
Lehman Township Zoning Ordinance

Pike County, Pennsylvania

As Adopted by the Lehman Township Board of Supervisors
on June 17, 2004.

This Ordinance was prepared under the
direction of the Lehman Township Planning Commission.

Ordinance Number 99



Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

**This Ordinance Was Prepared
Under the Direction of the Following
Lehman Township Officials
2003-4**

Board of Supervisors

John P. Sivick, Chairman
Richard C. Vollmer
Paul D. Menditto

Township Staff

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Township Planning Commission

Roy Borgfeld
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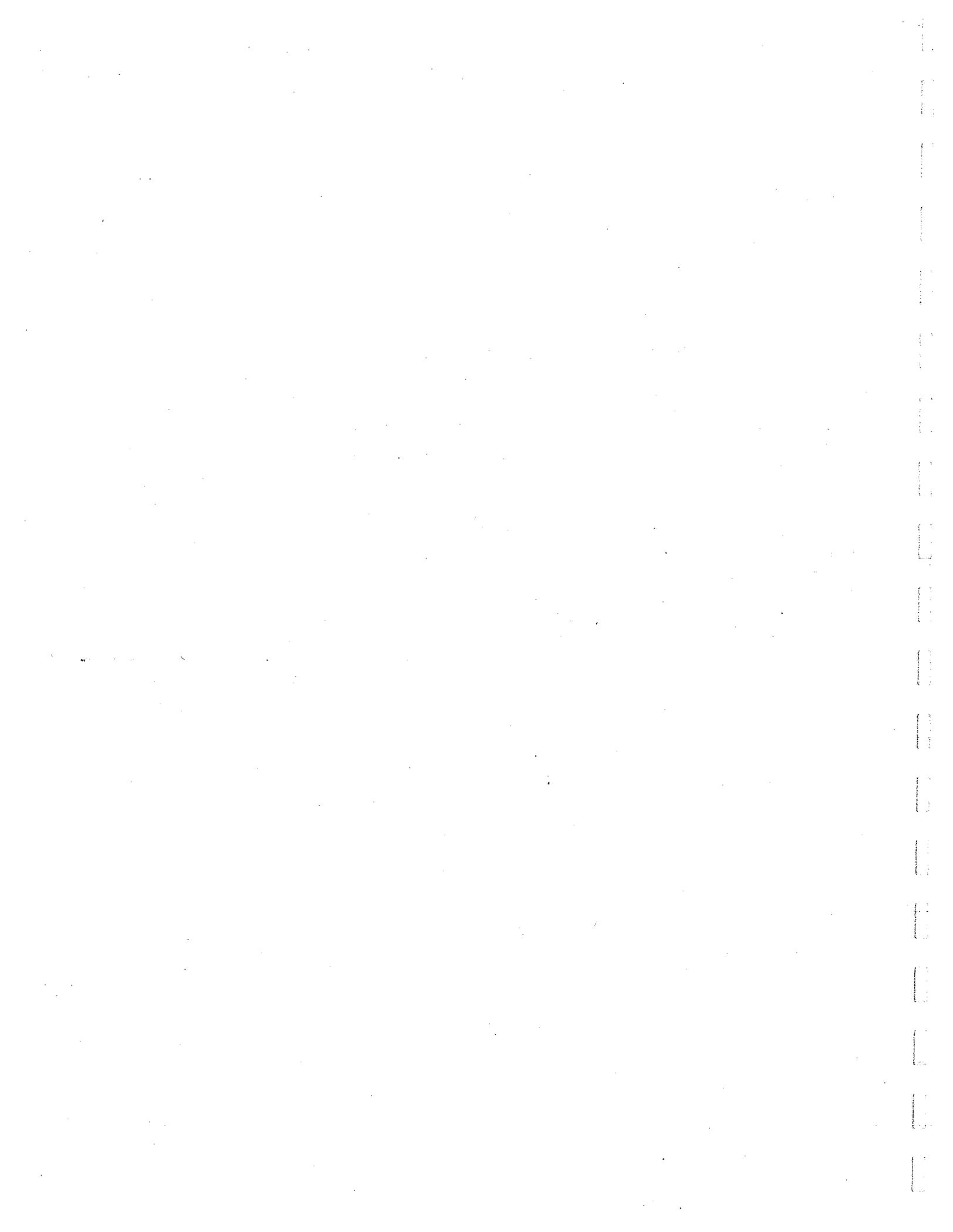
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Community Planning and Zoning Consultants

Urban Research and Development Corporation
Bethlehem, Pennsylvania



Lehman Township, Pike County, Pennsylvania
Zoning Amendment
Ordinance No. 101

**AN ORDINANCE OF LEHMAN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA,
AMENDING THE LEHMAN TOWNSHIP ZONING ORDINANCE, ORDINANCE No. 99.**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lehman Township, Pike County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1: The Lehman Township Zoning Map is hereby amended as follows:

The following portion of the Charles Peters Estate, currently designated as being in an R zone, is hereby changed to a VC zone. See attached map.

Beginning at a point where a Met-Ed electric transmission line crosses the westerly line of lands of Nelson Whittaker; thence in a southerly direction, along lands of Nelson Whittaker and along lands of Pocmont Hotel Corp to the northeast corner of an existing VC zone; thence in a westerly and then southerly direction, through lands of the Charles Peters Estate and along the existing VC zone to a point where the existing zone line crosses the Little Bushkill Creek; thence in a northerly direction, along the Little Bushkill Creek to the point of intersection of the Little Bushkill Creek and Pond Run Creek; thence continuing in a northerly direction, along the Pond Run Creek to a point where Pond Run Creek crosses the aforementioned Met-Ed electric transmission line; thence in an easterly direction, along the Met-Ed electric transmission line to the place of Beginning.

SECTION 2: Section 306B1 (RESIDENTIAL USES) is hereby amended as follows:

“Single Family Detached Dwelling not meeting the Conservation Design Development provisions of Section 309 Single Family Detached Dwelling within a Conservation Design Development meeting the provisions of Section 309 ... “

SECTION 3: The notes to the table in Section 307A are hereby amended as follows:

Replace “If a non-conforming residential lot is part of a Township approved subdivision, and front, rear, and side setback requirements were set forth on the recorded subdivision plan, then the lot may be developed according to such stated setback requirements in place of the front, rear and side setback requirements of this Section. In addition, if not setback shown, follow setbacks in effect, but if prior to zoning, if developer set up covenants and restrictions that were recorded, follow those.”

With the following: “Lots in Older Subdivisions - See Section 307D.”

SECTION 4: Section 603A1, line 3, is hereby amended as follows:

"... two family dwelling with its access onto a local access street or parking court. Parking spaces may back ..."

SECTION 5: Section 603D1, line 1, is hereby amended as follows:

"1. All entrance and exit drives shall conform to the following minimum cartway widths:"

SECTION 6: Section 307A5a is hereby amended as follows:

" a) For residential uses allowed within the VCO district, the regulations of the R district shall apply, instead of the VC district regulations."

Delete the following from the Minimum Lot Area column, under this section:
"a) R/MDR district provisions apply."

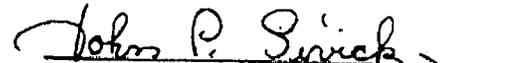
SECTION 7: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

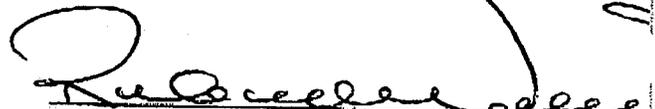
SECTION 8: This Ordinance shall take effect five (5) days after its enactment.

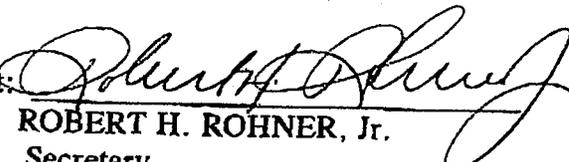
ORDAINED AND ENACTED into an Ordinance this 17th day of March, 2005.

TOWNSHIP OF LEHMAN

(TOWNSHIP SEAL)


JOHN P. SIVICK, Chairman


RICHARD C. VOLLMER, Supervisor

Attest: 
ROBERT H. ROHNER, Jr.
Secretary


PAUL D. MENDITTO, Supervisor



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PIKE
LEHMAN TOWNSHIP

ORDINANCE NO. 106 -06

**AN ORDINANCE AMENDING THE LEHMAN TOWNSHIP
ZONING ORDINANCE CREATING THE MIXED-USE
RESIDENTIAL OVERLAY ZONING DISTRICT.**

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Second Class Township Code, 53 P.S. § 65101 *et seq.* as amended, authorizing Townships of the Second Class to enact such regulations as may be necessary for the health, safety, morals and general welfare of the Township; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Pennsylvania Municipalities Code, 53 P.S. § 10101 *et seq.* as amended, which pursuant to 53 P.S. § 10601 (Entitled "General Powers") and 53 P.S. § 10609 (Entitled "Enactment of Zoning Ordinance Amendments") authorizes municipalities to enact and amend zoning ordinances; and

WHEREAS, the Board of Supervisors of Lehman Township adopted a Comprehensive Plan on October 3, 2001 providing a guide for future development.

WHEREAS, the Land Use Objectives of the Comprehensive Plan encourages conservation oriented design in order to: preserve open space and minimize sprawl, minimize environmental degradation, encourage development that avoids overwhelming local schools and other municipal services and encourage commercial development in areas accessible to residents without encroaching on residential areas of the Township; and

WHEREAS, it has been determined that "Conservation Design Development" and land use regulations that impose age restrictions encourage the aforementioned Land Use Objectives; and,

WHEREAS, it is the desire of Lehman Township to encourage "Conservation Design Development" land use planning, age restricted development and other methods of land planning and design in order to maximize the Land Use Objectives of the Comprehensive Plan; and,

WHEREFORE, the Board of Supervisors of Lehman Township does hereby ENACT and ORDAIN as follows:

SECTION I. AMENDMENT OF ZONING ORDINANCE-ARTICLE TWO

“Definitions”

Article 2, of the Township’s Zoning Ordinance, entitled “DEFINITIONS” is hereby amended as follows:

A. The term “Tract” shall be included as a defined term and shall be defined as: “The entire plot or parcel of land or one or more plots or parcels of land to be subdivided or developed in whole or in part.

B. The term “Age Restricted Residential Development” shall be included as a defined term and shall be defined as: “Any development containing residential uses that are permanently age restricted in accordance with the Fair Housing Act and the Housing for Older Persons Act, as those acts may be amended.

C. The term “Model Houses” shall be included as a defined term and shall be defined as: “Any structure erected for use as a display to promote the sale of similar residential structures, also utilized on a temporary basis as a sales office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. Such use is permitted only pursuant to Conditional Use. A dwelling unit built “on spec” that is for sale and open for inspection by potential purchases that does not contain a sales or administrative office is not a Model House.”

D. The term “Development Sales Office” shall be included as a defined term and shall be defined as: “Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a temporary basis for the promotion of sales of real estate exclusively within the confines of the subdivision in

E. The term “Dwelling Types” shall be amended to include sub-paragraph G. entitled “Mixed-Use Residential Unit” which shall be defined as follows:

“G. Mixed Use Residential Unit. A building that contains at least one permitted commercial use as provided for in Article 9, Section 903.B. and one or more residential dwelling types identified in Article 2, Section 202.”

F. The definition of the term “Self Storage Development” shall be amended to include the following: “Recreational Vehicles, boats and boat trailers may be stored within a Self Storage Development. Recreational Vehicles may not be occupied while in storage within a Self Storage Development.”

SECTION II. AMENDMENT OF ZONING ORDINANCE - ARTICLE THREE

“Districts”

Article 3 of the Township's Zoning Ordinance, entitled "Districts" is hereby amended to provide as follows:

A. Section 301.A. shall include a Mixed Use Residential District as follows:

"MXD Mixed Use Residential District"

B. Section 301.D. is amended to create Section 301.D.9. which shall provide as follows:

"9. Mixed Use Residential Overlay District - to encourage conservation oriented design in order to preserve open space and minimize sprawl. To minimize environmental degradation. To encourage development that avoids overwhelming local schools and other municipal services. To encourage commercial development in areas accessible to residents without encroaching on residential areas of the Township."

C. Section 306 B shall be amended to include the following sentence:

The MXD District shall serve as an overlay to the Rural, Low Density Residential, Resort Medium Density Residential and Village Commercial districts. Within the MXD District, an Applicant shall have the option of developing under the Rural, Low Density Residential, Resort Medium Density Residential and Village Commercial districts or the MXD District, as may be provided for in Article IX of this Ordinance.

SECTION III. CREATION OF MIXED USE OVERLAY DISTRICT

ARTICLE 9 of the Township's Zoning Ordinance is hereby created and shall read as follows:

ARTICLE 9

MIXED USE RESIDENTIAL OVERLAY ZONING DISTRICT.

901. Legislative Intent and Purpose.

The intent and purpose of this Mixed-Use Residential Overlay Zoning District shall be to: preserve open space and minimize sprawl; to minimize environmental degradation; to encourage development that avoids overwhelming local schools and other municipal services; to encourage commercial development in areas accessible to residents without encroaching on residential areas of the Township.

902. Application of District Regulations.

A. The design criteria and standards set forth in this Article shall apply to all Uses permitted within the Mixed Use Residential Overlay Zoning District and shall supersede design criteria, standards and dimensional requirements set forth elsewhere in the Zoning Ordinance and Subdivision and Land Development Ordinance for such uses.

B. This MXD District shall be applicable to Tracts of land:

1. That are Located in the Rural, Low Density Residential, Resort Medium Residential Density or Village Commercial districts, and
2. That are a minimum of 400 acres in size, and
3. That contain either an 18 hole golf course or a lake, pond or other body of water in excess of 50 acres, and
4. That are serviced by public sewer and water.
5. That abut and have primary vehicular access from an arterial or connector roadway owned by the Commonwealth of Pennsylvania.

903. Permitted Uses

The following uses are permitted "by-right" in the MXD District unless noted as by Conditional Use::

A. Residential Uses:

1. Single Family Detached Dwellings
2. Twin Dwellings Units
3. Townhouses/Rowhouses
4. Multi-Family Dwellings (By Conditional Use)
5. Mixed-Use Residential Units (By Conditional Use)

B. Commercial Uses

1. Any use permitted in the Village Commercial District
2. Heliport (By Conditional Use)
3. Auto Repair Garage and/or Auto Service Station
4. Betting Use (By Conditional Use)
5. Beverage Distributor, retail
6. Car Wash
7. Kennel
8. Self Storage Development
9. Tavern (By Conditional Use)
10. Veterinarian Office

C. Institutional / Semi-Public Uses.

1. Any use permitted in the Village Commercial District
2. Emergency Services Station

D. Public/Semi-Public

1. Any use permitted in the Village Commercial District
2. Public Utility Facility

E. Industrial Uses

1. Any use permitted in the Village Commercial District.
2. Electricity Generating Plant (By Conditional Use)
3. Windfarm for Electricity Generation involving more than 2 windmills on a lot. (By Conditional Use)
4. Temporary Industrial Uses: (All By Conditional Use)
 - a. Asphalt Plant.
 - b. Cement Manufacture
 - c. Clay, Brick and Tile Refractory Manufacture
 - d. Sawmill/Planing Mill
 - e. Warehousing or Storage as an accessory use

F. Accessory Uses

1. Any use permitted in the Village Commercial District.
2. Model Houses (By Conditional Use)
3. Development sales offices. (By Conditional Use)

G. Miscellaneous Uses

Any use permitted in the Village Commercial District except:

Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a lot for off-site consumption shall be prohibited

904. Dimensional Requirements For the Entire MXD Overlay District.

- A. Maximum residential density permitted within the MXD District two and one-half (2.5) dwelling units per gross acre. This provision shall not prohibit individual lots, parcels, sections or phases of developments from having density in excess of two and one-half (2.5) dwelling units per acre on a lot so long as density over the entire MIXED USE OVERLAY DISTRICT does not exceed two and one-half (2.5) dwelling units per acre. This provision shall not operate as a guarantee of a specific density. The number of units permitted shall be subject to all other applicable provisions of the Township's Zoning Ordinance, SALDO and other regulations.
- B. Minimum open space required within the MXD District is 50%. This provision shall not prohibit an individual lots, parcels, sections or phases of developments from having less than 50% open space, so long as the

open space over the entire MXD District is not less than 50%. Open space may include golf courses, community centers (excluding buildings), outdoor recreation areas, trails, parks, and common areas adjacent to and usable by residents within the community, environmentally protected areas (i.e. forest stands, wetlands, steep slopes), storm water management facilities, bodies of water and common areas that are separated from adjacent residents. To the extent not inconsistent with this paragraph, open space shall meet the standards set forth for Open Space in Section 202.

- C. Maximum building coverage permitted within the MXD District is 30 %. This provision shall not prohibit individual lots, parcels, sections or phases of developments from having building coverage in excess of 30% so long as building coverage over the entire MXD District is not greater than 30%.
- D. Maximum impervious coverage permitted within the MXD District is 40%. This provision shall not prohibit individual lots, parcels, sections or phases of developments from having impervious coverage in excess of 40% so long as the impervious coverage throughout the entire MXD District is not greater than 40%.
- E. Commercial and Mixed Residential Uses within an MXD District shall not comprise more than 20% of the total Tract granted Master Plan approval pursuant to this Article. Commercial Uses within the MXD District shall comprise a minimum of 2% of the total Tract granted Master Plan approval pursuant to this Article.
- F. At least 40% of all residential dwelling housing units within the MXD District must be permanently age restricted in accordance with the Fair Housing Act and the Housing for Older Persons Act as those acts may be amended.
- G. The sum total of Multi-Family Dwellings and Mixed Use Residential Units shall not exceed 15% of all residential dwelling housing units within the MXD District.

905. Performance Standards

- A. See attached chart for providing height and other bulk performance and design standards within the MXD District.
- B. Pedestrian Oriented Design: Any development within the MXD District shall include an integrated system of sidewalks, paths, trails and walkways to provide a pedestrian oriented design that encourages pedestrian activity. Age Restricted Residential Developments shall include sidewalks on at

least one side of the roadway. Non-age Restricted Residential Developments shall include a system of walking paths, which may include trails, paths or sidewalks which are not required to be along roadways.

- C. See attached chart providing alternative Subdivision and Land Development design standards and criteria within the MXD District.
- D. Curbing shall be required along roadways within Age Restricted Residential Developments and within developments with average lot size in excess of 15,000 square feet.
- E. Street trees and street lighting shall be incorporated into the design of all developments within the MXD District.

906. Additional Requirements within the Mixed Use Residential Overlay District.

The provisions of Article 4 shall apply to the MXD District except as provided below.

