that a detailed on-site survey be made (by a qualified engineer, soil scientist or qualified sanitarian approved by the Board of Supervisors in accordance with accepted on-site survey techniques) to determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness or pollution before issuing a zoning permit for any proposed use within an alluvial soils area if it is along a waterway segment that was not studied as part of the federal floodplain mapping.

- (B) Use regulations. Within any alluvial soils that is determined to be within the 100-year floodplain, the regulations of the 100-year floodplain as provided in the Township floodplain ordinance shall apply. See Ord. 43C or its successor ordinance, as codified in Chapter 151 of this code of ordinances.

§ 155.116 FLOODPLAIN REGULATIONS.

- (A) See Township Ord. 43C or as may be amended, as codified in Chapter 151 of this code of ordinances.
- (B) A new principal building shall not be constructed or placed within any portion of the 100-year floodplain that is classified as “AE” or its equivalent successor category under federal regulations.
- (C) A hospital, nursing home, jails, prison, or manufactured home park shall not be newly developed or expanded within any portion of the 100-year floodplain.

§ 155.117 FILLING, EXCAVATION AND GRADING.

- (A) Generally. All activities which involve disturbance, filling, excavating, or regrading of more than 5,000 square feet of earth shall require the submittal of a site grading and soil and erosion control plan. Such plan may be required to be approved by the County Conservation District. Such plan shall be carried out by each contractor, builder, and developer.
- (B) Grading regulations.
 - (1) The existing grade shall not be increased so that unstable slopes are created.
 - (2) The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structures.
 - (3) The deposit of soils, detritus, or other debris (as a result of site preparation, grading, or excavating) shall not be unsightly or detrimental to any property, street, sewer, or natural waterways.
 - (4) State erosion control regulations shall be met as a condition of any zoning permit.

§ 155.118 OUTDOOR STORAGE CONTROL.

- (A) No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except for tanks or drums of less than 600 gallons of fuel which is directly connected with engines, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel and which have been approved by the Township.
- (B) All outdoor storage facilities for fuel, raw materials and products stored outdoors (including those permitted in Subsection (A) above) shall be enclosed by a fence of a type, construction and size as shall be adequate to protect the public health, safety and welfare.
- (C) No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces. No substance shall be allowed to enter any ground water or surface water which can:

- (1) Contaminate ground water or surface water;
- (2) Render ground water or surface water undesirable as a source of water supply or recreation; or
- (3) Destroy aquatic life.

§ 155.119 SEWAGE WASTE TREATMENT AND DISPOSAL CONTROL.

- (A) All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection and in accordance with the Sewage Plan for the Township.
- (B) Re-certifications of the adequacy of sewage disposal systems, or demonstration of an adequate replacement systems, shall be required prior to the expansion or conversion of any existing use.

§ 155.120 NOISE CONTROL.

- (A) No land or structure, whether located on private or public property, in any zoning district shall be used or occupied in any matter that creates any noise so as to adversely affect the reasonable use or value of the surrounding area or adjoining premises.
- (B) The restrictions on noise set forth in Subsection (A) above shall not apply to any of the following noise sources:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
 - (2) Emergency work to provide electricity, water, or other public utilities when public health or safety are involved;
 - (3) Domestic power tools between the hours of 6:00 a.m. and 9:00 p.m. on Mondays through Sundays;
 - (4) Construction operation between the hours of 6:00 a.m. and 9:00 p.m. on Mondays through Sundays;
 - (5) Agriculture;
 - (6) Motor vehicles traveling on roads and highways;
 - (7) Public celebrations, specifically authorized by the Township;
 - (8) Surface carriers engaged in commerce by railroad;
 - (9) The unamplified human voice; and
 - (10) Livestock or poultry.

§ 155.121 VIBRATION CONTROL.

- (A) No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration which is above the vibration perception threshold of

an individual at or beyond the property boundary of the source (if on private property) or at 50 feet from the source (if on a public space or public right-of-way).

- (B) For the purposes of Subsection (A) above, VIBRATION PERCEPTION THRESHOLD means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects, without needing the use of instruments.

§ 155.122 DUST AND ODOR CONTROL.

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to normal farming activities that are exempted under the Pennsylvania Right to Farm Act.

§ 155.123 CONTROL OF LIGHT AND GLARE.

- (A) Street lighting exempted. This section shall not apply to:

- (1) Street lighting that is owned, financed, or maintained by the Township or the state or that is required to be placed by the Township; or
- (2) A routine individual porch light of a dwelling (not including a directional spot light or flood light).

- (B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FULL CUTOFF. Attribute of a light fixture from which:

- (1) No light is emitted at or above a horizontal plane drawn through the bottom of the fixture; and
- (2) No more than 10% of the lamp's intensity is emitted at or above an angle ten degrees below that horizontal plane, at all lateral angles around the fixture.

FULLY SHIELDED. Attribute of a light fixture that is provided with internal devices and/or external shields or louvers to prevent brightness from the luminaire from causing glare at normal viewing angles.

GLARE. Excessive brightness in the field of view that is sufficiently greater than the brightness to which eyes are adapted, which causes annoyance or loss in visual performance and visibility so as to jeopardize healthy, safety or public welfare.

- (C) Height of lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 25 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- (D) Diffusion and shielding.

- (1) All light sources, including signs, shall be properly shielded, aimed, and 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.
 - (2) All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- (E) Flickering. Flashing, flickering, or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25 and January 10.
- (F) Spillover. Exterior lighting on an institutional, commercial, or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal foot-candle at a distance ten feet inside the residential lot line.
- (G) Canopies. Any canopy over gasoline pumps, bank drive-through, drugstore or fast-food facility shall have flat-lens light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- (H) Lighting of horizontal surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of Subsection (F) above and to prevent glare onto streets. The Township may require that light fixtures for nonresidential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- (I) Lighting of non-horizontal surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
- (J) Signs. See Article VIII, including limits on lighting of billboards and other off-premises signs.
- (K) Pole protection. Poles supporting lighting fixtures within or less than five feet directly behind parking spaces, shall be protected by being placed on concrete pedestals at least 30 inches high or suitably protected by other approved means such as by the use of steel bollards.
- (L) Illumination levels. Outdoor lighting of business, apartment and institutional parking areas shall have sufficient lighting for safety purposes during hours when the parking area is in use. If more than five acres of new commercial development is proposed, then the applicant shall also provide evidence that the use will meet the minimum and maximum illumination levels and uniformity ratios recommended by the Illuminating Engineering Society of North America in its most recent published standards.