A. Heliports: A Private Heliport within the MXD District shall be permitted pursuant to Conditional Use on a minimum lot area of ½ acre and may permit up to 28 take-offs and landings within a 7 day period upon a demonstration that:

1. Adequate measures are in place to provide for the public safety and welfare.
2. Unrestricted access to police, fire and other emergency services must be provided.
3. The heliport is located no closer than 1,000 feet from the perimeter of a development approved pursuant to this Article.
4. The heliport will be in compliance with all relevant FAA and Pennsylvania Department of Transportation regulations.
5. The Township Board of Supervisors may issue a Special Event Permit to allow for additional take offs and landings in conjunction with events at the Mountain Laurel Center for the Performing Arts and other special events that may occur in the Township.

B. Auto Service Stations: Auto Service Stations within the MXD District are limited to a maximum of 8 fuel pumps each with no more than two fuel delivery locations, one on each side of the pump.

C. Car washes: Car washes within the MXD District are permitted on ½ acre minimum lots if used as part of an Auto Service Station and uses recycled water.

D. Convenience store: A convenience store within the MXD District may exceed 6,000 square feet of floor area pursuant to Conditional Use upon a demonstration that:

1. The Convenience store shall have primary vehicular access off of an arterial or connector road.

2. The Convenience store shall not exceed 10,000 square feet of floor area.

E. Conversion of an Existing Building into Dwelling Units: The provisions of 402.A.15 shall not apply to the adaptive reuse of existing structures within the MXD District. Notwithstanding the foregoing, any adaptive reuse of an existing structure within the MXD District shall require Land Development approval by the Board of Supervisors.

F. Townhouses and Multi-family Dwellings: The provisions of 402A.46 shall not apply within the MXD District. The dimensional standards for Townhouses and Multi-family dwellings within the MXD District are identified in Section 905. Multi-family dwellings shall not include free standing structures used primarily for residential rental purposes. Hotels and motels shall be excepted from this prohibition.

G. Temporary Industrial Uses: Temporary Industrial Uses permitted in Section 903.E.4 shall be permitted pursuant to Conditional Use as part of construction, building and development within the MXD District. Conditional Use shall be granted upon a satisfactory proof that the uses will not adversely impact the health, welfare and safety of the community. The right to engage in these uses shall be temporary and may not continue after completion of development as approved in the Master Plan. Temporary Industrial Uses shall not be located in areas designated for open space. Temporary Industrial Uses shall be located a minimum of 300 feet from the perimeter of a Tract approved pursuant to this Article.

H. Model Houses: Model houses shall be permitted pursuant to Conditional Use upon satisfactory proof that:

1. Adequate off-street parking shall be provided.

2. Commercial activity conducted within the model house and upon the lot shall be limited to the promotion and conduct of the builder's residential construction business as it relates to the development within the MXD District.

3. No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.

4. The location of a Model House shall not be in an area designated for use as Open Space.

5. The Model houses shall comply with all set-back requirements from the property lines.

6. The occupancy permit for a Model House shall be valid for a period of five years from the date of issuance and may be renewed, upon application, for an additional five years. Thereafter, unless extended by additional Conditional Use approval, the Model House activity shall cease and the use shall revert to a residential dwelling unit.

I. Development Sales Offices: Development Sales Offices shall be permitted pursuant to Conditional Use upon satisfactory proof that:

1. Adequate off-street parking shall be provided.
2. Commercial activities conducted within the sales office and upon the development shall be limited to offerings within the development only.
3. The location of the Development Sales Office shall comply with all set-back requirements from the property line.
4. The Development Sales Office shall not be located in area designated for use as Open Space.
5. The occupancy permit for the Development Sales Office shall be valid for a period of five years from the date of issuance and may be renewed, upon application, for a successive five-year period. Thereafter, unless extended by additional Conditional Use approval, The Development Sales Office shall revert either to a residential dwelling unit or to a development amenity or to another permitted use.

907. Parking.

A. Requirements. The parking requirements of Article 6. Section 601 shall apply within the MXD District, except as follows:

1. Age Restricted Residential. Except as provided for below in subparagraph 2, residential housing of any form permanently age restricted to households pursuant to Section 904 F above shall require 2 off-street parking spaces per dwelling unit. Garage spaces are counted toward this requirement.
2. Multi-Family Dwellings and Mixed-Use Residential Units. Multi-Family Dwellings and Mixed-Use Residential Units shall require 1.5 off-street parking spaces per dwelling unit.
3. Multiple Uses. When 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, unless modified pursuant to Section 907.B.

4. Tavern. Taverns require 1 space per 30 sq. feet of floor area accessible to customers or utilized to service customers.

B. General Regulations for Off-Street Parking. The parking requirements of Article 6. Section 602 shall apply within the MXD District, except as follows:

1. Parking Shared in Common. In order to preserve open space and minimize impervious coverage, the Township may, pursuant to Conditional Use approval, permit up to 30% of the parking requirements for all uses within the district to be shared in common or held in reserve. Such Conditional Use shall be granted upon a showing of one or more of the following:
 - a. That the aggregate parking requirements imposed by the Ordinance are in excess of the actual anticipated parking demand.
 - b. That the parking demands created by a mix of commercial and residential uses will result in parking demands at different times, therefore reducing the number of overall parking spaces required.
2. Location of Parking. The Township may, pursuant to Conditional Use approval, permit required off-street parking spaces to be located off-site. Such Conditional Use shall be granted upon a showing that:
 - a. The off-site parking is located on a lot within 300 feet of a residential use that such off -site parking serves, and;
 - b. 500 feet of any other use that such off-site parking serves, and;
 - c. A written and signed lease or other document establishes the right to utilize the off-site parking.

A Use & Occupancy Permit issued for any use utilizing off-site parking shall automatically expire if the lease, easement or other agreement permitting the off-site parking expires or otherwise ceases to exist.

C. Design Standards for Off-Street Parking. The parking requirements of Article 6. Section 603 shall apply within the MXD District, except as follows:

1. Size of Parking Spaces: Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except that the minimum length shall be 22 feet for parallel parking.

2. Size of Parking Spaces for Compact Cars: Twenty percent (20%) of all spaces required for multi-family and non-residential uses may be designated as parking for compact cars and shall require a minimum width of 9 feet and a minimum length of 18 feet, except that the minimum length shall be 20 feet for parallel parking. Parking spaces designated for use by compact cars shall be clearly marked and designated for that purpose. Parking spaces designated for use by compact cars shall be identified with the use of "hair pin" or other similar line designations.

Section 908 MASTER PLAN APPROVAL PROCESS

908.A Master Plan Content. Applications for development as a Mixed Use Residential development shall include the submission of a Master Plan and supporting data for the subject Tract.

1. The Master Plan shall conform to the requirements for a Sketch Plan as set forth in Section 603.1 of the Lehman Township Subdivision and Land Development Ordinance. The scale of the plan shall be such that the entire development can be viewed on a single sheet. Plan scales of 1 inch equals 200 feet or 1 inch equals 400 feet are appropriate.
2. In addition to the requirements for a Sketch Plan, the following information shall be provided in either plan or narrative format:
 - a. An existing conditions map of the entire Tract and a narrative of development limitations. Provide a map prepared in accordance with Sections 407.2.1 through 407.2.3 of the Township's Subdivision and Land Development Ordinance. The intent of the plan and narrative is to describe the natural and manmade features within the development area and to discuss any limitations or restrictions on development. The requirements of 407.2.1.b may be satisfied by aerial photographs. The Township Engineer may request additional information to supplement the aerial photographs.
 - b. A conceptual site plan of the entire Tract and a narrative of proposed development. Provide a map showing all proposed lots and uses, building types and locations, traffic and pedestrian networks, and the proposed open space system. The intent of the plan and narrative is to describe the proposed development and discuss how the development is integrated into the natural setting of the subject Tract, including any impacts. The narrative shall include a description of methods and procedures that will be employed to minimize the removal of trees on building lots.

- c. The location and type of land use proposed within the development; i.e. single family residential, two-family residential, multi-family residential, townhouses, age restricted residential development, retail commercial, service commercial, community facilities, recreation facilities, open space, etc. Include existing zoning and land use on all adjacent Tracts.
- d. A summary of land use tabulating the number of new buildings and dwelling units by type and distinct area as shown on the Master Plan. Include the area encompassed by each type.
- e. A summary of Zoning Ordinance requirements (density, area and bulk requirements) and a comparison to the proposed development.
- f. A summary of the total building area proposed. Include square footage by building type, approximate size and location of residential and commercial buildings.
- g. A list of all waivers that are being requested from the Township's Subdivision and Land Development, Stormwater, and other applicable Township Ordinances. All waiver requests shall be in writing and shall include complete justification for the request. Waiver requests may be logically grouped together, however, dissimilar subjects shall be formulated as an individual request. All waiver requests must stand on their own merits.
- h. The general vehicular and non-vehicular circulation pattern proposed throughout the entire development. Include points of access to the Tract as well as location, right-of-way width, and total length of proposed roadway, by roadway classification. Provide proposed streetscape dimensions and improvements. Identify traffic calming features and devices to be utilized within the development. A summary of road design and construction standards shall also be provided.
- I. An analysis of off-site traffic. Prepare a traffic study in accordance with Section 703.7 of the Township's Subdivision and Land Development Ordinance.
- j. A utility impact assessment. Include the general methods by which sewer, water and other utility services will be provided. If services are to be provided by a public utility or municipal authority, provide a letter from the utility or authority stating that they have adequate capacity and are willing to provide service. In the case of a public utility owned or controlled by the applicant, the Township Engineer

may request additional documentation to support the conclusion that adequate capacity exists. Prepare a water study in accordance with Section 706.6 of the Township's Subdivision and Land Development Ordinance.

- k. A fiscal impact study. Provide an analysis of how the proposed development will impact Township, County and School District revenue and the provision of public services within the Township.
- l. A market feasibility study of the proposed development.
- m. Schematic architectural plans and elevations for typical buildings.
- n. A narrative describing proposed covenants, restrictions and development standards for the development.
- o. The proposed phasing of the development.
- p. A narrative describing how the proposed application complies with the provisions of Section 901 of this Ordinance.
- q. Pennsylvania Natural Diversity Inventory Report
- r. A Phase I Environmental Site Assessment.
- s. A response form from the Pennsylvania Historical and Museum Commission.
- t. A narrative describing how the proposed development will impact the delivery of fire, police and other emergency services to the community. The narrative shall include proposed efforts intended to mitigate this impact.

908.B

Master Plan Procedures. The following procedures shall apply to the submission and review of a Master Plan.

1. Plan Submission Procedures.

- a. All applications for approval shall be submitted to the Planning Commission for review no less than ten (10) calendar days prior to a regularly scheduled meeting. Plans, supporting data and fees shall be submitted by certified mail or delivered in person to the Administrator, who with the assistance of the Township Engineer, shall make a preliminary check to determine whether the submission is complete in all aspects and is in compliance with this Ordinance.

The Administrator shall transmit copies of the plan and supporting data to the Township Engineer, the Township Solicitor, the Township Sewage Enforcement Officer, and other appropriate persons or agencies.

b. The official submission date of all plans shall be the regularly scheduled meeting of the Planning Commission at which the application is considered complete. If a submission is considered incomplete, the submission shall not be considered to be officially accepted by the Township. The submission shall not be officially accepted until all missing items/ information have been submitted by the Applicant prior to a regularly scheduled Planning Commission meeting.

c. The Applicant shall submit plans to the County Planning Commission, the County Conservation District and all other governmental agencies having approval authority over any aspect of the plan submission, concurrent with the submission to the Township. Evidence of all submissions shall be provided to the Township prior to the application being considered complete. Copies of a letter of transmittal, together with a signed receipt or a certified mail receipt, shall provide the necessary evidence of a submission.

d. Plans and supporting data submitted for review will be considered at the Planning Commission's next regularly scheduled meeting, provided that the plans and supporting data are received at least ten (10) calendar days in advance of said meeting. The Applicant or the Applicant's duly authorized representative should endeavor to attend the Commission meetings to discuss the Master Plan. The Commission may request such attendance and failure to appear at such Commission meeting where said plan is being reviewed will be sufficient cause for disapproval if an extension in time is not agreed to by the Applicant.

e. The Planning Commission shall conduct at least one public meeting before making any recommendation to the Board of Supervisors. Notice of the public meeting shall be given by the Applicant as provided in sub-paragraphs f. and g. below. At the Planning Commission meeting at which the Master Plan is reviewed, the Planning Commission may take the following actions: make no recommendation on the application, recommend to the Board of Supervisors that the Master Plan be approved, denied, or approved with conditions.

f. An Applicant, intending to make application for a Master Plan at a regularly scheduled meeting of the Planning Commission, shall give

public notice. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the meeting, the name of the Applicant and the particular nature of the matter to be considered at the meeting. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the meeting.

g. The Applicant shall also notify all property owners, whose property is within 1500 feet of the proposed development, of the proposed development. The Applicant shall obtain the identity of all such property owners from Pike County real estate tax records available to the public. The form of notification shall be in writing and shall provide the same information as set forth in the public notice. The Applicant shall provide the Township with a list of all property owners that are notified, along with certificates of mailing to each address, that a first class mailing has been made to every property owner on the list. The timing of this mailing shall coincide with the first date of the published public notice. Compliance with this provision shall be determined by the Board of Supervisors in their sole discretion. Failure to strictly comply with this provision shall not be grounds for an appeal so long as the notice provided complies with the Public Notice requirements of the Municipalities Planning Code.

2. Master Plan Review Fees.

a. The Township shall collect a review fee, as may be established from time to time by resolution of the Board of Supervisors, for all Master Plan submissions.

b. Fees shall be charged to cover the costs of reviewing Mater Plan submissions and other expenses incidental to the Township processing and taking action on the Master Plans.

c. The Applicant shall pay the appropriate fee at the time of plan submission. The submission shall not be considered as complete until all required fees have been paid.

d. The Applicant shall reimburse the Township for all expenses that exceed the initial review escrow amount. The Township may withhold approval of a Master Plan until all expenses are paid, except as set forth in the Pennsylvania Municipalities Planning Code.

3. Review Procedures.

a. Master plans shall be prepared in accordance with the requirements of this Ordinance. Plans and supporting documentation shall be submitted in five (5) sets.

b. The Administrator shall refer the Master Plan and appropriate supporting data to the following agencies or individuals:

Township Engineer
Township Solicitor
Township Sewage Enforcement Officer; if applicable.

c. The Administrator may refer the Master Plan and appropriate supporting data to the following agencies or individuals:

Pennsylvania Department of Transportation
Pennsylvania Department of Environmental Protection
Utility Companies

d. The Planning Commission shall review the Master Plan and shall recommend to the Board of Supervisors approval, approval subject to modification or rejection of the plan within sixty-five (65) days of the submission date.

e. The Planning Commission may consider the comments from the above reviewers prior to making its recommendation to the Board of Supervisors, if such comments are received within thirty (30) days from the date the plan was forwarded to such agency or individual.

f.. The Board of Supervisors shall conduct a public hearing with regard to the Master Plan pursuant to public notice. The Board of Supervisors shall make its decision with respect to an application and shall communicate such decision to the Applicant within ninety (90) days of the submission date, following the review of the Planning Commission. The decision of the Board shall be in writing and shall be communicated to the Applicant personally or by certified mail at Applicant's last known address not later than thirty (30) days following the decision. In the event the date of the next meeting of the Planning Commission, following the date of submission to the Administrator, exceeds thirty days, the Planning Commission shall take action within ninety (90) days of the date of submission to the Administrator and the Board of Supervisors shall take action within one hundred twenty (120) days of the date of submission to the Administrator. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required shall be deemed an approval of the application unless the Applicant has agreed in writing to an extension of time or

change in the prescribed manner of presentation of communication of the decision.

g. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case cite the provisions of the Ordinance relied upon.

h. When the Board of Supervisors communicates its decision on the Master Plan to the Applicant, the Board will inform the Applicant of any conditions required to the plan. Any such conditions shall be noted on the plan.

i. Approval of the Master Plan shall constitute approval of the development as to the character and intensity of development, the approximate arrangement and dimension of streets, lots and other planned features, but shall not authorize the sale of lots.

j. Following approval of the Master Plan by the Board of Supervisors, the Applicant shall be required to submit Preliminary and Final Subdivision Plans or Land Development Plans for each phase of the Master Plan to the Township pursuant to the provisions of the Township's Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code. All such submissions shall be in accordance with the time schedule set forth in the Master Plan.

k. If the applicant fails to submit plans within one (1) year of the dates set forth in the proposed Phasing Plan, the Township, upon motion of the Board of Supervisors may notify the Applicant of default and shall provide the Applicant with 90 days to either cure the default or secure an extension of the phasing plan. In the event that the Applicant fails to cure the default or obtain an extension, the Township may, upon resolution of the Board of Supervisor may declare that the Master Plan is in default and suspend the Master Plan approval. The Board of Supervisors shall grant an initial one (1) year extension request upon written application by the Applicant so long as that request is submitted in writing and received by the Township prior to the expiration of the one (1) year period set forth above. Additional extensions shall be granted at the sole discretion of the Board of Supervisors.

l. The applicant may submit an application to amend the Phasing Plan to the Board of Supervisors. Amendments to the Phasing Plan shall not require the procedural and technical requirements of Master Plan

application. Approval of an amended phasing plan is in the sole discretion of the Board of Supervisors.

4. Waivers from Township's Subdivision and Land Development Ordinance.

As part of the Master Plan approval process, the applicant may, pursuant to Section 908.A.2.g, request waivers from provisions of the Township's Subdivision and Land Development Ordinance (SALDO). The Board of Supervisors shall grant such waivers upon a showing that literal compliance with the mandatory provisions of the SALDO is shown to be unreasonable or to cause undue hardship or when an alternative standard can be demonstrated to provide equal or better results. Notwithstanding the granting of these waivers, the Applicant may request additional waivers as part of the land development process.

5. Relief from Zoning Provisions.

If a provision of the Township's Zoning Ordinance prohibits the implementation of the Master Plan, the Board of Supervisors may, in its sole discretion, grant pursuant to Conditional Use any and all relief appropriate, upon a showing that the relief contemplated allows for a development consistent with the standards identified in Section 901 of this Ordinance.

6. Conditions of Approval

As part of Master Plan Approval, the Board of Supervisors may attach such reasonable conditions as may be necessary to protect the public health, safety and welfare of the community. The Board of Supervisors may attach such reasonable conditions as may be necessary to implement the purposes of this Article and of the Township's Zoning Ordinance.