§ 155.124 TREE CONSERVATION.

- (A) Purposes. To protect wildlife and bird habitats, encourage ground water recharge, reduce air pollution, avoid pollution of creeks by high temperature runoff, maintain the attractive character of residential areas and conserve energy.
- (B) Applicability. This section shall not regulate the following:
 - (1) “Forestry” and “timber harvesting” as defined in the Zoning Code;
 - (2) The cutting down of trees that are diseased, dead or represent a hazard to persons or property because of injury or location;
 - (3) The cutting down of up to five trees per lot per calendar year, provided such cutting does not exceed 30% of the total basal area;
 - (4) The cutting down of trees where a building, parking area, driveway, street, septic system, well or similar improvement has been approved, or areas within 30 feet of such approved features or where necessary to allow soil testing;
 - (5) The cutting down of trees to allow an expansion of an existing crop farming use;
 - (6) The cutting down of up to 10% of the trees per calendar year on a lot as part of routine thinning of woods or for firewood, provided such cutting does not result in clearcutting; and
 - (7) The cutting down of trees with a trunk diameter of less than six inches (measured at four and one-half feet above the ground).
- (C) Tree cutting.
 - (1) Where tree cutting is proposed, site plans submitted to the Township shall show the extent of the tree cutting, and the extent of areas where trees are proposed to remain and be protected.
 - (2) The applicant shall prove that the number of trees with a trunk diameter of six inches or more measured at a height of four and one-half feet above the average surrounding ground height that are cut down or effectively killed will be held to an absolute minimum, while still allowing allowed structures and uses to be developed.
- (D) Protection of trees during construction.
 - (1) Reasonable efforts shall be taken during any construction to ensure the protection of trees protected by this section are not accidentally injured or killed. These efforts shall ensure that equipment does not damage tree trunks, that roots are not compacted by vehicles and that the grade level around trees is not changed by more than eight inches unless approved tree wells are used. Durable temporary fencing and signs shall be placed around the outer edge of the root systems of trees proposed to be preserved, including, but not limited to, the areas beneath the canopy of the trees (“the dripline”). Such fencing shall remain in place during all earth disturbance and construction activities.

- (2) If an approved subdivision or land development plan states that certain trees are to be preserved, and if those trees are killed, then the developer shall be required to replace those trees with new mature trees, in addition to any other penalties provided in this chapter.

ARTICLE VIII SIGNS

§ 155.135 PURPOSES AND APPLICABILITY.

- (A) Purposes. This subchapter 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 unreasonably regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- (B) Permit required.
 - (1) A zoning permit shall be required for all signs except for:
 - (a) Signs meeting the requirements of §§ 155.137 and 155.138; and
 - (b) Non-illuminated window signs constructed of paper, cardboard, or similar materials and that are not of a permanent nature.
 - (2) Only types, sizes and heights of signs that are specifically permitted by this chapter within the applicable district shall be allowed.
- (C) Changes on signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this chapter provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this chapter.
- (D) Nonconforming signs.
 - (1) Signs legally existing at the time of enactment of this chapter and which do not conform to the requirements of the chapter shall be considered nonconforming signs.
 - (2) An existing lawful nonconforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A nonconforming sign shall not be expanded in a manner that does not conform to this chapter.
- (E) Unlawful signs.
 - (1) If a sign was placed without a required permit by the Township, and does not comply with this chapter, it shall not be considered lawful, and shall be required to be removed.
 - (2) See the enforcement notice requirements in Article II.

§ 155.136 SIGN DEFINITIONS.

The following definitions shall also be used in determining whether signs meet the measurement and type requirements of this subchapter.

ABANDONED SIGN. A sign which identifies something that is no longer a bona fide business, lessor, service, owner, or product, or advertises an event or activity that is no longer occurring,

and/or for which no legal owner can be found. This term shall also include a structural support for a sign if the sign has been removed.

AWNING. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall sign area may be placed on an AWNING.

BUILDING FACE. The vertical area of a particular side of a building but not including the area of any slanted roof.

CHANGEABLE MESSAGE SIGN. A sign that is designed to vary from message to message by means of electronic lights, movable panels, and/or movable letters.

FLAG. Fabric, banner, or bunting containing distinctive colors, patterns, or symbols, including a flag that is a symbol of a nation or political subdivision or other entity.

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.

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 subchapter when attached to a tower or spire of a place of worship.

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.

MARQUEE SIGN. A sign that is attached to a permanent overhang over a sidewalk that extends from the face of a building, and which meets the minimum clearance over a sidewalk established by the Construction Code. All or part of the allowed wall sign area may be placed on a marquee, provided any new marquee shall meet this chapter and the Construction Codes.

MONUMENT SIGN. A type of freestanding sign which has a maximum total height of eight feet and which has a solid bottom attached to the ground, as opposed to be supported by a pole.

NONCONFORMING SIGN. A sign which was lawful when it was installed, but which would not meet current sign regulations of this chapter.

OFF-PREMISES SIGN. 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.

ON-PREMISES SIGN. A sign that is not an off-premises sign, such as a sign that advertises a business or service offered on the premises.

POLITICAL SIGN. A sign that advertises a candidate for election or an opinion on a current political issue.

PORTABLE SIGN. A sign that is not permanently affixed to the ground or to a building, and which is not listed by this subchapter as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.

PROJECTING SIGN. A sign that is attached to a building and that extends perpendicular from the building and which meets requirements of the Construction Code for secure construction and minimum clearance over a sidewalk, and which does not extend over a street.

REAL ESTATE SIGN. A temporary sign advertising the availability of land or building space for sale, lease, or auction.

SIGN.

- (1) 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.
- (2) This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

TEMPORARY SIGN. A sign not intended or designed for permanent display. Temporary signs are intended to be removed after the purpose has been served. Refer to §155-137 for additional provisions.

WALL SIGN. A sign primarily supported by or painted on a wall of a building. A WALL SIGN may also be displayed upon an awning or canopy, provided other requirements of this chapter are met.

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.

§ 155.137 TEMPORARY SIGNS NOT REQUIRING A PERMIT.

The following temporary signs shall be permitted in accordance with the following area and dimensional regulations.

	Temporary Signs in Residential Districts CON, R-A, RS-R, S-R, AC, VR AND COSDO		
	Residential Uses	Permitted Nonresidential Uses	Residential Developments (greater than 10 units)
Maximum Area	4 sq. ft.	8 sq. ft.	8 sq. ft.
Maximum Number	1 per street frontage	1 per street frontage	1 per street frontage
Maximum Height	6 ft.	6 ft.	8 ft.
Duration	30 days, not more than 4 times per year	30 days, not more than 4 times per year	30 days, not more than 4 times per year
	Temporary Signs in Nonresidential Districts VC, C, I		

	Permitted Residential Uses	Nonresidential Uses	Shopping Center Use
Maximum Area	4 sq. ft.	16 sq. ft.	16 sq. ft.
Maximum Number	1 per street frontage	1 per property	1 per tenant
Maximum Height	6 ft.	20 ft.	20 ft.
Duration	30 days, not more than 4 times per year	30 days, not more than 4 times per year	30 days, not more than 4 times per year

§ 155.138 EXEMPT SIGNS NOT REQUIRING PERMITS

- (A) The following signs shall be permitted within all zoning districts and shall not be required to have a permit under this article:
- (1) 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;
 - (2) Holiday decorations. Commemorates a holiday recognized by the Township, county, state, or federal government and that does not include advertising;
 - (3) Not visible sign. Not visible from any public street or any exterior lot line;
 - (4) 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;
 - (5) Required sign. Only includes information required to be posted outdoors by a government agency or the Township;
 - (6) Right-of-way sign. Posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Township;
 - (7) Small signs. Signs of one square feet or less of sign area that are displayed independently of other signs;
 - (8) Physically carried sign: physically carried by a person;
 - (9) Official highway route number signs, street name signs, emergency signs, and other official traffic signs which are in the interest of public safety or the regulation of traffic;
 - (10) Trespassing signs; signs indicating the private nature of a road, driveway, or premises; and signs prohibiting or otherwise controlling fishing or hunting upon a particular premises, provided that the area of one side of any such sign shall not exceed two square feet;

- (11) Incidental signs, such as those advertising the availability of rest rooms, or public conveniences or those applied to a windowpane giving store hours or the name(s) of credit or charge institutions, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or services. Any sign covered by this Subsection shall not exceed two square feet;
- (12) Governmental flag or insignia such as the flag of the United States, the Pennsylvania state flag, and/or other local governmental flags;
- (13) Directional signs, provided they do not contain any commercial messaging. Such sign shall not exceed four square feet in area and shall have a maximum height of five feet. Directional signs shall be nonilluminated; and
- (14) Service organization/institutional sign stating the name of a recognized incorporated service organization or other institutional use. Such sign may also state the time and place of meetings or services and/or provide an arrow directing persons to such location and shall not exceed 2 square feet in area.

§ 155.139 FREESTANDING, WALL, AND WINDOW SIGNS (ON-PREMISES SIGNS).

- (A) The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to “exempt signs” and “temporary signs” permitted in all districts by other provisions of this subchapter. See definitions of the types of signs in § 155.136.

Zoning District or Type of Use	Maximum Height of Freestanding Signs (feet)	Maximum Area of Wall Signs	Maximum Area of Window Signs	Maximum Area and Number of Freestanding Signs
CON, R-A, AC and Residential Districts, with signs in this table limited to allowed principal non-residential uses, nursing homes and personal care centers.	8 feet	30 square feet on each side of a principal nonresidential building or an allowed nursing home or personal care center.	May be used in place of a wall sign with the same restrictions.	1 sign on each street the lot abuts, each with a maximum sign area of 16 square feet.
In the V District	8 feet	1 square foot of sign area for each linear foot of building length on the building side on which such signs are attached.	10% of the area of the building face on which the signs are attached. Plus may be used in place of permitted wall sign area.	1 sign per street that the lot abuts, each with a maximum area of 32 square feet. Up to 10 square feet of this sign area may be used instead for a projecting sign.
Zoning District or Type of Use	Maximum Height of Freestanding Signs (feet)	Maximum Area of Wall Signs	Maximum Area of Window Signs	Maximum Area and Number of Freestanding Signs

C and I districts and any other district not listed above.	20 feet	2 square feet of sign area for each linear foot of building length on the building side on which such signs are attached.	10% of the area of the building face on which the signs are attached. Plus may be used in place of permitted wall sign area.	1 sign per street that the lot abuts, each with a maximum area of 40 square feet.
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* If a lot includes 2 or more distinct principal nonresidential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal nonresidential use beyond the first nonresidential use. For example, in the C District, if a lot includes 3 such uses, the maximum freestanding sign area shall be 40 plus 20 equals 60 square feet

- (B) Maximum height of wall signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a parapet roof that vertically extends up to ten feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.
- (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 erects a permanent sign within all of the requirements of this chapter.
 - (2) Prohibited. Portable signs are prohibited in all districts, except as a temporary charitable event sign permitted by §§ 155.137 and 155.138.
 - (3) Business usage. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.
- (D) Signs on freestanding walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of six feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this chapter and with the wall itself not counting towards the maximum sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.
- (E) Drive-through menu boards. A maximum of two signs, commonly referred to as a "menu board," listing goods available at drive-through windows may be placed at a location along access to such windows, in addition to all other permitted signs. Such signs shall each have a maximum size of 48 square feet, shall have only one side and shall not include lettering readable from beyond the boundaries of the lot or lease area.
- (F) Electronic message center sign. An electrically activated changeable copy sign whose variable message and/or graphic presentation capability can be electronically or digitally programmed.
 - (1) Electronic message center signs are permitted in the form of freestanding and wall signs or incorporated as a portion of a freestanding or wall sign and shall comply

with § 155-139(A). If used as a wall sign, they shall be included in the total permitted sign area. Electronic message centers are permitted instead of and shall not be permitted in addition to a freestanding or wall sign on a property.