7. Vested Rights Following Master Plan Approval.

The Applicant, or any successor to the Applicant, for any or all portions of the development plan, shall have a vested right to proceed according to the approved Master Plan and no subsequent change or amendment to the Township's Zoning, Subdivision and Land Development or other governing municipal Ordinance shall be applied to adversely affect the right of the Applicant or any successor to commence and complete any aspect of the approved Master Plan for a period of fifteen (15) years from the date of approval of the Master Plan, except as provided for in Section 908.B.3.k of this Ordinance. The Applicant's vested right to proceed according to the

Master Plan may be extended at the conclusion of fifteen (15) years for additional periods of five (5) years pursuant to Conditional Use approval. The Applicant shall be entitled to Preliminary and Final Land Development in accordance with the terms of the Master Plan approval so long as the Preliminary and Final plans comply with all relevant ordinance provisions in place at the time of Master Plan approval. This provision shall not operate to exempt the Master Plan from State and Federal laws and regulations existing at the time of Master Plan Approval or enacted after Master Plan Approval. Additionally, this provision shall not operate to exempt the Master Plan from Township ordinances that may be enacted relating to open space and recreation fees pursuant to 53 P.S. 10503 (11) or contributions for Transportation Capital Improvement Plans pursuant to 53 P.S. 10501-A et seq.

SECTION IV. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all Ordinances of Lehman Township, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby

SECTION V. SEVERABILITY

If any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, term, phrases, or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lehman Township that this Ordinance would have been adopted had such an unconstitutional, illegal or invalid provision, sentence, clause, section, term, phrase or part there of not been included herein.

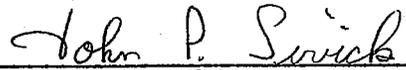
SECTION VI. EFFECTIVE DATE

This amendment shall become effective upon the date of enactment.

ENACTED and ORDAINED this 18th day of May, 2006, by the Board of Supervisors of Lehman Township.

BOARD OF SUPERVISORS

LEHMAN TOWNSHIP



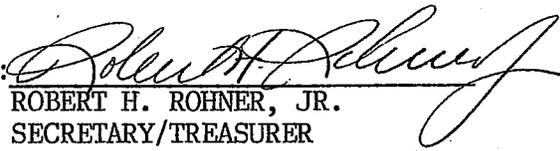
JOHN P. SIVICK
CHAIRMAN



RICHARD C. VOLLMER
VICE CHAIRMAN



PAUL D. MENDITTO
SUPERVISOR

ATTEST: 

ROBERT H. ROHNER, JR.
SECRETARY/TREASURER

(SEAL)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PIKE
LEHMAN TOWNSHIP

ORDINANCE NO. 107 -06

**AN ORDINANCE AMENDING THE LEHMAN TOWNSHIP
ZONING ORDINANCE REGULATING MODEL HOUSES AND
DEVELOPMENT SALES OFFICES.**

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Second Class Township Code, 53 P.S. § 65101 *et seq.* as amended, authorizing Townships of the Second Class to enact such regulations as may be necessary for the health, safety, morals and general welfare of the Township; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Pennsylvania Municipalities Code, 53 P.S. § 10101 *et seq.* as amended, which pursuant to 53 P.S. § 10601 (Entitled "General Powers") and 53 P.S. § 10609 (Entitled "Enactment of Zoning Ordinance Amendments") authorizes municipalities to enact and amend zoning ordinances; and

WHEREAS, the Board of Supervisors desires to amend the Leham Township Zoning Ordinance in order to provide for the regulation of "Model Houses" and "Development Sales Offices."

WHEREFORE, the Board of Supervisors of Lehman Township does hereby ENACT and ORDAIN as follows:

SECTION I. AMENDMENT OF ZONING ORDINANCE-ARTICLE TWO
"Definitions"

Article 2, of the Township's Zoning Ordinance, entitled "DEFINITIONS" is hereby amended as follows:

A. The term "Model Houses" shall be included as a defined term and shall be defined as: "Any structure erected for use as a display to promote the sale of similar residential structures, also utilized on a temporary basis as a sales office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. Such use is permitted only pursuant to Conditional Use. A dwelling unit built "on spec" that is for sale and open for inspection by potential purchases that does not contain a sales or administrative office is not a Model House."

B. The term "Development Sales Office" shall be included as a defined term and shall be defined as: "Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a temporary basis for the promotion of sales of real estate exclusively within the confines of the subdivision in which the structure is located. Such use is permitted only pursuant to Conditional Use."

SECTION II. AMENDMENT OF ZONING ORDINANCE - ARTICLE THREE
"Districts"

Article 3 of the Township's Zoning Ordinance, entitled "Districts" is hereby amended to provide as follows:

Section 306.B.6. "Accessory Uses" shall be amended to include the following:

	CO	R	LDR	R/MDR	VC/VCO	GC	I
Model Houses	N	C	C	C	C	C	C
Development Sales Offices	N	C	C	C	C	C	C

SECTION III. AMENDMENT OF ZONING ORDINANCE- ARTICLE FOUR
"Additional Requirements for Specific Uses"

ARTICLE 4 of the Township's Zoning Ordinance is hereby amended as follows:

Section 402.A. shall be amended to include the additional requirements for the following specific uses:

A. Model Houses: Model houses shall be permitted pursuant to Conditional Use upon satisfactory proof that:

1. Adequate off-street parking shall be provided.
2. Commercial activity conducted within the model house and upon the lot shall be limited to the promotion and conduct of the builder's residential construction business.
3. No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.
4. The location of a Model House shall not be in an area designated for use as Open Space.

5. The Model houses shall comply with all set-back requirements from the property lines.

6. The occupancy permit for a Model House shall be valid for a period of two years from the date of issuance and may be renewed upon application for a period of two years. Additional renewals shall be granted only at the sole discretion of the Board of Supervisors. Thereafter, the Model House activity shall cease and the use shall revert to a residential dwelling unit. Only one occupancy permit for a Model House shall be issued to each builder and/or developer in any single development.

7. Model Houses shall only be permitted in subdivisions or land developments approved for a minimum of 50 residential units.

8. Conditional Use approval for a Model House shall only be approved for new developments. Applications for Conditional Use for a Model House shall be denied if the application is filed later than 18 months after final land development and subdivision approval of the development.

B. Development Sales Offices: Development Sales Offices shall be permitted pursuant to Conditional Use upon satisfactory proof that:

1. Adequate off-street parking shall be provided.

2. Commercial activities conducted within the sales office and upon the development shall be limited to offerings within the development only.

3. The location of the Development Sales Office shall comply with all set-back requirements from the property line.

4. The Development Sales Office shall not be located in area designated for use as Open Space.

5. The occupancy permit for the Development Sales Office shall be valid for a period of two years from the date of issuance and may be renewed upon application, for a successive two-year periods. Thereafter, the Development Sales Office shall revert either to a residential dwelling unit or to a development amenity or to another permitted use. Only one occupancy permit for a Development Sales Office shall be issued to each builder and/or developer in any single development.

6. Development Sales Offices shall only be permitted in subdivisions or land developments approved for a minimum of 50 residential units.

7. Conditional Use approval for a Development Sales Office shall only be approved for new developments. Applications for Conditional Use for a Development Sales Offices be denied if the application is filed later than 18

months after final land development and subdivision approval of the development.

SECTION IV. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all Ordinances of Lehman Township, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby

SECTION V. SEVERABILITY

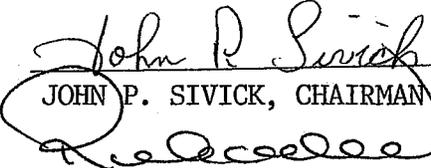
If any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, term, phrases, or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lehman Township that this Ordinance would have been adopted had such an unconstitutional, illegal or invalid provision, sentence, clause, section, term, phrase or part there of not been included herein.

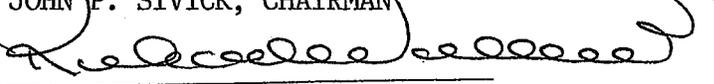
SECTION VI. EFFECTIVE DATE

This amendment shall become effective upon the date of enactment.

ENACTED and ORDAINED this 18th day of May, 2006, by the Board of Supervisors of Lehman Township.

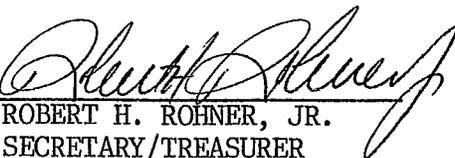
BOARD OF SUPERVISORS
LEHMAN TOWNSHIP


JOHN P. SIVICK, CHAIRMAN


RICHARD C. VOLLMER, VICE CHAIRMAN


PAUL D. MENDITTO, SUPERVISOR

ATTEST:


ROBERT H. ROHNER, JR.
SECRETARY/TREASURER

(SEAL)

Lehman Township, Pike County, Pennsylvania
Zoning Ordinance Amendment
Ordinance No. 110

AN ORDINANCE OF LEHMAN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA,
AMENDING THE LEHMAN TOWNSHIP ZONING ORDINANCE, ORDINANCE No. 99.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of
Lehman Township, Pike County, Pennsylvania, and it is hereby ordained and enacted by the
authority of the same:

SECTION 1: Section 202, Terms Defined, is hereby amended to revise the definition of Building as follows:

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 square 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.

SECTION 2: Section 103, Permits and Certificates, is hereby amended as follows:

Delete paragraph 103.A.2.a.4) pertaining to the demolition of a building.

SECTION 3: Section 704, Freestanding Wall and Window Signs, is hereby amended as follows:

a. Revise the table in paragraph 704A to delete the three (3) stars (*) in the column heading "Total Maximum Area and Number of Freestanding Signs.

b. Revise the table in paragraph 704A to change the two (2) stars (*) in the aforesaid column under Rural and Residential Districts to one (1) star (*).

SECTION 4: Section 509, Sewage and Water Services, is hereby amended as follows:

Add paragraph 509.F as follows:

509.F. Portable toilets. Whenever new construction is proposed on a parcel of land or an addition is proposed where construction crews do not have access to an existing toilet facility, portable toilets will be installed at the site for the duration of the construction. Said toilets will be installed in accordance with current sewage regulations and in an appropriate number for the intended use. A sewage permit

for the portable toilets shall be obtained from the Township Sewage Enforcement Officer.

SECTION 5: Section 506, Setback from Bodies of Water, is hereby amended as follows:

Revise the first line in paragraph 506.C to read "The following are exempt from the provisions of Section 506.A.

SECTION 6: Section 703, Miscellaneous Signs Not Requiring Permits, is hereby amended as follows:

Revise the section dealing with "Banners Over Streets".

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX NO. OF SIGNS PER LOT	MAX SIGN AREA PER SIGN ON RESIDENTIAL LOTS (sq ft)	MAX SIGN AREA PER SIGN* ON NON-RESIDENTIAL LOTS (sq ft)	OTHER REQUIREMENTS
Banners Over Street - A flexible banner sign stretched over the cartway of a street.	1	40	40	Shall require advance approval by the Board of Supervisors. Shall maintain a minimum clearance over the cartway of 18 feet. Shall be allowed to advertise a special event. Shall not be posted more than 4 weeks before the event and be removed within 1 week after the event. Shall be installed by the Township, with the Applicant responsible to reimburse the Township for its expenses. An initial deposit from the Applicant, as established by resolution, shall be required prior to installation of the banner. Banners over State highways require PennDOT approval.

SECTION 7: Section 704.F is hereby added as follows:

704.F Special Event Signs. Signs pertaining to a single, temporary event are permitted in any district for a maximum duration of thirty-eight (38) days per calendar year.

1. These signs shall require a permit.
2. Signs shall not exceed twenty-four (24) square feet in area and shall not exceed six (6 ft) feet in height.
3. Signs shall be a minimum of five (5) feet from any property line.
4. Signs shall not be erected more than thirty (30) days before the event to which they pertain and must be removed no later than seven (7) days following the event.
5. Financial security, in an amount established by the Supervisors by resolution, must be deposited with the Township to insure the removal of all signs following the expiration of the permit.

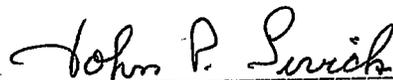
SECTION 8: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 9: This Ordinance shall take effect five (5) days after its enactment.

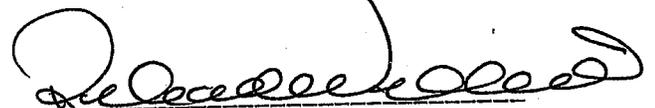
ORDAINED AND ENACTED into an Ordinance this 2nd day of April, 2008.

TOWNSHIP OF LEHMAN

(TOWNSHIP SEAL)

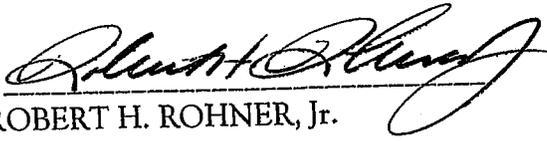


JOHN P. SIVICK, Chairman



RICHARD C. VOLLMER, Supervisor

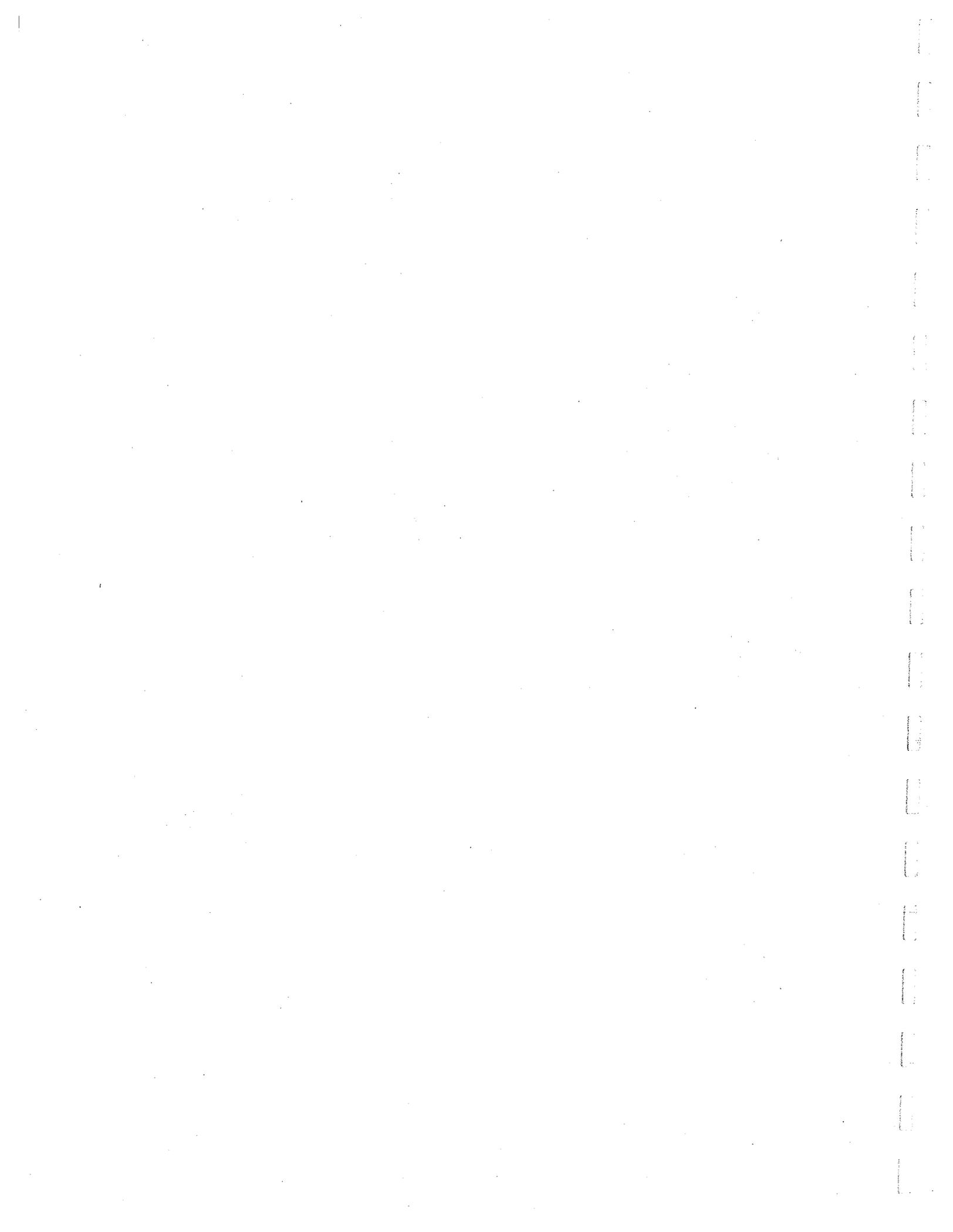
Attest:



ROBERT H. ROHNER, Jr.
Secretary



PAUL D. MENDITTO, Supervisor



ORDINANCE 115

**AN ORDINANCE OF THE TOWNSHIP OF LEHMAN, COUNTY OF PIKE,
COMMONWEALTH OF PENNSYLVANIA AMENDING THE LEHMAN
TOWNSHIP ZONING ORDINANCE NO. 99 ADOPTED JUNE 17, 2004 BY
ADDING SECTION 402(49) PROVIDING FOR THE REGULATION OF LEGAL
GAMBLING OR OFF TRACK BETTING ESTABLISHMENTS.**

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. Section 66506, the Board of Supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufactures;

WHEREAS, pursuant to the Municipalities Planning Code, 53 P.S. Section 10101 et seq., as amended, The Board of Supervisors may enact and amend zoning ordinances;

WHEREAS, pursuant to the Lehman Township Zoning Ordinance No. 99, adopted June 17, 2004, section 108, the Lehman Township Board of Supervisors may amend, or repeal any or all portions of the Ordinance on its own motion or after agreeing to hear a written request of any person, entity, landowner or the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lehman Township, Pike County, Pennsylvania;

49. Legal Gambling and Off Track Betting – Legal Gambling or Off Track Betting establishments include, but are not limited to, any gaming devises, slot machines, roulette tables, black jack tables, dice tables, joker/poker machines and any other gambling or gaming devise, and any other activity which involves the dealing, operating, carrying on, conducting, maintaining, or exposing for pay, any game, but excluding small games of chance which are approved by Pennsylvania State regulations and conducted by emergency services organizations, whether or not including a restaurant, night club, bar or similar use.

(a) Purposes - The regulations on legal gambling or off track betting establishments are intended to serve the following purposes, in addition to the overall objectives of this ordinance.

(1) To recognize the adverse secondary impacts of legal gambling or off track betting establishments that affect health, safety and general

welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to, increases in criminal activity, decreases in the stability of residential neighborhoods and traffic congestion.