- (2) Only one message center sign is permitted per property, regardless of the number of street frontages.
- (3) Audio speakers and/or any form of pyrotechnics are prohibited.
- (4) Any portion of the message must have a minimum duration of 10 seconds and must be a static display. Messages shall change immediately. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, fade in/out or in any manner imitate movement.
- (5) Time and temperature shall be included as a separate message(s).
- (6) The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards, or nuisances. The brightness of the digital sign shall not exceed 0.3 foot-candles of light above the normal ambient light levels. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
- (7) All signs must be equipped with a properly functioning default mechanism that will stop the sign and return to a solid black display should a malfunction occur.
- (8) Applicant shall be required to coordinate/permit message access for local, regional, state, and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.

§ 155.140 PROHIBITED SIGNS.

The following prohibitions on signs shall apply in all zoning districts.

- (A) Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in §§ 155.137 and 155.138.
- (B) Flashing, blinking, twinkling, animated, scrolling or moving signs of any type are prohibited.
 - (1) Signs may change their message from time to time provided that each message is visible for a minimum of ten seconds, except as follows:
 - (a) Time and temperature signs may change more frequently; and
 - (b) A sign with a sign area greater than 100 square feet shall not change its message more frequently than once every 30 seconds.
 - (2) In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within §§ 155.137 and 155.138.
- (C) Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

- (D) Signs which contain information that states that a lot may be used for a purpose not permitted under this chapter are prohibited.
- (E) Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words “Danger”) are prohibited.
- (F) Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- (G) Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- (H) Floodlights and outdoor lasers for advertising purposes are prohibited.
- (I) Neon or argon lighting and similar types of gaseous internal illumination shall be prohibited, except within the C Commercial Zoning District.

§ 155.141 OFF-PREMISES SIGNS (INCLUDING BILLBOARDS).

- (A) Purposes. Off-premises signs are controlled by this chapter 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; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media; carry out the purposes of § 155.135.
- (B) Nonconforming off-premises signs. This section is not intended to require the removal of an existing lawfully-placed off-premises sign that is in structurally sound condition.
- (C) PennDOT sign. Signs erected and maintained by PennDOT are permitted by right in all districts.
- (D) Permitted off-premises signs. Except for other types of signs that are specifically allowed by this section to be off-premises, an off-premises sign is only permitted if it meet the following requirements.
 - (1) District. An off-premises sign is only permitted in the I District.
 - (2) Location. An off-premises sign shall be set back a minimum of 25 feet from all lot lines and street rights-of-way.
 - (3) Maximum total sign area on each of two sides. 300 square feet.

- (4) Spacing. Any off-premises sign shall be separated by a minimum of 500 feet from any other off-premises sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premises sign, except as allowed in Subsection (D)(6) below.
 - (5) Maximum height. Thirty-five feet above the elevation of the adjacent street, measured at the street centerline.
 - (6) Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign, except that a sign of 300 square feet may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
 - (7) Control of lighting and glare. See standards in § 155.123. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of 12:00 midnight and 6:00 a.m.
 - (8) Setbacks. No off-premises sign greater than 20 square feet in sign area shall be located within 200 feet from any of the following:
 - (a) An existing dwelling; or
 - (b) A residential district.
 - (9) Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.
- (E) Additional off-premises signs. Up to two off-premises signs may be placed if needed to direct motorists to a principal business use within the Township that is not adjacent to an arterial road. Such signs shall only be posted with permission of the owner of the land upon which the signs will be placed. Each sign shall not exceed four square feet and shall not exceed eight feet in height. Such signs shall only be placed in the R-A or AC Districts if they are along an arterial or collector road or in the VC, VR, C, or I Districts. Such signs shall not be illuminated. Such signs may be increased to a total of six if they advertise a seasonal business (such as Christmas tree sales) and are visible for less than 90 days per year.

§ 155.142 GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.

- (A) Setbacks.
 - (1) No sign shall be located within ten feet from an existing street right-of-way. However, if the closest edge of the sign will be placed a minimum of 25 feet from the centerline of a street, then no setback shall be required from the street right-of-way.
 - (2) A freestanding illuminated sign for a commercial or industrial business shall not be located within five feet from an abutting lot line of principal dwelling in a residential district.

- (3) These setbacks shall not apply to official signs, nameplate signs, public service signs and directional signs.
- (B) Sight clearance. No sign shall be so located that it interferes with the sight clearance requirements of § 155.092(C).
- (C) Off-premises. No signs except permitted off-premises, official, political, or public service signs shall be erected on a property to which it does not relate. A major development sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.
- (D) Permission of owner. No sign shall be posted on any property or public utility pole unless permission has been received by the owner of such land or pole.
- (E) Utility poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.
- (F) 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.
- (G) Wiring of signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways, or sidewalks, except on a residential property for seasonal lighting.
- (H) Banners and overhanging signs. The Board of Supervisors may approve the hanging of decorative banners within the street right-of-way and may approve a sign overhanging across a street to advertise a community event or festival.

§ 155.143 VEHICLES FUNCTIONING AS SIGNS.

Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

§ 155.144 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.

§ 155.145 MEASUREMENT OF SIGNS.

- (A) 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.
- (B) The sign area shall not include any structural supports that do not include a message.

- (C) Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
- (D) The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
- (E) Unless otherwise specified, all square footages in regards to signs are maximum sizes.

§ 155.146 ILLUMINATION OF SIGNS. See light and glare control in § 155.123.

ARTICLE IX OFF-STREET PARKING AND LOADING

§ 155.160 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

(A) Overall requirements.

- (1) Number of spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with following table and the regulations of this subchapter.
- (2) Uses not listed. Uses not specifically listed in the following table shall comply with the requirements for the most similar use listed in the following table, 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.
- (4) Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded up to the closest whole number.

(B) Table of off-street parking requirements.

Use		Recommended Off-Street Parking Requirement
<i>AGRICULTURAL USES</i>		
A-1	Normal Agricultural Operation	Sufficient open land available for parking so that no vehicle need be parked on any street
A-2	Factory Farms or Concentrated Animal Operation	Sufficient open land available for parking so that no vehicle need be parked on any street
A-3	Nursery and/or Greenhouse (products grown on site)	One space per 300 s.f. of GFA of office, sales, or display area
A-4	Forestry	Sufficient open land available for parking so that no vehicle need be parked on any street
A-5	Commercial Stable or Riding Academy	One space per 3 stalls
A-6	Kennel	One space per 200 s.f., excluding animal exercise areas
<i>RESIDENTIAL USES</i>		
B-1	Single family detached dwelling	2 per dwelling unit
B-2	Single family semidetached dwelling (twin, side by side)	2 per dwelling unit

Use		Recommended Off-Street Parking Requirement
B-3	Two-family detached dwelling (duplex, stacked)	2 per dwelling unit
B-4	Single family attached dwelling	2 per dwelling unit Plus 0.5 space per dwelling unit provided on-street or in common lot within development and located within 300 feet of the units to be served
B-5	Multi-family dwelling	2 per dwelling unit Plus 0.5 space per dwelling unit provided on-street or in common lot within development and located within 300 feet of the units to be served
B-6	Age-Restricted Residential Development	2 per dwelling unit
B-7	Manufactured Home Park	2 per dwelling unit
B-8	Boarding (includes Rooming House)	1.5 spaces per sleeping room
B-9	Residential Conversion	1.5 spaces per dwelling unit
<i>RELIGIOUS, EDUCATIONAL, RECREATIONAL, INSTITUTIONAL USES</i>		
C-1	Recreation, Commercial Indoor	Health club, gym, bowling alley, arcade, or similar use: 3 spaces for each 1,000 square feet of GFA Theater, auditorium, stadium, or similar use: 1 space per 75 square feet of assembly area
C-2	Recreation, Commercial Outdoor	0.33 per person per design capacity
C-3	Picnic Grove, Commercial	2 spaces per picnic table; plus, 5 spaces per acre
C-4	Nature Preserve or Environmental Education Center	One per 500 square feet of principal building GFA; plus, 3 spaces per acre
C-5	Publicly Owned or Operated Recreation Park	0.33 per person per design capacity
C-6	Golf Course	3 spaces per hole Where a club house is provided, one additional space for every 200 s.f. of GFA
C-7	Target range or gun club, indoor	5 spaces, plus 1 per firing position
C-8	Target range or gun club, outdoor	5 spaces, plus 1 per firing position
C-9	Hunting and Fishing Club	One per 500 square feet of principal building GFA; plus, 3 spaces per acre
C-10	Cemetery (not including Crematorium, which is listed separately)	One space per 250 s.f. of office space. Where a chapel or auditorium is provided, an additional 1 space per four seats. Internal roadways shall provide for parallel parking.

Use		Recommended Off-Street Parking Requirement
C-11	Cemetery, Animal	5 spaces
C-12	Crematorium	One space per 4 seats provided for patron use
C-13	School, Public or Private, Primary or Secondary	Primary: Minimum: 1 per classroom Secondary: Minimum: 0.25 per student (based on the maximum number of students that the facility is designed to handle at any one time) plus 1 per classroom
C-14	Trade/Hobby School	One per 200 square feet of GFA
C-15	College or University	5 per classroom and 3 per administrative office, plus 1 space per 75 square feet of assembly area
C-16	Day Care Center	One space per 500 s.f. of GFA
C-17	Community Center or Membership Club	One per 200 square feet of GFA
C-18	Library	One per 500 square feet of GFA
C-19	Cultural Center or Museum	One per 500 square feet of GFA
C-20	Nursing Home or Personal Care Home/Assisted Living	One space per three patient beds
C-21	Place of Worship	One per 75 square feet in the main assembly room
C-22	Treatment Center	One space per 300 s.f.
C-23	Hospital	One space per patient bed. When other uses are proposed in conjunction with a hospital (such as D1 office), additional parking specified for the particular use shall be provided at a rate of 75% of the requirement
C-24	Prison or Similar Correctional Institution	One per 4 person capacity
C-25	Swimming Pool, Non-Household	One space per 75 square feet of pool area
RETAIL AND CONSUMER SERVICES USES		
D-1	Office	One space for each 300 s.f. of GFA
D-2	Veterinarian Office	One space for each 300 s.f. of GFA
D-3	Retail Store	One space per 200 s.f. of GFA
D-4	Service business	One space for each 150 s.f. of GFA
D-5	Financial Institution	One space for each 300 s.f. of GFA
D-6	Restaurant or Banquet Hall: without drive-through service	One space per 100 s.f. of GFA