- (b) Such establishment shall not be located within 500 feet of any residential district and shall not be located within 500 feet of any structure whose use is principally residential.
- (c) Such establishments shall not be located within 500 feet of any structure or use of land which contains one or more of the following specified land uses:
 - (1) School or Educational Facility;
 - (2) Playground;
 - (3) Park;
 - (4) Church, Synagogue, Mosque or other similar place of worship;
 - (5) Library;
 - (6) Child Care Facility;
 - (7) Camp;
 - (8) Amusement Park;
- (d) The distance between any such legal gambling or off track betting establishment and any of the protected land use specified herein shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line or structure of such protected land use.
- (e) Off street parking shall be provided at the rate of three (3) spaces for each 100 square feet of all public areas, including, but not limited to, related dining, restaurant, bar and snack bar areas, and an additional one space per each employee of the largest shift.
- (f) The proposed establishment shall not be detrimental to the use of adjoining properties and must meet the following performance standards:
 - (1) Hours of operation: 9:00 a.m. to 2:00 a.m.;
 - (2) Lighting in accordance with current zoning requirements;
 - (3) All parking areas shall be screened and include at least a 20 foot buffer from all private properties adjacent to the site;

- (g) The proposed establishment shall not constitute a nuisance due to noise or to loitering outside of the building.

- (h) The Applicant is required to obtain approval of a land development plan under the Subdivision and Land Development Ordinance of Lehman Township, as amended.

- (i) All other Federal, State and other permits shall be obtained prior to the issuance of a certificate of occupancy.

- (j) The proposed establishment shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and their respective agencies and instrumentalities.

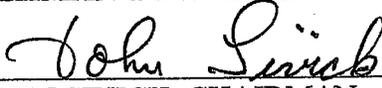
- (k) The proposed establishment shall be prohibited in all districts except where specifically permitted by Article 3.

- (l) The proposed establishment shall have a minimum of 60 contiguous acres for development. All owners of record must join in the application for development.

- (m) The Applicant is required to obtain conditional use approval which shall include a community impact analysis which includes an evaluation of the potential impacts upon the following community facilities;
 - (1) Emergency services and fire protection;
 - (2) Solid waste disposal;
 - (3) Recreation;
 - (4) Surrounding roadway systems;
 - (5) School facilities and school district budget;
 - (6) Water supply;
 - (7) Sewage disposal;
 - (8) Township revenues and expenses;

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Lehman, Pike County, Pennsylvania, this 6th day of August, 2008

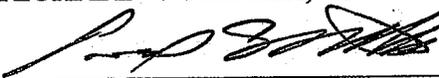
**BOARD OF SUPERVISORS
LEHMAN TOWNSHIP**



JOHN SIVICK, CHAIRMAN

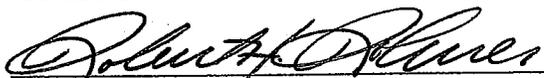


RICHARD VOLLMER, VICE-CHAIRMAN



PAUL MENDITTO, SUPERVISOR

ATTEST:



ROBERT ROHNÉR, TOWNSHIP SECRETARY

COMMONWEALTH OF PENNSYLVANIA COUNTY OF LEHIGH
LEHMAN TOWNSHIP

ORDINANCE NO. 117 -08

AN ORDINANCE AMENDING THE LEHMAN TOWNSHIP ZONING ORDINANCE
CREATING THE MIXED-USE RESIDENTIAL OVERLAY ZONING DISTRICT.

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Second Class Township Code, 53 P.S. § 65101 *et seq.* as amended, authorizing Townships of the Second Class to enact such regulations as may be necessary for the health, safety, morals and general welfare of the Township; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania enacted the Pennsylvania Municipalities Code, 53 P.S. § 10101 *et seq.* as amended, which pursuant to 53 P.S. § 10601 (Entitled "General Powers") and 53 P.S. § 10609 (Entitled "Enactment of Zoning Ordinance Amendments") authorizes municipalities to enact and amend zoning ordinances; and

WHEREAS, pursuant to the Lehman Township Zoning Ordinance No. 99, adopted June 17, 2004, section 108, the Lehman Township Board of Supervisors may amend, or repeal any or all portions of the Ordinance on its own motion or after agreeing to hear a written request of any person, entity, landowner or the Planning Commission;

WHEREAS, the Mixed Use Residential Zoning District is designed and intended to preserve open space and minimize sprawl; to encourage development that avoids overwhelming local schools and other municipal services; to encourage commercial development in areas accessible to residents without encroaching on residential areas of the Township; and

WHEREAS, in order to achieve those goals, the Mixed Use Residential Zoning District requires the approval of a Master Plan; and

WHEREAS, the Board of Supervisors of Lehman Township recognizes that Master Plans Approvals are conceptual in nature; that Subdivisions and land development applications filed pursuant to an approved Master Plan may deviate from the approved Master Plan so long as the deviation does not represent a significant change in the Master Plan; that minor deviations shall not require a formal amendment of the Master Plan and that significant changes and amendments to the Master Plan should only be permitted pursuant to conditional use approval by the Board of Supervisors.

WHEREFORE, the Board of Supervisors of Lehman Township does hereby **ENACT** and **ORDAIN** as follows:

SECTION 1. AMENDMENT OF MASTER PLAN PURSUANT TO CONDITIONAL USE

ARTICLE 9, section 908.B.8 of the Township's Zoning Ordinance is hereby created and shall read as follows:

8. *Amendments Pursuant to Conditional Use*

Master Plans Approvals are conceptual in nature. Subdivisions and land development applications filed pursuant to an approved Master Plan may deviate from

the approved Master Plan so long as the deviation does not represent a significant change in the Master Plan. Minor deviations shall not require a formal amendment of the Master Plan. Significant changes and amendments to the Master Plan may only be permitted pursuant to conditional use approval by the Board of Supervisors. The determination of whether or not a change is significant or minor is in the sole discretion of the Board of Supervisors.

SECTION II. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all Ordinances of Lehman Township, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION III. SEVERABILITY

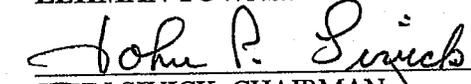
If any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, term, phrases, or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lehman Township that this Ordinance would have been adopted had such an unconstitutional, illegal or invalid provisions, sentence, clause, section, term, phrase or part there of not been included herein.

SECTION IV. EFFECTIVE DATE

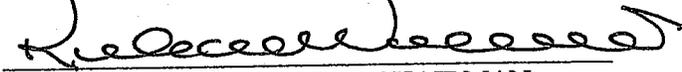
This amendment shall become effective upon the date of enactment.

ENACTED and ORDAINED this **6th** day of **August**, 2008, by the Board of Supervisors of Lehman Township.

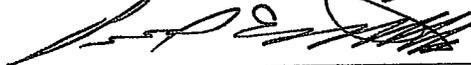
**BOARD OF SUPERVISORS
LEHMAN TOWNSHIP**



JOHN SIVICK, CHAIRMAN

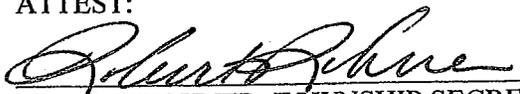


RICHARD VOLLMER, VICE-CHAIRMAN



PAUL MENDITTO, SUPERVISOR

ATTEST:



ROBERT ROHNER, TOWNSHIP SECRETARY

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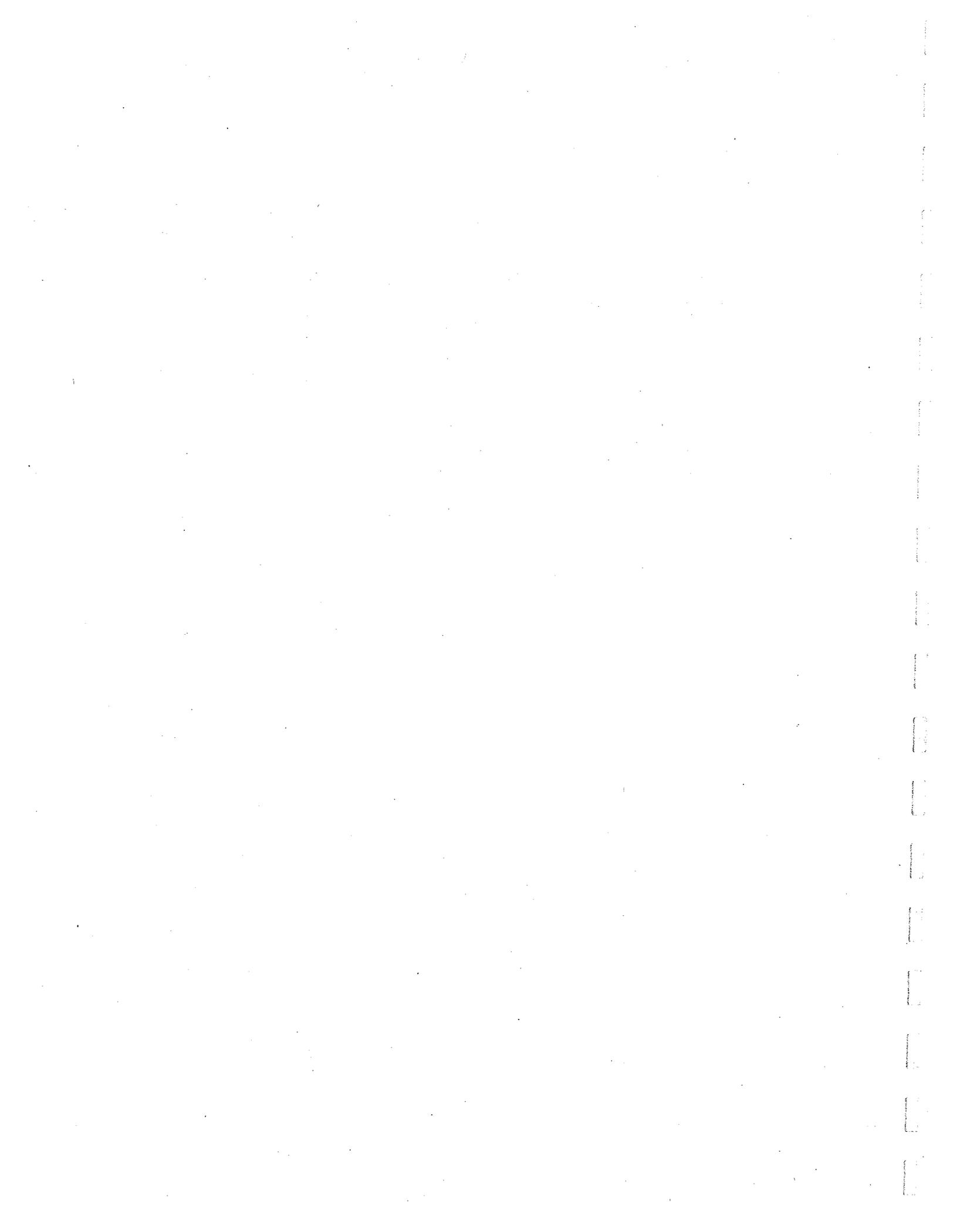
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Zoning Map Insert at End

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USING THIS ORDINANCE: AN OVERVIEW

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

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the Board of Supervisors must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 806 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in

alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Township Floodplain Ordinance and Floodplain Mapping.

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

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

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

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Township Office.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the Pike County Conservation District.
- If there will be impacts upon stormwater runoff, see the Township Stormwater Management Ordinance.

Any questions concerning the Zoning Ordinance should be directed to the Township's **Zoning Officer**. The Zoning Officer also administers applications for permits.

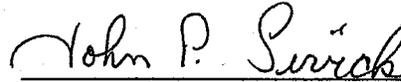
LEHMAN TOWNSHIP ZONING ORDINANCE
TITLE; ENACTMENT; SEVERABILITY

1. **TITLE.** A New Ordinance: a) dividing the Township of Lehman 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, 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.
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Lehman Township Zoning Ordinance" of 2004.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed all other parts of this Ordinance, not including the part declared invalid, if the Board would have had advance knowledge that such part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Lehman 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 Lehman Township.
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER.** The pre-existing Lehman Township Zoning Ordinance, as amended in effect on the date of adoption of this ordinance, is hereby repealed, in addition to the repeal of any other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Lehman Township hereby enacts and ordains into an Ordinance the attached document this date of June 17, 2004. This Ordinance shall become effective in 5 calendar days.

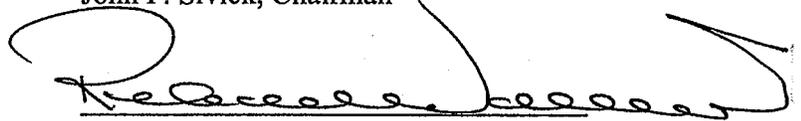
Date of Planning Commission Public Meeting: March 28, 2002

Date of Board of Supervisors Public Hearing: June 17, 2004

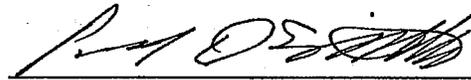
LEHMAN TOWNSHIP BOARD OF
SUPERVISORS



John P. Sivick, Chairman



Richard C. Vollmer, Supervisor



Paul D. Menditto, Supervisor



Attest

Robert H. Rohner, Jr., Secretary

ARTICLE 1 ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout the Township of Lehman. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.

102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:

102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,

102.B. in accordance with goals and objectives of the Lehman Township Comprehensive Plan,

102.C. to carry out the following major objectives:

1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
2. to minimize disturbance of creek valleys and steep woodlands,
3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
4. to protect the quality of groundwater and surface waters,
5. to encourage the continuation of farming,
6. to promote compatibility between land uses,
7. to seek coordinated development and roads across municipal borders,
8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
9. to promote development that retains the rural character of the Township,
10. to encourage rehabilitation and avoid demolition of historic buildings,
11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
12. to coordinate development with future central water and sewage service areas,
13. to direct industrial development to locations that will minimize conflicts with homes,
14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes, and
15. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities.

103. **PERMITS AND CERTIFICATES.**

103.A. **Applicability.**

1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - 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 Ordinance to the best knowledge of the applicable Township Staff.

- a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Erection, construction, movement, placement 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, and/or
 - 4) Demolition of a building.
 - b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
3. Certificate of Occupancy.
- a. It shall be unlawful to use and/or occupy any new principal building or establish any new or replacement principal non-residential use until a certificate of use and occupancy for such building or use has been issued by the Township Staff.
 - b. The Township Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
 - c. The Certificate of Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the Certificate until there is compliance with other Township ordinances.
 - d. The applicant shall keep a copy of the Certificate of Occupancy available for inspection.
 - e. Upon written request by an applicant, the Zoning Officer may issue a temporary Certificate Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
 - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
 - (4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
 - (5) See also Section 103.G.

103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this Ordinance. 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.)

103.C. Types of Uses.

- 1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.

2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Use. A use requiring zoning approval by the Board of Supervisors under Section 117.

103.D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 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, and
 - f. well and primary and alternate septic system locations. See Section 309.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,
 - c. a description of the proposed use of the property,
 - d. all other applicable information listed on the official Township application form,
 - e. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation, and
 - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
 - a. the present zoning district and major applicable lot requirements,
 - b. for a non-residential use:
 - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - (2) a list of the maximum hours of operation,

- c. 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 Ordinance 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 Ordinance.
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 Article 2).
6. Lot Survey and Building Stakeout.
- a. A current lot survey, performed by a Pennsylvania Professional Land Surveyor, shall accompany all applications for a zoning permit. Said survey shall have been performed not more than 3 years before the date of the zoning application. All boundary markers must be of a permanent nature and must be readily visible at the time of the initial zoning inspection. The survey map shall show all property lines and corner markers, the courses and distances along all property lines, adjoining streets and property owners, any existing improvements on or adjacent to the property, all proposed improvements to be constructed on the property, any bodies of water or delineated wetlands, any regulated flood plains, all building setbacks or buffers, and a title identifying the map.
 - b. Prior to submitting an application for a zoning permit, the Owner shall have the proposed building location accurately staked by a Pennsylvania Professional Land Surveyor. All corners of the building shall be marked with stakes and 4 offset hubs or pins shall be established outside of the perimeter of the building so that building corners may be reestablished during construction. All corner stakes and offsets shall be shown on the survey map prepared by the Professional Land Surveyor and shall be visible at the time of the initial zoning inspection.
 - c. Upon completion of the foundation and prior to the initiation of any framing, an as-built survey of the foundation shall be prepared by a Pennsylvania Professional Land Surveyor and submitted to the Zoning Officer for approval. For purposes of this plan, a foundation shall include any standard foundation type, piers, slabs or other support structures required by the Township Building Code. No further work may be completed until the as-built plan has been approved. The plan should use the survey map submitted with the initial zoning application as a base for this submission. In addition to the information shown on the survey map, the actual location of the foundation should be shown with accurate dimensions for the building and between the building and all property lines.
 - d. As-built surveys may not be required in the following cases: 1) A survey with the required information is already on file with the Township, in which case the Zoning

Officer may rely on such survey; 2) A structure requires no foundation, pier, slab or other support structure; 3) For sites greater than 2 acres, only boundary lines less than 100 feet from the proposed construction need to be surveyed and shown on the as-built survey plan.

103.E. Issuance of Permits.

1. One copy of all permit applications and any other zoning approvals shall be retained in Township files.
2. Driveway Permit. Where necessary for access onto a state or local road, a Township zoning or building permit shall be automatically conditioned upon issuance of a Highway Occupancy Permit from the appropriate authority.

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

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed 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 Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. 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 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities, 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.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided for in subsection 103.G.1.a.(1) above, and except for agricultural sales allowed by Section 306, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - a. The property shall be located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Township.
 - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.
 - e. 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.
 - f. Any structure shall meet applicable minimum setbacks.
 - g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
 - h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - i. Applicable State highway occupancy permit requirements shall be met.

103.H. Compliance with Township Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

1. 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.

104. GENERAL PROCEDURE FOR PERMITS.

104.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.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. INTERPRETATION AND USES NOT LISTED.

105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.

105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:

1. the proposed use would be less intensive in 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 Section 805.F.,
3. the use would meet the standards that would apply under Section 117 to a conditional use, and
4. the use is not specifically prohibited in that District.

105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
3. See Section 304.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation 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.

106.B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending

an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

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

1. Enforcement Action. If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.
2. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.
3. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

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

107. **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.

108. **AMENDMENTS TO THIS ORDINANCE.** Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

109. **CURATIVE AMENDMENTS.** The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

110. **ZONING OFFICER.**

110.A. **Appointment.** The Zoning Officer 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.

110.B. **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:

1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
3. keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
4. review proposed subdivisions and land developments for compliance with this Ordinance; and
5. take enforcement actions as provided by the State Municipalities Planning Code, as amended.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

111.A. **Membership of Board.** The Zoning Hearing Board shall consist of 3 residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being 3 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 office in the Township.

1. **Alternate Members.** The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).

111.B. **Vacancies.** Appointments to fill vacancies shall be only for the unexpired portion of a term.

111.C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).