Use		Recommended Off-Street Parking Requirement
D-7	Restaurant or Banquet Hall: with drive-through service	One space per 200 s.f. of GFA
D-8	Tavern and/or Bar	One space for each 150 s.f. of GFA
D-9	Craft beverage production facility	One space for each 200 s.f. of GFA
D-10	Funeral Home	One space per 4 seats provided for patron use
D-11	Shopping Center	Less than or equal to 50,000 s.f. of gross floor area: 1 space per 250 s.f. of GFA More than 50,000 s.f. of GFA: 1 space per 300 s.f. of GFA
D-12	Flea Market/Auction House	One space for every 200 s.f. of GFA and outdoor sales areas including pedestrian areas
D-13	Hotel or Motel	1.5 spaces per sleeping room, plus 1 space per each 400 s.f. of meeting/eating areas. If accessory or additional uses proposed, additional parking specified for the particular use shall be provided at a rate of 75% of the requirement
D-14	Bed and Breakfast, Inn	One space per lodging unit, plus 2 for the permanent residence
D-15	Conference Center	One space per every 2 persons of capacity or one space per 100 s.f. of GFA, whichever is greater
D-16	Campground	One space per campsite or cabin, plus 0.5 space per campsite provided in common lot on the site
D-17	Mixed use building	3 spaces per 1,000 square feet of GFA for nonresidential uses plus residential parking as required for multifamily residential dwelling
D-18	Recording Studio	One space per 300 s.f. of GFA
D-19	Construction Company or Tradesperson's Headquarters	One space per 400 s.f. of GFA
D-20	Crafts or Artisan's Studio	One space per 400 s.f. of GFA
D-21	Auto Repair/Body Shop or Auto Service Station	3 spaces per service bay, plus 1 space per 50 s.f. of GFA of retail space
D-22	Auto, Boat, Recreational Vehicle, Manufactured Home Sales	One space per 200 s.f. of GFA
D-23	Vehicle fueling center and convenience store	One space per 250 s.f. of GFA

Use		Recommended Off-Street Parking Requirement
D-24	Car Wash	4 spaces, not including vacuum stations
D-25	Motor Vehicle Racetrack	One space per every 5 seats under maximum occupancy
D-26	Adult Use	One space for each 200 s.f. of GFA
D-27	Medical marijuana dispensary	One space for each 200 s.f. of GFA
<i>COMMON CARRIERS, PUBLIC UTILITIES, PUBLIC SERVICE USES</i>		
E-1	Government Facility and/or Municipal Use	One space for each 200 s.f. of GFA
E-2	Airport, Private or Public	One space per 5 aircraft tie down or storage spaces, plus one space per 4 seats in waiting areas
E-3	Public utility facility	Two spaces
E-4	Emergency Services Station	4 spaces per emergency service vehicle. If there is community room, an additional 1 space per 50 s.f. of meeting space shall be provided
E-5	Wireless Communications Facility, Tower-Based	2 spaces for tower-based WCFs outside of rights-of-way
E-6	Parking Lot or Structure as the Principal Use that does not primarily serve tractor-trailer trucks or trailers	-
E-7	Parking Lot or Structure as the Principal Use that primarily serves tractor-trailer trucks or trailers	-
E-8	Heliport	One space per tie-down, minimum of 5
E-9	Solar energy system (principal use)	2 spaces
E-10	Wind energy system (principal use)	2 spaces
E-11	Emerging energy facility	2 spaces
<i>INDUSTRIAL USES</i>		
F-1	Manufacturing	One space per 1,000 s.f. of GFA of manufacturing area, plus 1 space per 300 s.f. of GFA of office or retail space

Use		Recommended Off-Street Parking Requirement
F-2	Researching and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)	One space per 300 s.f. of GFA
F-3a	Warehouse, wholesale, and/or distribution center (less than 50,000 s.f. gross floor area)	One space per 2,500 s.f. of GFA Of the required parking spaces at least 10% shall be reserved as truck staging spaces measuring 12'x75'
F-3b	Warehouse, wholesale, and/or distribution center, (greater than 50,000 s.f. gross floor area)	One space per 5,000 s.f. of GFA for the first 100,000 s.f., plus one space per 10,000 s.f. of GFA over 100,000 s.f. Of the required parking spaces at least 10% shall be reserved as truck staging spaces measuring 12'x75'
F-4	Self-Storage Development	One space per 20 units, plus 1 space per 300 s.f. of GFA of office space
F-5	Trucking Company Terminal	One space per 2,500 s.f. of GFA Of the required parking spaces at least 10% shall be reserved as truck staging spaces measuring 12'x75'
F-6	Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	One space per 300 s.f. of GFA
F-7	Junk Yard	One space per 300 s.f. of GFA
F-8	Solid Waste Landfill	2 spaces
F-9	Sawmill/ Planing Mill	One space per 300 s.f. of GFA
F-10	Slaughterhouse, Stockyard, or Tannery	One space per 1,000 s.f. of GFA
F-11	Medical marijuana grower/ processor	One space per 300 s.f. of GFA
F-12	Packaging	One space per 300 s.f. of GFA
F-13	Petroleum Refining	One space per 300 s.f. of GFA
F-14	Photo Processing, Bulk	One space per 300 s.f. of GFA
F-15	Printing or Bookbinding	One space per 300 s.f. of GFA

Use		Recommended Off-Street Parking Requirement
F-16	Recycling Center	One space per 500 s.f. of GFA, minimum of 5 spaces
F-17	Lumberyard	One space per 400 s.f. of floor area
F-18	Mineral Extraction	One space per 1,000 s.f. of GFA, minimum of 5 spaces
F-19	Lawful uses not otherwise permitted	One space per 500 s.f. of GFA
ACCESSORY USES		
G-1	Accessory agricultural uses (roadside stands, agritainment, agritourism)	Sufficient open land available for parking so that no vehicle need be parked on any street
G-2	Keeping of livestock accessory to a residential use	No minimum required
G-3	Home Occupation, Major	One space per 200 s.f. of floor area of accessory use
G-4	No-impact home-based business	No minimum required
G-5	Residential accessory use	No minimum required
G-6	Accessory family dwelling unit	One space per unit
G-7	Accessory day care	3 spaces, plus 1 space for loading/unloading
G-8	Accessory structure, nonresidential	Minimum required same as most closely related nonresidential use
G-9	Outdoor Storage and Display	No minimum required
G-10	Temporary Structures or Use	No minimum required
G-11	Mobile food vendors	One space per 200 s.f. of designated outdoor seating area if provided
G-12	Outdoor seating associated with food and/or beverage service establishments	One space per 200 s.f. of designated outdoor seating area
G-13	Accessory solar energy system	No minimum required
G-14	Wind turbine as an accessory use that is primarily intended for generating on-site electricity	No minimum required

§ 155.161 GENERAL REGULATIONS FOR OFF-STREET PARKING.