111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:

1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.
2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
3. Variance.
 - a. The Board shall hear requests for variances filed with the Township Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of State law. (Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) *There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;*
 - ii) *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;*
 - iii) *Such unnecessary hardship has not been created by the appellant;*
 - iv) *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*
 - v) *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)*
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
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 Ordinance. See Section 116.

- b. **Conditions.** In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
 5. **Persons With Disabilities.** After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
 - a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
 6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- 111.E. **Time Limits for Appeals.** The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. **Stay of Proceedings.** The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. **Time Limits on Permits and Approvals.**
1. After a variance is approved or other zoning 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 such permits shall then be completed within 12 months after the issuance of the permits.
 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 36 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 may conclusively presume that the applicant has waived, withdrawn or

abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void.

111.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.

112. ZONING HEARING BOARD HEARINGS AND DECISIONS. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. In addition, the Township shall endeavor to provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property, however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

112.C. Decision/Findings.

1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the State Municipalities Planning Code.

112.D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this

Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

112.E. See also Section 908 of the PA. Municipalities Planning Code.

113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

115. **LIMITED TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to uses or structures owned by Lehman Township or by a municipal authority created solely by Lehman Township for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

116. **SPECIAL EXCEPTION USE PROCESS.**

116.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.

116.B. **Special Exception Procedure.**

1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D.
If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
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.

116.C. **Consideration of Special Exception Applications.** When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

1. **Compliance with this Ordinance.** The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
2. **Compliance with Other Laws.** The approval may be conditioned upon 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 Ordinance.
5. Neighborhood. The proposed use shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon approval.
6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. CONDITIONAL USE PROCESS.

117.A. Purpose. The conditional use approval process is designed to allow the Board of Supervisors to review and approve certain uses that could have significant impacts upon the community and the environment.

117.B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.

1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. An applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
2. Reviews.
 - a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
 - b. The Township Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
4. Time Limit. To minimize delays for applicants, the Township has established the following time limit upon conditional use applications. The Board of Supervisors shall approve,

conditionally approve or reject a conditional use application within 120 days after the Township's official receipt of a complete application for a conditional use, unless the applicant provides a written time extension.

(Note- As of the adoption date of this Ordinance, the State Municipalities Planning Code generally establishes a 60 day time limit for the first hearing and a 45 day time limit for a decision after the last hearing.)

117.C Consideration of Conditional Use Application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.

117.D Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. LIABILITY.

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

118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.



ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
 - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. 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 Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should 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.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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

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 with a significant portion of the market value of its products offered for sale or rent, or over 10 percent of its total retail floor area occupied by 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 depicting, displaying or relating to uncovered male or female genitals or "specified sexual activities." These materials shall include but not be limited to those that would be illegal to sell to persons under age 18 under State law.

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 3 or more persons and which is related to some form of monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

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

Adult Use. This term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

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 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

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

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

Apartment. See "dwelling types."

Applicant. The definition in the State Municipalities Planning Code, as amended, 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 of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. An area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with.

This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

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. This use shall not include activity meeting the definition of a "truck stop." See storage limits and other requirements in Section 402.

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater and b) the top of the ceiling of the basement is an average of 5 or more feet above the finished grade along the majority of the front side of the building that faces onto a street. (Note: This provision allows a walk-out basement in the rear to not count towards the maximum number of stories of a building.)

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Sign, Off-Premises.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

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

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

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

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

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground, Recreational Vehicle. An area where spaces are rented to transient visitors to the area to live within recreational vehicles, and which may include accessory recreational facilities.

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

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

Church. See "Place of Worship."

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

Cluster Development. A residential development that involves the permanent preservation of common open space, that places dwellings on the most suitable portions of a tract. It is one of the options that is possible under Lot Averaging in Section 311.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402.

A. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support.

Commercial District. The VC and GC Zoning Districts.

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

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

Comprehensive Plan. The latest adopted Comprehensive Plan of Lehman Township, as amended.

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Township Planning Commission and approval by the Board of Supervisors, under Section 117.

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

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

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 6,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

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.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative, Municipal. A process provided in the State Municipalities Planning Code that permits a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

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

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

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not meet the definition of a Group Day Care Home, and 3) is registered with the applicable State agency.* See Section 402.
- * Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

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

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

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

Dormitory. A building 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 Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- D. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.
 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) 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, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "Recreation Vehicle." The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.
- E. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- F. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

dwelling unit sketch

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

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

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

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Township's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

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

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

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

Forestry - Managing and using, for human benefit, forest lands and natural resources that occur on and in association with forest lands, including trees, other plants, animals, soil and water. It includes, but is not limited to, the planting, cultivating, harvesting, transporting and selling of trees for commercial purposes. See "Timber Harvesting" in this section and Section 402.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

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 Lehman Township. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

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

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.

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

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 Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. The vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. In addition to meeting the maximum height

along the front of the building, the maximum height shall also be met along one side or the rear of the building. If this requirement is met, then a maximum of one more story may be exposed in the rear of the building compared to the number of stories allowed in the front of the building. For a building with a defined and pitched roof, 20 percent of the ground area covered by the building may exceed the maximum height to provide for the roof peak, provided such area above the maximum height is not occupied by persons. See exemptions for certain types of structures in Section 802. For height of signs, see Article 7 entitled "Signs."

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 7 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 routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation stated in Section 403. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation. (Note - In most cases, under Section 306, a Light Home Occupation is permitted by right, while a General Home Occupation typically needs special exception approval from the Zoning Hearing Board.)

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 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

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.

Industrial District. The I Industrial zoning district.

Impervious Coverage. The percentage of the lot area covered by man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with this Zoning Ordinance, any compacted stone surfaces regularly used for vehicle parking and movement shall be considered to be impervious.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics,

machinery, equipment, containers and building materials. 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 d) items clearly awaiting imminent recycling at an appropriate location.

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

- A. 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,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or
- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See also the definition of "unregistered vehicle."

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
 1. "Junk." (see definition) covering more than 1 percent of the lot area.
 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage within the requirements of Section 402.
 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Pets" provisions of this Ordinance. A kennel may also serve other animals.

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."

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

Livestock or Poultry, Raising of. The raising and keeping of livestock, horses, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

- A. Livestock or Poultry, Intensive Raising of. A Raising of Livestock or Poultry use involving either or both of the following:
 1. An average of 2 or more "animal equivalent units" (based upon State Nutrient Management Regulation definitions) of live weight per acre of livestock or poultry, on an annualized basis on a lot; or
 2. 300 or more animal equivalent units on one lot, regardless of acreage.

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. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets.

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

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than 1 lot. (Note - Other sections of this Ordinance, such as Lot Averaging, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common open space on a separate lot. (Note - Other sections of this Ordinance, such as Lot Averaging, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from "Lot Area" under Section 708 of the Subdivision and Land Development Ordinance and/or Article 3 of this Ordinance.

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 Section 803.B.
- 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.

SAMPLE LOT LINE CONFIGURATIONS: Abbreviations correspond to:

- a = Front lot line (for a corner lot, see Section 803.B.)
- b = Rear lot line
- c = Side lot line

lot lines sketch

SKETCH OF LOT TERMS

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. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

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

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

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and "Hunting and Fishing Clubs."

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

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

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

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.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

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

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

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

Open Space, Common or Preserved. 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 deed restricted to permanently prevent uses of land other than "common/preserved open space" and non-commercial recreation or a golf course, and
- D. does not use any of the following areas to meet minimum open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, that does not have provisions for entry with a 20 foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
 - 8) portions of land that have a width of less than 40 feet.

Ordinance, This. The Lehman Township Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

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

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

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

Personal Care Home or Center. Shall mean "Assisted Living Facility."

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

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Private. 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 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." See standards in Section 402.

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

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

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

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act generally required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Township, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

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

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

- A. **Indoor Recreation.** A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. **Outdoor Recreation.** A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

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

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

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

Residential District(s). The CO Conservation, R Rural, LDR Low Density Residential, and R/MDR Resort/Medium Density Residential Zoning Districts.

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

Resort. A fully coordinated development involving dining and indoor and outdoor recreational facilities offered to the public on a single lot, and which may include lodging, and which involves all of the uses being developed as part of a coordinated development plan. A resort shall meet the "resort" requirements in Section 402, which allows certain additional uses.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

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

Retirement Community. A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least 55 years of age or be the surviving spouse of a deceased resident who was at least 55 years of age. In addition, the care of persons of any age with physical disabilities shall be permitted in Assisted Living Facilities. Such use shall meet the applicable requirements of Section 402.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

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

Rooming House. See "Boarding House."

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

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

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

Setback Line. 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 5 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.

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

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

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

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

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

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

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "Adult Use."

State. The Commonwealth of Pennsylvania and its agencies.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Classification. The Subdivision and Land Development Ordinance includes descriptions of different types of streets. The street classifications shall be as shown on the Roadway Classifications Map included at the back of this Ordinance.

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

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Lehman Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

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

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also 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 or Logging - The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. For the purposes of timber harvesting, the following terms shall have the following meanings:

- A. Basal Area - The area in square feet per acre occupied by tree stems 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.
- B. Best Management Practices - Universally accepted activities that have a positive effect or minimize a negative effect on the forest ecosystem. They provide minimum acceptable standards for good forest management. Examples of such practices may be found in the publication entitled, "Best Management Practices for Pennsylvania Forests", published by Penn State University, College of Agricultural Sciences, dated 1996.
- C. Felling - The act of cutting a standing tree so that it falls to the ground.

- D. Forest Technician - A person who has a two-year degree in forestry from a school of forestry associated with or accredited by the Society of American Foresters or who has demonstrated proper experience in forestry to the Board of Supervisors.
- E. Landing - A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.
- F. Litter - Discarded items not naturally occurring on the site such as tires, oil cans, garbage, equipment parts and other rubbish.
- G. Lop - To cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- H. Non-commercial Timber Stand Improvement - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which 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.
- I. Professional Forester - A person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.
- J. Skidding - Dragging trees on the ground from the stump to the landing by any means.
- K. Slash - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.
- L. Stand - Any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.
- M. Timber Operator - An individual, partnership, company, firm association, corporation or other entity engaged in timbering harvesting, including the agents, subcontractors and employees thereof.
- N. Top - The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

Tire Storage, Bulk. The storage of more than 150 used tires on a lot. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Township. Lehman Township, Pike County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

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

Transfer of Development Rights. An optional process, authorized under Section 313, that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving their land, based upon an agreement negotiated and accepted by both parties.

Treatment Center - A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in Section 402.

Also, a group home that exceeds the number of residents allowed by this Ordinance shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

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

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a 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 Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

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 Pennsylvania law and/or regulations.

Yard. An area 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," existing street right-of-way or setback required from a street under Section 807, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 803.B.
- 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 a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. Along a corner lot, if a lot abuts two streets, Section 803 requires a front yard along both streets. If a lot abuts two streets but is not a corner lot, the front yard shall be whichever side is the predominant front yard for neighboring properties.
- B. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- C. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback".

- A. 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.
- B. 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 Ordinance.
- C. Every lot shall include at least one rear lot line and a rear yard. For a corner lot, the lot line that is opposite the shorter of the two front lot lines shall be considered the rear lot line.

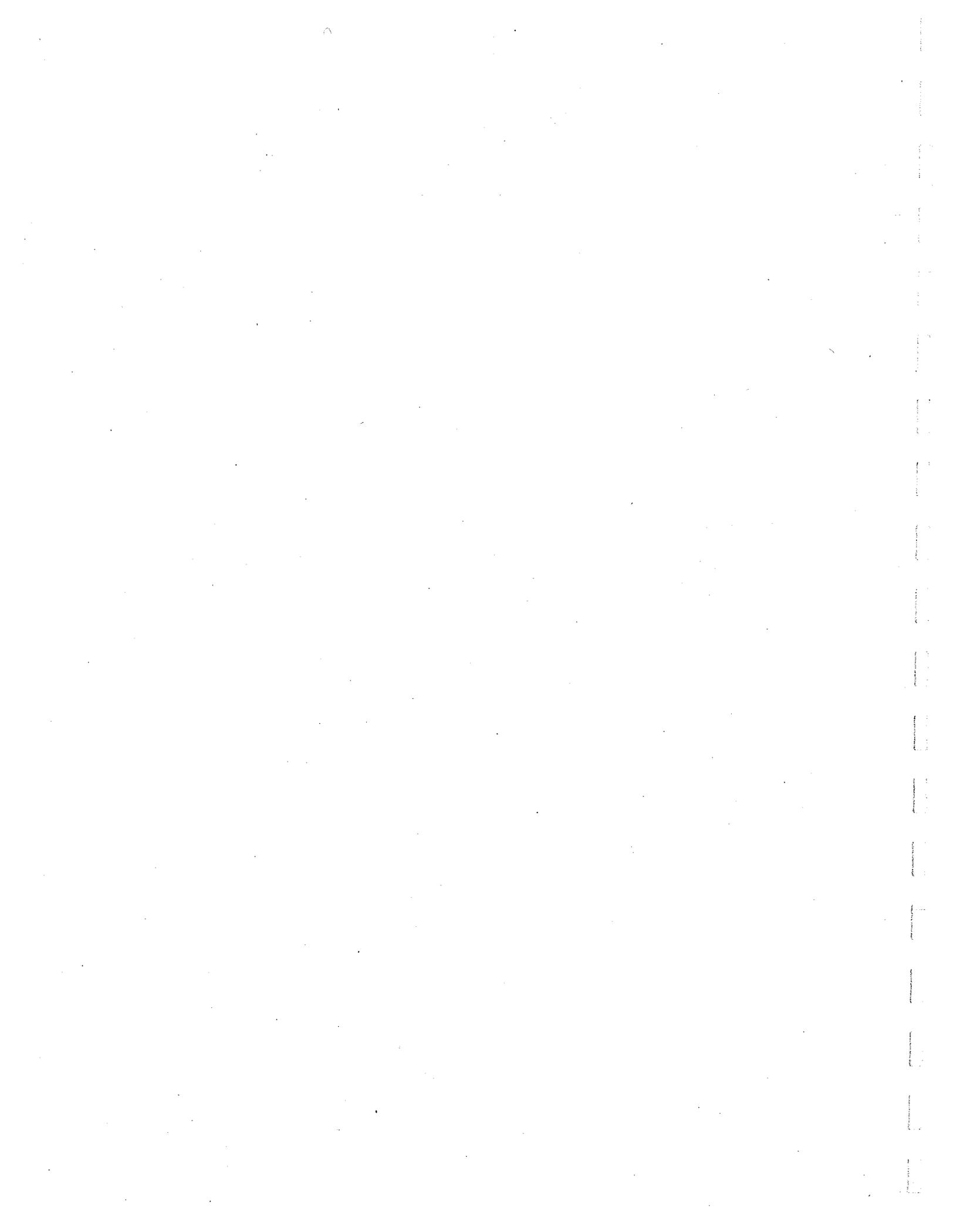
Yard, Side or "Side Setback".

- A. 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.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Zoning Map. The Official Zoning Map of Lehman Township, Pike County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Lehman Township Zoning Ordinance, as amended.



ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, Lehman Township is hereby divided into the following zoning districts, with the following abbreviations:

CO	Conservation District
R	Rural District
LDR	Low Density Residential District
R/MDR	Resort/Medium Density Residential District
VC	Village Commercial District
VCO	Village Commercial Overlay District
GC	General Commercial District
I	Industrial District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map."

- C. Overlay Districts. The Floodplain Area, as defined by Article 5, shall serve as an overlay district to the applicable underlying districts.

- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Comprehensive Plan, each zoning district is intended to serve the following purposes:

1. CO 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 protect the water quality and habitats along the Delaware River and creeks, and promote groundwater recharge.
2. R Rural District - To provide for low intensity development in areas that include significant important natural features, such as wetlands, flood-prone lands and steeply sloped areas. To protect the water quality and habitats along creeks, and promote groundwater recharge. To recognize that certain of these areas do not have sufficient road access for intense development. To provide a certain amount of flexibility in lot layout through lot averaging so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To provide incentives for the permanent preservation of substantial areas of land in public, semi-public or private ownership. To provide for and promote the continuation of existing camps, campgrounds, sportsmen's clubs and other private recreation activities.
3. LDR Low Density Residential District - To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.

4. R/MDR Resort/Medium Density Residential District - To provide for medium density residential neighborhoods and resort communities with a mix of housing types and a variety of recreational uses. To protect these areas from incompatible uses.
5. VC Village Commercial District - To preserve the historic and scenic rural character of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic rural character, and most likely to cause conflicts with homes. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload curvy sloped roads. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.
6. VCO Village Commercial Overlay District. To serve the same purposes as the VC District. In addition, to provide an option of developing under the standards of the R District. The VCO District shall serve as an overlay to the R District.
7. GC General Commercial District - To provide for a variety of commercial uses in areas that have better road access and are not near significant numbers of homes. To provide for a wider range of commercial uses than the VC district, including uses that are more auto-related (such as car washes and gas stations). To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.
8. I Industrial District - To provide for industrial and office development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To encourage coordinated development, particularly in regard to traffic access. To recognize that the road system of Lehman Township is only suitable for types of industries that do not generate large numbers of heavy truck traffic.

302. **APPLICATION OF DISTRICT REGULATIONS.**

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

303. **ZONING MAP.**

- A. A map entitled "Lehman Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.
- B. **Map Changes.** Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. **Replacement Map.** If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

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

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- C. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

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

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

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
- | | |
|------------|---|
| P = | Permitted by right use (zoning decision by Zoning Officer) |
| SE = | Special exception use (zoning decision by Zoning Hearing Board) |
| C = | Conditional use (zoning decision by Board of Supervisors) |
| N = | Not Permitted |
| (S. 402) = | See Additional Requirements in Section 402 |
| (S. 403) = | See Additional Requirements in Section 403 |
- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

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

For temporary uses, see Section 103.

The VCO Village Commercial Overlay District shall serve as an overlay to the R District. Within the VCO District, an applicant shall have the option of developing under the VCO or the R district.

306.B. Allowed Uses in Each Zoning District

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
1. RESIDENTIAL USES							
Single Family Detached Dwelling not meeting the Conservation Design Development provisions of Section 311							
- Involving one to five new dwelling units	P	P	P	P	P	P	P
- Involving six or more new dwelling units or lots	C	C	C	C	C	C	C
(Note - Manufactured/mobile homes shall meet the additional requirements of Section 402)							
Single Family Detached Dwellings within the Conservation Design Development provisions of Section 311	N	P	P	P	P	P	P
Twin Dwelling, side-by-side, with each new dwelling unit on its own fee-simple or condominium lot	N	N	N**	P	P	N	N
Townhouse/ Rowhouse (S. 402)	N	N	N**	C	C	N	N
Apartments (S. 402), other than conversions of an existing building	N	N	N	C	C	N	N
Manufactured/Mobile Home Park (S. 402)	N	N	N	C	N	N	N
Boarding House (includes Rooming House) (S. 402)	N	N	N	N	SE	N	N
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P	P	P
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	SE	SE	N	N
2. COMMERCIAL USES							
See also the standards in Section 402 for a "Resort" which allows a mix of commercial and residential uses.							
Adult Use (S. 402)	N	N	N	N	N	N	SE
After Hours Club (Note - Effectively prohibited by State Act 219 of 1990)	N	N	N	N	N	N	N
Airport or Heliport (S. 402)	N	N	N	N	N	N	C
Amusement Arcade (see also "Resorts" in Section 402)	N	N	N	N	P	P	N
Animal Cemetery (S. 402)	N	N	N	N	N	P	N
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	N	N	N	C	P	P	N
Auto Repair Garage or Auto Service Station (S. 402)	N	N	N	N	SE*	SE	SE
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	N	N	N	SE	N
Bakery, Retail	N	N	N	N	P	P	P

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

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

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

N = Not permitted

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

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

* = Limited to a maximum of 4 fuel pumps in the VC district, and in compliance with Section 507.

** = See optional provisions for Conservation Design Development in Section 311.

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
2. COMMERCIAL USES (Cont.)							
Bed and Breakfast Inn (S. 402)	N	SE	N	P	P	P	P
Betting Use	N	N	N	C*	C	C	N
Beverage Distributor, which may include retail and/or wholesale sales	N	N	N	N	SE	P	N
Bus Terminal	N	N	N	N	P	P	N
Camp (S. 402), other than Recreational Vehicle Campground	N	P	P	P	P	P	P
Campground, Recreational Vehicle (S. 402)	N	N	N	N	N	P	P
Car Wash (S. 402)	N	N	N	N	N	P	N
Catering, Custom, for Off-Site Consumption	N	N	N	N	P	P	N
Communications Tower/Antennae, Commercial (S. 402)							
- That meets Section 402.A.14.a.	P	P	P	P	P	P	P
- That does not meet Section 402.A.14.a.	N	SE	N	SE	SE	SE	SE
Conference Center	N	N	N	P	P	P	N
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804.	N	N	N	N	SE	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	N	N	N	P	P	P	P
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	N	N	N	N	P	P	P
Exercise Club	N	N	N	P	P	P	P
Fairgrounds	N	N	N	N	C	C	C
Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403	N	N	N	N	P	P	P
Flea Market/ Auction House	N	N	N	N	C	C	C
Funeral Home (S. 402)	N	N	N	N	P	P	N
Gas Station - See Auto Service Station							
Golf Course (S. 402)	N	P	P	P	P	P	P
Greenhouse or Garden Center, Retail	N	N	N	N	P	P	P
Hotel or Motel (S. 402)	N	N	N	P	P	P	N
Kennel (S. 402)	N	N	N	N	N	SE	SE
Laundromat	N	N	N	N	P	P	P
Laundry, Commercial or Industrial	N	N	N	N	N	P	P
Lumber Yard	N	N	N	N	N	P	P
Motor Vehicle Racetrack (S. 402)	N	N	N	N	N	N	C

* = Only allowed if part of an approved Resort.

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

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

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

N = Not permitted

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

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

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
2. COMMERCIAL USES (Cont.)							
Office (See also as Home Occupation)	N	N	N	N	P	P	P
Pawn Shop	N	N	N	N	N	P	N
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	N	N	N	N	P	P	P
Picnic Grove, Private (S. 402)	N	SE	N	SE	P	P	P
Plant Nursery	P	P	P	P	P	P	P
Recreation, Commercial Indoor (S. 402) (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than uses listed separately in this Section 306	N	N	N	N	P	P	P
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, amusement park and closely similar uses); other than uses listed separately in this Section 306 (see also uses allowed as a "Resort")	N	N	N	P	P	P	P
Repair Service, Household Appliance	N	N	N	N	P	P	P
Resort (S. 402)	N	SE	N	SE	SE	SE	N
Restaurant or Banquet Hall (S. 402)							
- with drive-through service (S. 403)	N	N	N	N	N	P	N
- without drive-through service	N	N	N	N	P	P	N
Retail Store (not including uses listed individually in this Section 306) or Shopping Center	N	N	N	N	P***	P	N
Self-Storage Development	N	N	N	N	N	SE	P
Target Range, Firearms							
- Completely indoor and enclosed	N	SE	N	N	P	P	P
- Other than above (S. 402)	N	SE	N	N	N	N	SE
Tattoo or Body Piercing Establishment	N	N	N	N	N	P	N
Tavern which may include a State-licensed micro-brewery or Nightclub (not including an After Hours Club)	N	N	N	N	SE	SE	N
Theater, Indoor Movie, other than an Adult Use	N	N	N	SE	P	P	N
Trade/ Hobby School	N	N	N	N	P	P	P
Veterinarian Office (S. 402)	N	N	N	N	N	P	P
Wholesale Sales - see under Industrial Uses							

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

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

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

N = Not permitted

(S. 402) = See Requirements in Section 402

(S.403) = See Requirements in Section 403

*** A Retail Store may include drive-through service if it receives special exception approval and meets Section 403. No retail establishment in the VC district shall exceed a total building floor area of 40,000 square feet.

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
3. INSTITUTIONAL/ SEMI-PUBLIC USES							
Cemetery (see Crematorium listed separately)	P	P	P	P	P	P	P
College or University - Educational and Support Buildings (other than environmental education center)	N	N	N	N	P	P	N
Community Recreation Center or Library	N	P	P	P	P	P	N
Crematorium	N	N	N	N	N	SE	P
Cultural Center or Museum	SE	N	N	P	P	P	N
Day Care Center, Adult (S. 402)	N	N	N	P	P	P	P
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	N	P	P	P	P
Dormitory as accessory to a college, university or primary or secondary school	N	N	N	N	N	SE	N
Emergency Services Station	N	SE	SE	SE	SE	SE	SE
Hospital	N	N	N	N	P	P	P
Hunting and Fishing Club, with a 5% maximum building coverage in the C, R and LDR districts. This term shall not include uses listed separately in this Section 307.	P	P	P	P	P	P	P
Maintenance Facilities for Residential Community Associations, P provided the Association provides written notice to the Township that the facility has been approved by the Association Board		P	P	P	P	P	P
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	N	SE	SE	P	P	P	P
Nursing Home or Personal Care Home/Assisted Living (S. 402)	N	N	N	P	P	P	N
Place of Worship (S. 402) (includes Church)	P	P	P	P	P	P	P
School, Public or Private, Primary or Secondary (S.402)	N	P	P	P	P	P	P
Treatment Center (S. 402)	N	N	N	N	N	N	SE
4. PUBLIC/SEMI-PUBLIC							
Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE	SE
Prison or Similar Correctional Institution	N	N	N	N	N	N	SE
Publicly Owned or Operated Recreation Park	P	P	P	P	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE	SE
Swimming Pool, Non-household (S. 402)	P	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	P	P	P	P	P	P	P

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

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

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

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

N = Not Permitted

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
5. INDUSTRIAL USES *							
Asphalt Plant	N	N	N	N	N	N	SE
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	N	N	SE**	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	N	N	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	N	N	SE
Electricity Generating Plant	N	N	N	N	N	N	SE
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	N	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N	N
Junk Yard (S. 402)	N	N	N	N	N	N	SE
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N	N	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:							
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	N	SE
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	N	N	SE**	P
- Cement Manufacture	N	N	N	N	N	N	SE
- Ceramics Products (other than Crafts Studio)	N	N	N	N	N	SE**	P
- Chemicals, Manufacture or Bulk Processing of Toxic or "Extremely Hazardous Substances" in amounts in excess of the U.S. EPA Threshold Planning Quantity or substances with similar characteristics	N	N	N	N	N	N	N
- Chemical Products, other than pharmaceuticals and types listed separately (see above)	N	N	N	N	N	N	SE
- Clay, Brick, Tile and Refractory Products	N	N	N	N	N	N	P
- Computers and Electronic and Microelectronic Products	N	N	N	N	N	SE	P
- Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	N	SE
- Electrical Equipment, Appliances and Components	N	N	N	N	N	P	P
- Explosives or Ammunition	N	N	N	N	N	N	SE

* = Note - In case of uncertainty, the North American Industrial Classification System shall be used to determine the type of industrial use (such as "Fabricated Metal Products".)

** = Limited to a building floor area of 10,000 square feet or less.

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

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

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

N = Not permitted

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

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

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
5. INDUSTRIAL USES (Cont.)							
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:							
- Fabricated Metal Products, and/or Machine Shops, but not including Ammunition or Explosives manufacture	N	N	N	N	N	SE**	SE
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306)	N	N	N	N	N	N	P
- Food Products for animals	N	N	N	N	N	N	P
- Gaskets	N	N	N	N	N	N	P
- Glass and Glass Products (other than Crafts Studio)	N	N	N	N	N	N	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N	N
- Jewelry and Silverware	N	N	N	N	N	N	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	N	N	P
- Machinery	N	N	N	N	N	N	P
- Manufactured or Modular Housing	N	N	N	N	N	N	P
- Medical Equipment and Supplies	N	N	N	N	N	P	P
- Metal Products, Primary	N	N	N	N	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	N	N	SE
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	N	N	N	P
- Paper - Raw Pulp	N	N	N	N	N	N	SE
- Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	N	N	SE
- Pharmaceuticals and Medicines	N	N	N	N	N	N	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	N	N	N	N	SE
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	N	N	P

** = Limited to a building floor area of less than 10,000 square feet.

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

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

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

N = Not permitted

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

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

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
5. INDUSTRIAL USES (Cont.)							
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:							
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	N	N	SE
- Scientific, Electronic and Other Precision Instruments	N	N	N	N	N	SE	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	N	N	N	N	P
- Transportation Equipment	N	N	N	N	N	N	P
- Wood Products and Furniture (not including raw paper pulp)	N	N	N	N	N	SE	P
- See Section 105 for uses that are not listed							
Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site, but not including groundwater or spring water withdrawals	N	N	N	N	N	SE	SE
Packaging	N	N	N	N	N	P	P
Package Delivery Services Distribution Center	N	N	N	N	N	N	C
Petroleum Refining	N	N	N	N	N	N	SE
Photo Processing, Bulk	N	N	N	N	N	P	P
Printing or Bookbinding	N	N	N	N	P**	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	N	N	SE	P
Research and Development, Engineering or Testing Facility or Laboratory	N	N	N	N	N	P	P
Sawmill/ Planing Mill	N	N	N	N	N	N	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	N	N	C
Solid Waste Landfill (S. 402)	N	N	N	N	N	N	C
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	N	N	N	N	C
Trucking Company Terminal (S. 402)	N	N	N	N	N	N	C
Warehousing or Storage as a principal use	N	N	N	N	N	N	P
Warehousing or Storage as an accessory use	N	N	N	N	P	P	P
Welding	N	N	N	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	N	N	N	N	P	P
Windfarm for Electricity Generation involving more than 2 windmills on a lot	N	N	N	N	N	N	SE

** = Limited to a building floor area of 10,000 square feet or less. Industrial-scale bulk bookbinding shall not be allowed in the VC district.

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

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

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

N = Not permitted

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

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

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS						
	CO	R	LDR	R/MDR	VC/ VCO	GC	I
6. ACCESSORY USES (See Additional Requirements in Section 403 for Specific Accessory Uses; See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use")							
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship (S. 402)	P	P	P	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:							
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	P	P
- Group Day Care Home	N	N	N	N	P	P	P
- Family Day Care Home	SE	SE	SE	SE	P	P	P
Home Occupation, General (S. 403)	SE	SE	SE	SE	SE	SE	P
Home Occupation, Light (S. 403)	P	P	P	P	P	P	P
Outdoor Storage and Display as accessory to a business use (S. 403)	N	N	N	P	P	P	P
Temporary Retail Sales - See Section 103.G.	N	N	N	P	P	P	P
Unit for Care of Relative (S. 403)	P	P	P	P	P	P	P
7. MISCELLANEOUS USES							
Crop Farming	P	P	P	P	P	P	P
Greenhouses, Wholesale	P	P	N	N	N	N	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a lot for off-site consumption (S. 402) (See also requirements for food and beverage bottling and processing under Industrial Uses)	C	C	C	C	C	C	C
Nature Preserve or Environmental Education Center, with a 10 acre minimum lot area for any use involving a principal building	P	P	P	P	P	P	P
Parking Lot as the Principal Use of a Lot	C	C	C	C	P	P	P
Raising of Livestock (S. 402)	SE	SE	N	N	N	N	SE
Sewage Sludge, Land Application of	SE	SE	N	SE	SE	SE	SE
Sewage Treatment Plant	P	P	P	P	P	P	P
Stable, Non-Household (S. 402)	N	P	SE	SE	SE	P	P
Timber Harvesting (S. 402)	P	P	P	P	P	P	P
All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5	N	N	N	N	N	N	N

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

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

N = Not permitted

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

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

306.C. Permitted Accessory Uses in All Districts. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Swimming Pool, Household *
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

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

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

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
1. CO Conservation District: <i>See Conservation Design Option in Section 309, which allows smaller lot sizes, smaller lot widths and density bonuses.</i>	130,680 (3 acres).	300	60, except 40 feet along a minor street.	60	20	10%	15%
2. R Rural District: <i>See the Conservation Design Option in Section 309, which allows smaller minimum lot sizes, smaller lot widths, and density bonuses.</i> All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).	87,120 (2 acres).	200	60, except 40 feet along a minor street.	50	15	15%	20%

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>3. LDR Low Density Residential District:</p> <p>1) Single Family Detached Dwellings:</p> <p>a) Without either Township-approved central water service or Township-approved central sewage service</p> <p>b) With Township-approved central water or Township-approved central sewage service</p> <p>c) With both Township-approved central water and Township-approved central sewage services:</p> <p>2) Other Allowed Uses: <i>See Conservation Design Option in Section 309, which allows smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i></p> <p><i>See provisions in Section 313 to increase density through Transfer of Development Rights.</i></p> <p>All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).</p>	<p>1a) 43,560 (1 acre)</p> <p>1b) 39,000</p> <p>1c) 20,000</p> <p>2) 43,560</p> <p>An existing lot of record with central water and sewage services and a lot area of 15,000 square feet or greater shall be a considered conforming lot.</p>	<p>a) 150</p> <p>b) 120</p> <p>c) 100</p>	40	40	20	20	35

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>4. R/MDR Resort/ Medium Density Residential District:</p> <p>a) The following housing types, each of which shall require Township-approved central water and Township-approved central sewage services: 1) Twin dwelling unit 2) Townhouse 3) Apartments, which shall be detached from other buildings 4) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section. For uses <u>other</u> than twin dwellings, townhouses, apartments and manufactured home parks - The provisions of the LDR district shall apply instead of the provisions of the R/MDR district. Single family detached dwellings in the R/MDR district may also be developed under the Conservation Design Option in Section 309.</p> <p>b)</p> <p><i>See provisions in Section 313 to increase density through Transfer of Development Rights.</i></p>	<p>Minimum lot area for each dwelling unit and each principal use: a1) minimum average of 20,000 (Note C) a2) minimum average of 20,000 (Note C) a3) minimum average of 20,000 (Note C)</p>	<p>a1) 50 per dwelling unit a2) 20 per interior dwelling unit, and 40 for each end unit (Note B) b3) 150</p>	30	30	20, except 0 at the shared lot line of lawfully attached dwellings	50%	60%. For a townhouse development, the maximum impervious coverage may be based upon an average for the development.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
5. VC Village Commercial and VCO Village Commercial Overlay Districts: a) For residential uses allowed within the R/MDR district, the regulations of the R/MDR district shall apply, instead of the VC district regulations b) Other allowed use <i>See Conservation Design Option in Section 309, which allows smaller minimum lot sizes, smaller lot widths, and density bonuses.</i>	a) R/MDR district provisions apply b) 43,560	b) 200	b) 30	b) 30 (Note D)	b) 15 (Note D)	b) 35%	b) 65%
6. GC General Commercial District: a) Vehicle or manufactured home sales or outdoor recreation use b) Other allowed use	a) 87,120 (2 acres) b) 43,560 (1 acre)	200	30	30 (Note D)	15 (Note D)	35%	65%
7. I Industrial District:	87,120 (2 acres)	200	30	30 (Note D)	25 (Note D)	35%	65%

Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

- ** = The following exceptions shall apply:
 - If a non-conforming residential lot is part of a Township-approved subdivision, and front, rear and side setback requirements were set forth on the recorded subdivision plan, then the lot may be developed according to such stated setback requirements in place of the front, rear and side setback requirements of this Section. In addition, if not setback shown, follow setbacks in effect, but if prior to zoning, if developer set up covenants and restrictions that were recorded, follow those.
 - For accessory structures and uses, see Section 307.C. below.
 - Structures shall not obstruct minimum sight clearance at intersections.
 - See Section 803 pertaining to Corner Lots.
 - See Section 806 regarding extension of nonconforming setbacks.
 - See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.
 - See Section 807 which may require additional setbacks along existing streets.
 - See Section 307.D. below concerning lots in older subdivisions.
- (Note A) = Except 40 feet side and 50 feet rear for a principal business use from a abutting residential lot in a residential district. A side or rear yard shall be increased to 100 feet for any new or expanded portion of an industrial building or tractor-trailer truck loading dock from the lot line of a primarily residential use in a residential district.
- (Note B) = Except if 2 or more off-street parking spaces per dwelling or garage doors for 2 or more vehicles are located within 20 feet of a public street, then the lot width per dwelling along such street shall be a minimum of 24 feet.
- (Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.
 - The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
 - The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
 - A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
- (Note D) = Except 40 feet side and 50 feet rear for a principal business use from a abutting residential lot in a residential district.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. See definition of "Height" in Section 202, which addresses the ways height is measured. Except as provided in Section 802 or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, and
2. the maximum height for any other structure shall be 2.5 stories or 40 feet, whichever is more restrictive, except:
 - a. a hotel or motel building within a Resort may have a maximum height of 4 stories or 60 feet whichever is more restrictive, provided that the applicant proves to the satisfaction of the Board of Supervisors as a conditional use that:
 - (1) adequate measures will be put into place to offset building safety issues from the increased height,
 - (2) portions of the building that are greater than 35 feet in height will not be visible from any collector or arterial street, and
 - (3) for fire access purposes, no part of the building shall be more than 60 feet from the adjacent ground level to the top of the roof of an occupied floor.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. An 8 feet wide minimum side and rear yard setback shall apply for a permitted detached structure that is accessory to a dwelling, except:
 - a. The minimum side and rear setback may be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - b. No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings).
 - c. See other exceptions in Section 803, including for porches and decks.
 - d. See Section 403 for swimming pools.

307.D. Lots in Older Subdivisions.