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

- (B) Parking spaces within garages shall not be used to meet the off-street parking requirement.
- (C) Existing parking.
 - (1) Any parking spaces serving such pre-existing structures or uses at the time of adoption of this chapter shall not in the future be reduced in number below the number required by this chapter.
 - (2) If a new principal building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this chapter, including, but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- (D) Change in use or expansion. A structure or use in existence at the effective date of this chapter that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows.
 - (1) If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include three parking spaces and would have been required to provide seven spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of four spaces. Then, if that store is converted to an office that would need ten spaces, the office would need to provide a total of six spaces (ten spaces minus the pre-existing deficit of four equals six).
 - (2) If a nonresidential use expands by an aggregate total maximum of 5% in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this chapter, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.
- (E) Continuing obligation of parking and loading spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this subchapter. 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.
- (F) Location of parking.
 - (1) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served unless otherwise permitted by this Chapter.
 - (2) A written and signed lease shall be provided, if applicable.

(G) Reduction of parking requirements. In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the governing body, after consulting with the planning commission and the municipal engineer, may permit a conditional reduction of parking space if the following conditions are satisfied:

- (1) The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
- (2) Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
- (3) The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirement. The plan shall also illustrate the layout for the total number of parking spaces, which must be in compliance with the impervious surface and yard requirements of this Ordinance.
- (4) The balance of the parking area conditionally reserved shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.
- (5) Such reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
- (6) The additional parking that is “reserved” shall be required to be kept as landscaped open area, until such time as the Board of Supervisors decision may authorize the land’s release from the restriction, or until the Township may require that the land be developed as parking.

§ 155.162 DESIGN STANDARDS FOR OFF-STREET PARKING.

(A) General requirements.

- (1) Backing onto a street.
 - (a) 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:
 1. A driveway serving one dwelling; or
 2. A driveway that enters onto a local street or parking court.

- (b) Parking spaces may back onto an alley.
- (2) Design. 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, unless specifically permitted otherwise.
- (3) Buffer yards or street right-of-way. Parking areas shall not be within a required buffer yard or street right-of-way.
- (4) Separation from street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
- (5) Stacking and obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.

(B) Size and marking of parking spaces.

- (1) Each parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet, except the minimum sized rectangle shall be eight feet by 22 feet for parallel parking and except where a larger space is required by Subsection (C) below.
- (2) For handicapped spaces, see Subsection (G)sub below.
- (3) All spaces shall be marked to indicate their location, except those of a one- or two-family dwelling and/or agricultural uses.

(C) Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width – One Way Traffic (feet)	Aisle Width – Two Way Traffic (feet)
90 degrees	9	18	20	22
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

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

(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, the Township may require all required parking, loading facilities and driveways serving principal nonresidential uses (other than agricultural uses) or serving apartment or townhouse uses to be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the township.
 - (a) Parking areas that are not used on a daily basis or that are only used seasonally may be approved to be maintained in stone, grass, or other suitable surfaces. For example, such parking spaces may be allowed to be grass, while major aisles are covered by stone.
 - (b) If the design and materials are found to be acceptable by the Township Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote ground water recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.
 - (c) Curbing should not be required in parking areas except where absolutely necessary to control stormwater runoff.
 - (d) The Township may require pavement of an area in asphalt, concrete, or similar impervious surface, with a raised edge, where it is necessary to contain potential spills of hazardous substances.
- (F) Lighting of parking areas. See light and glare control in § 155.123.
- (G) Parking for persons with disabilities/handicapped parking.
 - (1) Number of spaces. See requirements under the Federal Americans with Disabilities Act for parking for persons with disabilities.
 - (2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
 - (3) Minimum size and slope. See requirements of the Americans with Disabilities Act regulations.
 - (4) Marking. All required handicapped spaces shall be well-marked in compliance with the Americans with Disabilities Act. Such signs and/or markings shall be maintained over time.
 - (5) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.
- (H) Paved area setbacks (including off-street parking setbacks).
 - (1) Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in stormwater management along

streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.

- (2) New or expanded vehicle parking or storage. Any new or expanded vehicle parking or vehicle storage area serving a principal nonresidential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 15 feet. This 15 feet width shall be increased to 25 feet for a lot including 100 or more parking spaces.
 - (a) The planting strip shall not include heights or locations of plants that would obstruct safe sight distances but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
 - (b) The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - (c) Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - (d) The following shall be prohibited within the planting strip:
 - 1. Paving, except as allowed by Subsection (H)(2)(c) above, and except for street widenings that may occur after the development is completed;
 - 2. Fences; and,
 - 3. Parking, storage or display of vehicles or items for sale or rent.
 - (e) Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
- (3) See landscaping requirements in § 155.093.

§ 155.163 OFF-STREET LOADING.

- (A) Each use shall provide off-street loading facilities, which meet the requirements of this section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

- (B) At the time of review under this chapter the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission may provide advice to the Zoning Officer on this matter as part of any plan review by such Boards. For the purposes of this section, the words “loading” and “unloading” are used interchangeably.
- (C) Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

§ 155.164 FIRE LANES AND ACCESS.

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

§ 155.999 PENALTY.

All of the enforcement, violations, and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq., are hereby incorporated into this chapter by reference. (Note: as of the adoption date of this chapter, these provisions were primarily in §§ 616.1 (53 P.S. §§ 10616.1), 617 (53 P.S. §§ 10617) and 617.2 (53 P.S. §§ 10617.2) of such Act.)

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

APPENDIX A FUNCTIONAL CLASSIFICATION OF ROADS

Function of Roads. Different types of roads in Upper Milford Township serve different types of purposes:

1. **Expressways** – Provide major highway connections between regions and major parts of regions.
 - a. Pennsylvania Turnpike (Northeast Extension/I – 476)

2. **Arterials** – Provide access between major parts of counties and through and around cities, townships & boroughs. (80' Minimum Future Right of Way, see UMiT SALDO § 154.163. L. 3. B. 2.).
 - a. Buckeye Road
 - b. Cedar Crest Boulevard (PA Route 29)
 - c. Chestnut Street (PA Route 29 & PA Route 100)
 - d. King's Highway (PA Route 100)

3. **Collectors** – Provide connections for higher volumes of traffic between arterial highways & local roads.