1. If a residential lot was legally established and the recorded subdivision plan shows or states front, side and rear principal building setbacks that are different than are required by Section 307, those setbacks on the recorded plan shall apply instead of the setbacks of Section 307.
2. If a residential lot was legally established and recorded prior to the enactment of the Township Zoning Ordinance on April 7, 1977, and the recorded plan does not show or state front, side and rear principal building setbacks, but front, side and rear principal building setbacks were established in legally binding covenants or deed restrictions, then such setbacks established by such covenants or restrictions shall apply instead of the setbacks of Section 307.

308. ADDITIONAL REQUIREMENTS WITHIN THE VC VILLAGE COMMERCIAL DISTRICT.

308.A. Purposes. This section is intended to serve the following purposes, in addition to the overall objectives of this Ordinance.

1. To encourage new development to occur in a manner that is compatible with existing older development and the Township's natural scenic beauty, and a stronger "sense of place."
2. To promote convenience-oriented businesses that mainly serve local residents.
3. To provide for safe vehicle traffic.
4. To serve the purposes for Traditional Neighborhood Development as listed in the State Municipalities Planning Code.

308.B. Additional Requirements and Guidelines Within the VC District.

1. See limits in Section 306 on the maximum floor area of a retail establishment.
2. Every principal building shall have the appearance of a pitched roof when viewed from the street.
3. The majority of exterior walls of principal buildings facing onto a public street shall be constructed of stone, brick, other decorative masonry, glass, stucco, wood and materials with a closely similar appearance, as opposed to plain masonry block or metal. This provision shall not restrict metal roofs.
4. Earth tone colors are strongly recommended, as opposed to extremely bright colors.
5. The "Interconnected Parking Lots" provisions of Section 711 of the Subdivision and Land Development Ordinance are hereby incorporated by reference. As a condition of approval of any new principal non-residential building, the applicant shall prove compliance with such section.
6. See the paved area setback provisions of Section 603. A total maximum of 20 percent of the land area on a lot that is located within 50 feet from the front lot line shall be used for paving, vehicle parking or stone surfaces. The majority of vehicle parking should be placed to the rear or side of the principal building.
7. A new principal building for retail sales is strongly encouraged to include a front porch with a roof overhang or an awning over the front door.
8. A new principal building for retail sales shall have a pedestrian entrance and windows on a side of the building that faces a public street.
9. Consistent styles of signs should be used among different businesses on a lot. Signs should not be overly bright. Signs should not be internally lit. If a sign is internally lit, the letters should shine through a darker background color, as opposed to dark letters on an overly bright white or yellow background.
10. The mass of a larger building should be broken up by making it appear to be a connected set of smaller buildings. This can be achieved by changes in materials, setbacks and rooflines.

309. CONSERVATION DESIGN DEVELOPMENT.

- 309.A. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases, this option will encourage the preservation of significant areas of common/preserved open space. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited, and may become overtaxed if the entire Township is developed in one acre minimum lots from end to end.

309.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Township that all of the requirements of this Section 309 will be complied with.

1. The term "Conservation Design Development" shall mean a residential development meeting the requirements of this Section 309.
 - a. Uses. A Conservation Design Development shall only include single family detached dwellings, nature preserves, Township-owned recreation, a golf course and their customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as a Conservation Design Development. Certain additional housing types may be allowed in a zoning district if specifically permitted by Section 309.C. below.
2. A tract may be eligible for approval for a Conservation Design Development if it includes the following minimum amount of lot area in common ownership: 6 acres in the CO district and 4 acres in any other district where Conservation Design development is allowed by Section 306. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas.
 - b. The amount of common open space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features.
 - c. Conservation easements shall be established on lots as necessary to make sure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
 - d. A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
 - e. Areas used for a principal non-residential use (other than uses approved as common/ preserved open space) shall not be included within the land area used to calculate residential density.
3. A Conservation Design Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

309.C. Density, Open Space and Lot Standards. If approved as a Conservation Design Development, then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum common/ preserved open space on the entire tract meets the requirement stated below and all other requirements of this Ordinance. If a particular situation is not described in this section, then a Conservation Design Development shall not be permitted in that situation.

1. A Yield Plan shall be presented by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Conservation Design Development provisions would not be used. For example, in the R District, this Yield Plan shall show compliance with a 2 acre minimum lot area. Such Yield

Plans shall be completed to an accurate scale, including accurately showing tract boundaries, steep slopes, 100 year floodplains and wetlands. The Yield Plan shall show potential lots and streets. However, the Yield Plan is not required to meet the detailed engineering requirements of a preliminary subdivision plan. Septic probes and perc tests are required, to show that on-lot septic systems would be possible in marginal areas.

2. Such Yield Plans shall be reviewed by the Planning Commission, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Planning Commission to revise such Yield Plan.
3. The maximum number of dwelling units allowed on the tract through Conservation Design Development shall be 25 percent greater than the number of dwelling units that is determined by the Township to be possible under the approved Yield Plan. See additional density bonuses in subsection 7. below.
4. The following minimum lot areas shall apply, provided that the total maximum density for the tract is not exceeded:

(a) CO Conservation District - The minimum lot area may be reduced to 43,560 square feet and the minimum lot width to 150 feet. A minimum of 65 percent of the total tract area shall be preserved as common open space.

(b) R Rural District -

(1) With Township-approved central water and sewage services, the minimum lot area may be reduced to 15,000 square feet and the minimum lot width to 85 feet. A minimum of 80 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.

(2) Without Township-approved central water and sewage services, the minimum lot area may be reduced to 1 acre and the minimum lot width to 150 feet. A minimum of 40 percent of the total area of the tract shall be preserved as Common Open Space.

(c) LDR, R/MDR, VC or GC Districts - The dwellings shall need both Township-approved central water and central sewage services.

(1) For single family detached dwellings, the following options shall apply:

	<u>Minimum Lot Area</u> <u>(square feet)</u>	<u>Minimum</u> <u>Lot Width (feet)</u>	<u>Minimum Percentage of Tract in</u> <u>Common Open Space</u>
Option 1:	15,000	90	30 percent
Option 2:	12,000	85	40 percent
Option 3:	10,000	80	50 percent

(2) Twin dwellings and townhouses shall also be allowed within a Conservation Design Development in the LDR, R/MDR, VC and GC districts. A minimum building width of 30 feet shall apply for each twin dwelling unit and 24 feet for each townhouse dwelling unit. If the development includes any twin dwellings or townhouses, then a minimum of 60 percent of the total lot area of the tract shall be preserved in common open space. The applicant is required to show that the dimensional requirements could be met as if each dwelling was on its own lot, however, each dwelling unit is not required to be on its own fee-simple lot.

5. Utilities. Any lot of less than one acre shall be served by Township-approved central sanitary sewerage service and central water service.
6. Conservation Design Development shall not be combined with Transfer of Development Rights.
7. An additional density bonus of 20 percent shall be allowed if either of following conditions are met. This density bonus shall only be granted if the conditions are established by legal documents that are acceptable in form to the Township Solicitor. Such legal documents shall allow enforcement by the Township, in addition to enforcement by the landowner. Only one of the following density bonuses may be used.
 - a. A 20 percent density bonus shall be allowed if all dwelling units within a development tract will be limited by deed and by any lease to occupancy by at least one person age 55 and older, their spouse of any age, and no persons under age 18; or
 - b. A 20 percent density bonus shall be allowed if all dwelling units within a development will be limited by deed and by any lease to occupancy by no one individual for more than 90 days in any calendar year. This provision is intended to allow time-share units, quarter-ownership units, and rental resort units.

309.D. Other Requirements. Only requirements that are specifically stated in this Article as being adjusted shall differ from what would otherwise apply to a conventional non-Conservation Design development. All other requirements of this Ordinance and the Township Subdivision and Land Development Ordinance shall still apply to a Conservation Design Development.

309.E. Conditions for Approval. In addition to the specific requirements of this Section, a Conservation Design Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. That the Conservation Design Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, 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.
 - c. The dedication of public parkland 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 Conservation Design of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
2. The applicant shall prove that the proposed Conservation Design Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

309.F. Open Space.

1. Open Space. Land within a Conservation Design Development may be permanently preserved as public, semi-public or private "Common or Preserved Open Space."
2. Open Space Standards. Any common/ preserved open spaces shall meet all of the following requirements:
 - a. Such open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Township-approved agricultural uses.
 - b. A Conservation Design Development shall still meet any recreation land dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance.
 - c. The Township may require the use of conservation easements within a Conservation Design development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.
 - d. Improvements to Open Spaces. Where open space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
 - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
 - (3) Type of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:
 - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.
 - (b) Natural Area: An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.
 - (c) Recreation Area: An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
 - e. All proposed Common/ 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.
 - f. The applicant shall prove that all required Open Space would be suitable for its intended and Township-approved purposes.

- g. Lots and open spaces shall be located to promote pedestrian and visual access to common/preserved open spaces whenever possible.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any common/preserved open space shall be acceptable to the Township. The Township shall only approve a Conservation Design Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
- a. The method of ownership and use of any required common/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. Required open space shall be permanently preserved by one or a combination of the following methods:
- (1) Dedication to the Township as public open space, if the Board of Supervisors agree in writing to such dedication.
 - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
 - (4) Dedication to a homeowners association, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for common/preserved open space that is not publicly-owned.
 - (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (5) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.
 - (6) Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.
 - (7) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (8) Operation as a bonafide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the minimum average lot area.
 - (9) Retention as part of one or more private lots, with an appropriate Township-approved conservation easement. This option (9) is not available in the LDR and R/MDR districts on tracts of less than 5 acres. This option (9) shall only be available if the applicant proves to the satisfaction of the Board of Supervisors that none of the other options are feasible.

- b. Legal documents providing for ownership and/or maintenance of required shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
- c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. Any homeowner association should generally follow the provisions of Section 705.f. parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the Recorded Plan. For example, if the 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."

309.G. Steep Slopes. A lot required to have a larger minimum lot area under the Subdivision and Land Development Ordinance because of steep slopes shall not be permitted to be reduced in lot area under this Section 309. However, through the use of the smaller minimum lot areas in this Section, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the slope requirements of the Subdivision and Land Development Ordinance no longer apply to individual lots. Within a Conservation Design Development, no construction of principal buildings shall occur on slopes of over 25 percent.

309.H. Access. A Conservation Design Development shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.

309.I. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

309.J. Definition of Common/ Preserved Open Space. See Section 202.

309.K. Landscaping Plan. An application for a Conservation Design Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.

1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the common/ preserved open space and throughout the tract.
2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

310. OPTIONAL TRANSFER OF DEVELOPMENT RIGHTS ("TDR").

310.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. encourage the permanent preservation of important farmland and environmentally sensitive areas;
2. direct growth to locations where public water and sewerage services are available; and
3. provide a voluntary method for landowners to be compensated by the free market to preserve their land.

310.B. Applicability.

1. The Transfer of Development Rights shall only officially occur at the time of final approval of a subdivision or land development plan. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.
2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property.
 - a. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.
3. The form of the Conservation Easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor and Planning Commission. The term Conservation Easement shall include, but not be limited to, an Agricultural Conservation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the County Agricultural Land Preservation Board may be utilized.
4. A Sending Property shall be within the CO, R or LDR Districts. A Sending Property shall have a minimum lot area of 10 acres.
5. A Receiving Property shall be within the R/MDR, LDR or VC Districts.
 - a. In addition, a Receiving Property may be in the R district if the density is being transferred from an adjacent lot in the R district.
 - b. Density may be transferred from one portion of a lot to another portion of a lot, even if it means transferring some of the density from one zoning district to another zoning district, provided the applicant proves to the satisfaction of the Township that the transfer will not result in any increase in density compared to what would be possible under conventional development.
6. The owners of the Sending and Receiving Properties shall voluntarily commit to participate in the Transfer of Development Rights. Once such Conservation Easement is established, it shall be binding upon all current and future owners of the Sending Property. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the Sending Property.
7. Donations or Intermediaries. The right to develop a Sending Property may be purchased by or donated to the Township, the County or an established incorporated non-profit organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall be established on the Sending Property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property(ies).

310.C. Definitions.

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

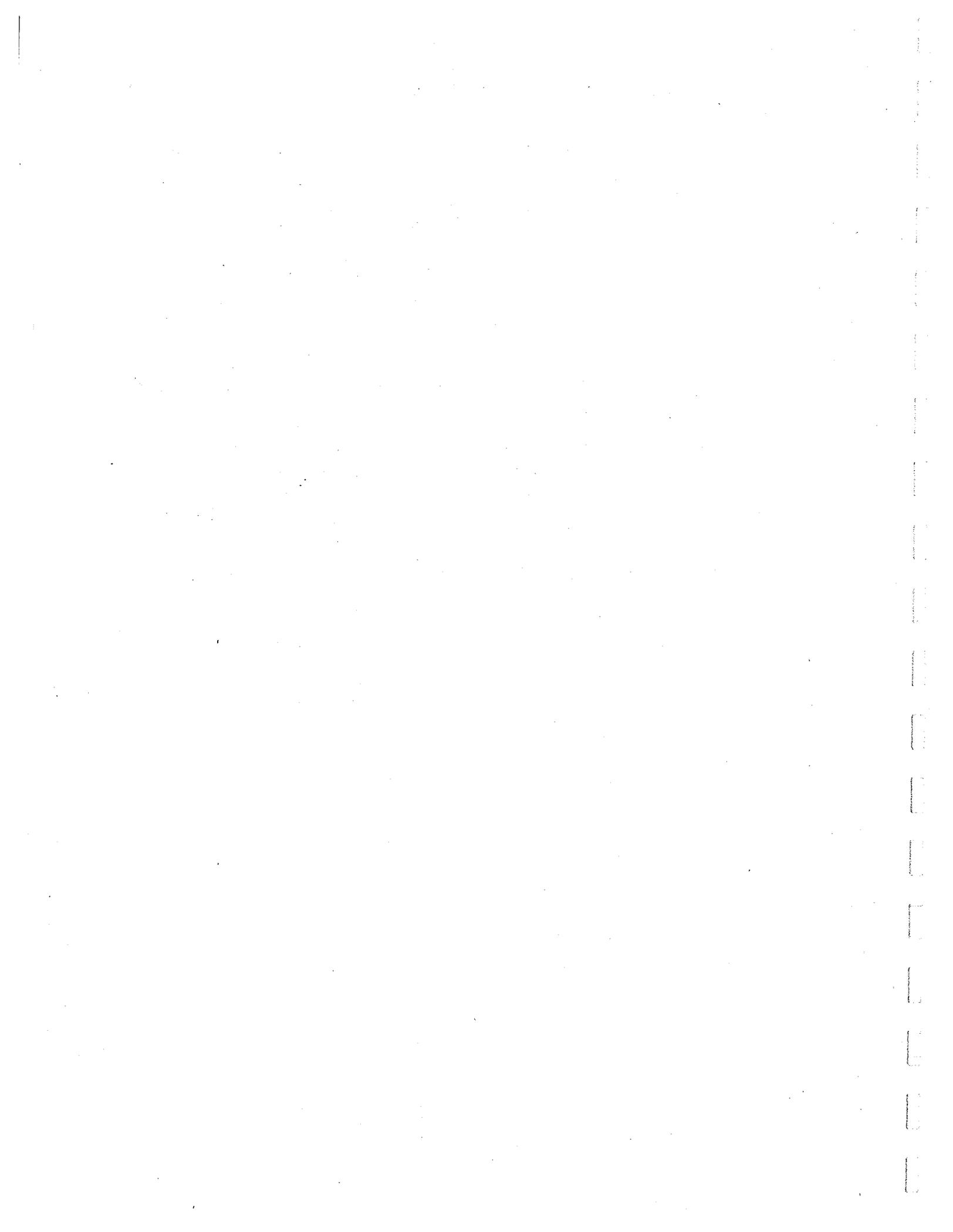
310.D. Determination of Density.

1. Yield Plans shall be presented by the applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detailed septic perc tests are not required for such sketches, but new septic systems shall not be assumed to be possible in areas with obviously severe limitations.
2. Such Yield Plans shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
3. Based upon the Yield Plans, permission to develop a number of dwelling units may be transferred from the Sending Property to the Receiving Property. The potential to develop some or all of the dwelling units may be transferred from the Sending Property, depending upon the amount of land affected by the permanent Conservation Easement.
 - (a) For example, if under current zoning, 5 dwelling units would be possible on the western portion of a lot and 6 dwelling units on the eastern portion, the owner may choose to transfer the right to develop 5 dwelling units by placing a permanent conservation easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
 - (b) If only a portion of a lot would be affected by the Conservation Easement, the applicant shall prove that the Conservation Easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.
 - (c) Where a conservation easement would be established in phases over time, each phase shall be contiguous with a previous conservation easement, unless the applicant proves to the satisfaction of the Board of Supervisors that there is a valid public purpose for the easement to not be contiguous.
4. If, for example, the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property. The development of the Receiving Property shall still comply with all other requirements of this Ordinance, except for the maximum density, which shall be regulated by this Section.

5. The Receiving Property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted, as approved by the Township based upon the Yield Plan. However, in no case shall the following lot areas and densities be exceeded:
 - (a) R/MDR or VC District - For single family detached dwellings, the minimum lot area may be reduced to 9,000 square feet, and the minimum lot width to 70 feet. The minimum average lot area for other types of dwellings permitted in the R/MDR or VC District shall be at least 9,000 square feet per dwelling unit. This minimum average lot area shall be calculated as provided in Section 307 for the R/MDR district. The absolute maximum density for a manufactured home park under TDR shall be 5 dwellings per acre.
 - (b) LDR District - For single family detached dwellings, the minimum lot area may be reduced to 12,000 square feet and the minimum lot width to 80 feet.
6. Utilities. To receive a transfer of development rights, all lots of less than one acre on the Receiving Property shall be served by Township-approved central sanitary sewerage service and central water service.
7. The transfer of development rights shall not be combined with incentives concerning Conservation Design Development.

310.E. Once a conservation easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors may extend time limits to complete the development of the Receiving Property in response to a written request.

310.F. As part of a Transfer of Development Rights, the development of the Receiving Property shall comply with all Township requirements, except for provisions specifically modified by this section.



ARTICLE 4
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

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

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

- j. A minimum lot area of 1 acre is required.
- k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. This shall include, but not be limited to, a prohibition on "lap dancing."
- m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
- n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
- o. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
- p. The use shall not operate between the hours of 12 midnight and 7 a.m.
- q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).

2. Adult Day Care Center.

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

After Hours Club. This use is prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).

3. Airport or Heliport.

- a. See definitions in Section 202.
- b. As part of a conditional use approval, the Board of Supervisors shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
- c. As part of a conditional use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.
- d. Unless specifically approved otherwise, an Airport or Heliport shall not include any take-offs or landings of aircraft between the hours of 9 p.m. and 7 a.m., except for emergencies.
- e. Minimum lot area - 50 acres for an airport, 20 acres for a heliport.