Collectors (State Routes, 60' Minimum Future Right of Way, see UMiT SALDO §154.163. L. 3. B. 2.).

- a. Brunner Road
- b. South Fifth Street
- c. Indian Creek Road (from Cedar Crest Boulevard along the Lower Macungie Township line)
- d. Limeport Road
- e. Macungie Mountain Road
- f. Main Road East
- g. Main Road West
- h. Powder Valley Road
- i. Saint Peter's Road
- j. Shimerville Road (from Main Road West to Chestnut Street)
- k. Sweetwood Drive (from Macungie Mountain Road to the Borough of Macungie)
- l. Vera Cruz Road (North & South)

- m. Churchview Road (from Vera Cruz Road to the Township line)

Collectors (Township Roads, 60' Minimum Future Right of Way).

- a. Allen Street
- b. Colebrook Avenue
- c. Churchview Road (from Kings Highway South to Vera Cruz Road)
- d. East Macungie Road
- e. Fountain Road
- f. Keystone Avenue
- g. Kings Highway South
- h. Mill Road
- i. Ramer Road (from Chestnut St. to the Borough of Emmaus)
- j. Shimerville Road (from Main Road West to the Borough of Emmaus)
- k. South Second Street
- l. Tank Farm Road

4. Locals – Provide direct access to abutting properties and channel low volumes of traffic to Collector & Arterial Roads (50' Minimum Future Right of Way).

- a. All other roads

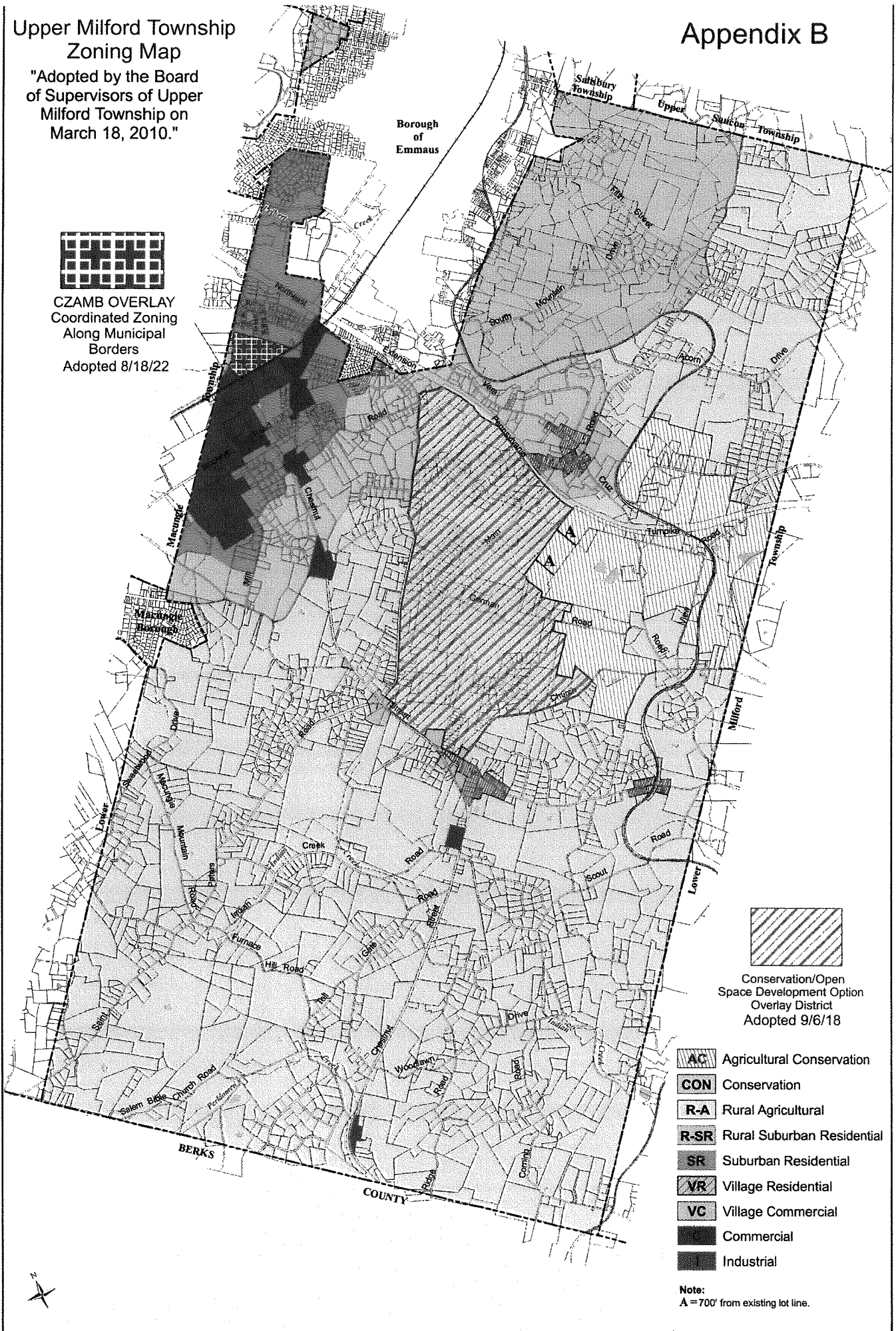
Upper Milford Township Zoning Map

"Adopted by the Board
of Supervisors of Upper
Milford Township on
March 18, 2010."












CZAMB OVERLAY
Coordinated Zoning
Along Municipal
Borders
Adopted 8/18/22

Appendix B




Conservation/Open
Space Development Option
Overlay District
Adopted 9/6/18

-  Agricultural Conservation
-  Conservation
-  Rural Agricultural
-  Rural Suburban Residential
-  Suburban Residential
-  Village Residential
-  Village Commercial
-  Commercial
-  Industrial

Note:
A = 700' from existing lot line.

*Municipal boundaries may vary between maps