4. Animal Cemetery.

- a. All the regulations for a "cemetery" in this Section shall apply.
- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

Assisted Living Facility/ Personal Care Center. The standards for nursing homes in this section shall apply.

5. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition Trade Show Center.

- a. The applicant shall show that proper measures will be in place to allow orderly vehicle entry and exit, particularly to address large numbers of vehicles attempting to exit at one time.
- b. The applicant shall show that adequate security and traffic control personnel will be in place.

6. Auto, Boat or Mobile/ Manufactured Home Sales.
 - a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 - b. See light and glare standards in Section 507.
 - c. See parking requirements in Article 6.
 - d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

7. Auto Repair Garage.
 - a. All paint work shall be performed within a building, with a ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 75 feet of a "residential lot line."
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
 - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 - d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
 - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

8. Auto Service Station.
 - a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
 - b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
 - c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
 - d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - e. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
 - f. The use may include a "convenience store" if the requirements for such use are also met.

9. Bed and Breakfast Inn.
 - a. Within a residential district (where permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
 - b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
 - d. The use shall have a residential appearance and character.
 - e. The use shall be operated and/or managed by permanent residents of the lot.
 - f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - g. No guest shall stay for more than 14 days in any month.
 - h. The use should occur in buildings that existed prior to January 1, 1940. If a newer building is used, its architecture should approximate that which existed prior to 1940.
10. Boarding House (includes Rooming House).
- a. Minimum lot area- 2 acres.
 - b. Minimum side yard building setback - 30 feet side
 - c. Minimum lot width- 200 feet
 - d. Maximum density- 6 bedrooms per acre; shall serve a maximum total of 20 persons.
 - e. Each bedroom shall be limited to 2 adults each.
 - f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
 - g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
 - h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
 - i. Rooms shall be rented for a minimum period of 5 consecutive days.
11. Campground, Camp or Recreational Vehicle Campground.
- a. For each acre of total lot area, there shall be a maximum average of: a) 3 recreational vehicle sites, b) 4 tent sites or c) cabin sleeping capacity for 12 persons. Such sites may be clustered in portions of the tract.
 - b. Any store shall be limited to sales of common household and camping items and shall be primarily intended to serve persons camping on the site.
 - c. A commercial campground shall include at least one stone or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from a paved public street cartway shall be paved.
 - d. Minimum lot area - 5 acres in a commercial or industrial district, 20 acres in any other district where the use is permitted under Article 3.
 - e. All campsites, recreational vehicle sites, buildings and vehicle parking shall be setback a minimum of 150 feet from all residential lot lines and 75 feet from all other lot lines and public street rights-of-way. However, the 75 feet setback from a public street-of-way shall be reduced to 30 feet along a minor street if both sides of the street are in common ownership. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
 - f. Buildings used for sleeping quarters shall not be within the 100-year floodplain. No campsites or buildings shall be located on slopes over 15 percent slope.
 - g. Maximum impervious coverage- 10 percent, which shall include the typical lot area covered by recreational vehicles at full capacity.
 - h. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

12. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
- f. Minimum lot area - 5 acres, which shall be reduced to 1 acre if the applicant proves that most of the water used in the operation will be recycled on-site.

13. Cemetery.

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

14. Commercial Communications Antennae as principal or accessory use.

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower,
 - d) a fire station or steeple or bell tower of a place of worship, or
 - e) a water tower.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to the antenna's height from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:

- 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is equal to or greater than the total height of the antenna/tower above the surrounding ground level.
 - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 50 feet plus the total height of the tower above the surrounding ground level.
 - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the applicable Building Code. If a Building Code does not regulate the matter, then the provisions of the latest published version of the International Building Code, or its successor code, shall be met.
 - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - 6) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7) A maximum total height of 250 feet above the ground shall apply in a commercial and industrial district and 200 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - 8) The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
 - 9) A new freestanding commercial communications tower shall only be granted special exception approval in the R or R/MDR districts if the applicant proves to the satisfaction of the Zoning Hearing Board that there are no suitable locations for the antenna on existing towers and/or within commercial and industrial districts.
 - 10) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
- 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.

- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
- f. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
- g. If a new tower is proposed within ½ mile of lands of the National Park Service, a letter shall be sent to the Superintendent of the Delaware Water Gap National Recreation Area notifying them of the proposal at least 10 days before any hearing.
- h. If an Environmental Impact Study or Environmental Assessment is required by Federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable Federal agency.

15. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.

- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
- b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
- c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- d. Dumpster Screening - See Section 806.
- e. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance.
- f. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.

16. Day Care Center, Child.

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
- c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
- d. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 1 acre and a minimum setback of 20 feet from an abutting "residential lot line."
- e. The use shall include secure fencing around outdoor play areas.
- f. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of any existing dwelling on an abutting lot.
- g. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.

- h. 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.
 - I. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 - j. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
17. Forestry - See Timber Harvesting in this Section.
18. Golf Course. A golf course may include a restaurant, clubhouse or tavern provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling and provided that the impervious area covered by such uses does not exceed an amount equal to 5 percent of the lot area of the golf course. The minimum lot area shall be 50 acres within the R and LDR districts.
19. Groundwater or Spring Water Withdrawal, involving removal of an averaging of more than 10,000 gallons per day from a lot for off-site consumption.
- a. The applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Township Supervisors that the proposed application will not adversely affect wells of neighboring properties, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields.
 - b. The applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Township Supervisors that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.
 - c. Any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.
 - d. Minimum lot area - 100 acres.
 - e. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "Food or Beverage Manufacturing" is an allowed use under Section 306.
20. Group Homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- a. See definition in Section 202.
 - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 - c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
 - 1) if a more restrictive requirement is established by another Township Code;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - 3) as may be approved by the Zoning Hearing Board under Section 111.D.
 - d. The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves 5 or more residents, then 24 hour on-site staffing shall be provided.
 - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
 - f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
- h. Parking - See Section 601.
- I. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- j. The persons living on-site shall function as a common household unit.

21. Hotel or Motel.

- a. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

22. Junkyard. (includes automobile salvage yard)

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration is prohibited.
- f. See the noise or dust regulations of Article 5.
- g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- h. Lot area - 2 acres minimum; 20 acres maximum.
- I. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

23. Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. Minimum lot area - 6 acres.

24. Livestock and Poultry, Raising of.

- a. "Intensive raising of livestock or poultry" shall only be permitted as a special exception use, and shall only be permitted in the zoning districts authorized in Article 3.

- b. Minimum lot area - 5 acres, except a minimum lot area of 50 acres and a minimum lot width of 500 feet shall apply for an "Intensive Raising of Livestock or Poultry" use.
- c. Except for an Intensive Raising of Livestock or Poultry use, any structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from any lot line of an existing dwelling, and 2) 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative.
- d. For an Intensive Raising of Livestock or Poultry use, any structure or feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from any lot line of an existing dwelling, 2) 1,000 feet from any existing dwelling and 2) 300 feet from all other exterior lot lines. The outer perimeter of the land area onto which waste is applied from a lagoon from a swine farm shall be a minimum of 50 feet from any lot line.
- e. The setbacks from property lines shall not apply from dwellings or residential lots owned by: (1) the operator or owner of the livestock use or (2) affected property-owners providing a written notarized letter waiving such setback.
- f. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- g. The keeping of minks or garbage-fed pigs shall be setback a minimum of 600 feet from all lot lines. For any garbage-fed pigs, the applicant shall provide a written statement of the methods to be used to control odors, pests, rodents and health hazards.
- h. For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.
- i. New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
 - (1) not be located within the 100 year floodplain;
 - (2) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir,
 - (3) not be located within 100 feet of a private water well or open sinkhole,
 - (4) not be located within 100 feet of an active public drinking well or an active intake for a public water supply,
- j. New or expanded manure storage facilities shall not be located within 200 feet of a property-line.
- k. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
 - (1) The applicant shall provide the plans, including a soil and water conservation plan, to the County Conservation District for review. A stormwater management plan shall be submitted to the Township Engineer, who shall provide a review to the Zoning Hearing Board. The applicant shall be responsible to pay for the costs of such reviews.
 - (2) The applicant shall prove to the satisfaction of the Zoning Hearing Board that:
 - (a) Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. A written odor control plan shall be submitted and shall be complied with if approved. Such plan shall describe methods that will be used to properly dispose of dead animals.
 - (b) The applicant shall show compliance with applicable State and Federal environmental regulations.
 - (c) The location of the facility is based upon a consideration of prevailing wind patterns.
 - (d) A 50 feet wide landscaped area will be provided adjacent to any lot line of a dwelling.
 - (e) The driveway, driveway entrance and adjacent roads are suitable to accommodate the amounts and sizes of truck traffic that will be generated by the use. The Board may

require that the driveway be improved as necessary to control dust. A turnaround shall be provided so that trucks do not need to back out onto a public road.

- (f) Sufficient water supplies are available to serve the facility without adversely affecting water supplies of neighboring properties.
- (3) The applicant shall provide a written comparison of proposed methods of controlling nuisances and avoiding pollution to standard guidelines on such matters published by the State Department of Agriculture, State Department of Environmental Protection, Pennsylvania State University and industry associations.
- l. The maximum building coverage shall be 10 percent, unless a more restrictive requirement applies under another section
- m. See also "Composting" in Section 403.

25. Mineral Extraction.

- a. Application Requirements. A copy of all site plan information that will be required by the PA. DEP shall also be submitted to the Township as part of the Zoning Application.
- b. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
- c. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
- d. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation: This yard shall include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (1) Where existing substantial trees and other vegetation exist within this yard, they shall be preserved, except where necessary for a berm or appropriately perpendicular driveway crossings. New trees shall not be required where preserved trees will serve the same purpose.
- e. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - (2) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (3) 400 feet from a "residential lot line", other than a dwelling owned by the owner of the mineral extraction use,
 - (4) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
- f. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
- g. Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
- h. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
- I. Noise and Performance Standards. See Article 5.
- j. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.

- k. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - l. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
26. Membership Club.
- a. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
 - b. The use shall comply with the provisions for "After Hours Club" if applicable.
27. Mobile/Manufactured Home. Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.
- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area.
 - c. Each home shall have hitch and tires removed.
 - d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.
 - e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection e. shall not apply within a Manufactured/Mobile Home Park. Metal skirting may only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
 - f. See also the regulations of Section 307.
28. Mobile/Manufactured Home Park.
- a. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
 - (1) Where this Ordinance and the Subdivision and Land Development Ordinance both regulate the same matter concerning a manufactured home park, and the sections conflict, then the provisions of this Ordinance shall apply concerning that matter.
 - b. The minimum tract area shall be 5 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 line of 200 feet. Two abutting lots may be merged together to form a single mobile/manufactured home park.
 - c. Density - The maximum average overall density shall be 3 dwelling units per acre. See Section 313 which provides a method to increase this density.
 - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 15 percent shall not be included.

- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting existing single family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
- h. Each home shall comply with the above requirements for Mobile/Manufactured Homes in this Section 402.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. Common Open Space for a Mobile Home Park. A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement, except in the perimeter buffer yard. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.
- k. Streets.
 - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 20 feet plus two 5 feet wide shoulders, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
- l. Utilities. All units within the mobile home park shall be connected to a central water and a central sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.
- m. Where the provisions of these manufactured home park provisions directly conflict with the provisions of the Subdivision and Land Development Ordinance, the provisions of this subsection shall prevail.

29. Motor Vehicle Race Track.

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

- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling.
 - c. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
 - d. Minimum lot area - 50 acres.
30. Nursing Home.
- a. Licensing - See definition in Article 2.
 - b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
31. Outdoor Storage and Display. Outdoor storage as a principal use shall meet the same requirements that are listed for this use under Section 403.
32. Picnic Grove, Private.
- a. All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
 - b. See noise and glare standards in Article 5.
 - c. Minimum lot area - 3 acres.
33. Place of Worship.
- a. Minimum lot area- 3 acres, except 1 acre in the VC or GC district.
 - b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
 - c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot. Such dwelling shall only be used to house one "family." No other residential use shall be allowed.
 - d. If within a residential district, any new place of worship shall be adjacent to an existing collector or connector street that is in public ownership.
 - e. Minimum building setback from a lot line of an existing dwelling in a residential district - 100 feet.
 - f. Minimum parking setback from a lot line of an existing dwelling in a residential district - 40 feet.
 - g. A child day care center shall be allowed as an accessory use on the same lot as a place of worship.
34. Plant Nursery. Within a CO, R or LDR district, this use shall have a 5 percent maximum building coverage and any on-site retail sales shall be limited to plants primarily grown on the premises.
35. Recreation, Outdoor. (other than "Publicly-Owned Recreation")
- a. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
 - b. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
 - c. Any swimming pool shall meet the requirements for such use, as stated in this Article.

- d. Lighting, noise and glare control - See Article 5.
- e. As a principal use, the minimum lot area shall be 3 acres, unless a more restrictive lot area is established by another section of this Ordinance.
- f. As a principal use, maximum impervious coverage in any CO, LDR or R District - 10 percent.
- g. As a principal use, maximum building coverage in any non-residential district - 15 percent.
- h. A site plan meeting the requirements of Article 1 shall be submitted to the Township.
- I. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
- j. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
- k. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more restrictive hours are established as a condition of any needed approval.
- l. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

36. Recycling Collection Center.

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

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

37. Resort.

- a. Minimum lot area - 50 acres. A minimum of 50 acres of the resort shall be held in single ownership, but individual uses on the lot may be operated by different businesses. Residential uses may be held in separate ownerships, provided the requirement for 50 acres in single ownership is first met. The resort shall have a fully coordinated site layout, stormwater system, utility system, trail system, parking and traffic access system.
- b. All commercial buildings shall be setback a minimum of 200 feet from any existing dwelling that is not part of the resort. This 200 feet setback may be reduced to 100 feet as a special exception use if the applicant proves there will be suitable mitigation methods (such as additional landscaping) to ensure compatibility.

- c. The applicant shall prove that the uses are being developed according to an overall unified plan, including fully coordinated traffic access and a logical and compatible arrangement of uses.
- d. A resort may, but is not required to, include combinations of the following: a hotel/motel, restaurant, museums, picnic grove, amusement arcades, living history exhibit areas, commercial indoor or outdoor recreation uses, recreational vehicle campgrounds, golf courses, golf driving ranges, miniature golf, horse riding stables, auditoriums, conference facilities, amphitheaters and taverns. A resort shall not include drive-through facilities for retail sales or restaurants, nor any "adult use." Any recreational vehicle campground shall also meet the requirements for such use.
- e. Residential uses shall only be allowed if all of the applicable requirements of the Zoning District are met for residential uses, including but not limited to: allowed housing types, maximum density and minimum lot area requirements. The maximum density and lot area of any residential uses shall be determined after deleting the land areas occupied by non-residential uses and related parking.
- f. A resort may also include personal services and accessory retail sales of gifts, apparel and household items that primarily serve overnight guests and persons visiting other attractions of the resort. In addition, specialty retail stores shall be allowed that are open to the general public, provided they are geared mainly towards outdoor recreation and/or apparel. No retail establishment shall exceed 15,000 square feet of building floor area in a residential district.
- g. Maximum impervious coverage - 30 percent, except 10 percent in the Rural District. Land on an adjacent lot may be used to meet the impervious and building coverage requirements provided the land is protected by a permanent conservation easement.
- h. Maximum building coverage - 20 percent, except 5 percent in the Rural District.
- i. A resort shall include a recreational trail system for use by guests.
- j. The lot of a resort shall be adjacent to and have vehicle access to an connector or collector street, as shown on the Roadway Classification Map. A resort shall have a maximum of four vehicle entrance roads or driveways onto any one street, not including emergency entrances.
- k. Within a minimum of 75 feet from the existing right-of-way of an connector or collector street and from any lot line of an existing dwelling, a forested buffer shall be maintained or planted. This provision shall not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement shall not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line.
- l. Height - See Section 307. Any new principal building shall have the appearance of a pitched roof when viewed from the front of the building. Scenic observation structures may be allowed to exceed the maximum building height.
- m. Where special exception approval is required, the applicant may receive approval for an overall fully coordinated development plan with a list of anticipated uses and approximate building locations. Then, in subsequent applications, each individual use may be allowed by right, provided the use is fully consistent with the plan that was granted special exception approval.
- n. No principal building shall be placed on slopes greater than 25 percent. See Section 310.

38. Restaurant.

- a. Screening of Dumpster and Waste Containers - See Section 806.
- b. See "Drive-Through" service in Section 403.
- c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

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

- a. Minimum lot area - 3 acres.

- b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - c. The use shall not include a dormitory unless specifically permitted in the District.
40. Self-Storage Development.
- a. All storage units shall be of fire-resistant construction.
 - 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. 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. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
 - h. Minimum separation between buildings - 25 feet. Maximum length of any building - 300 feet.
41. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility. See definition in Article 2.
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than ½ acre in area.
 - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
 - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
 - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
 - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
 - f. Open dumps and open burning of refuse are prohibited.
 - g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
 - h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
 - i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
 - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 - l. Attendant. An attendant shall be present during all periods of operation or dumping.
 - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - o. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 - p. Tires. See "Outdoor Storage and Display" in Section 403.
 - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
 - u. All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
42. Stable, Nonhousehold. (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for first 2 horses, plus ½ acre for each horse over 2.
 - b. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any "residential lot line". Any corral or fenced-in area shall be setback a minimum of 50 feet from any "residential lot line."
 - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
43. Swimming Pool, Non-Household.
- a. The water surface shall be setback at least 50 feet from any existing dwelling.
 - b. Minimum lot area- 1 acre.
 - c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
 - d. The water surface shall be surrounded by a secure, well- maintained fence at least 6 feet in height.
 - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
 - f. The pool shall comply with the State Public Bathing Law, as amended, as applicable.

44. Target Range.

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

45. Timber Harvesting. Timber harvesting shall conform to the following requirements:

- a. Purposes. In order to preserve the forests and the environmental and economic benefits that they provide, it is the intent of the Township to encourage the owners of forest land to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The timber harvesting regulations contained herein 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. Because proper cutting practices vary depending on the site and on landowner objectives, it is not the intent of this section to prescribe specific practices.
- b. Applicability. This section applies to all timber harvesting in Lehman Township, when the total harvesting area is 2 acres or greater. These provisions do not apply to the cutting of trees for the personal use of the landowner or for non-commercial timber stand improvement.
- c. Permit Requirements.
 1. Application Procedures. Landowners shall apply for a permit to harvest timber whenever the total harvest area is 2 acres or greater. Such application shall be made at least 90 calendar days prior to the start of work. No timber harvesting shall occur until a permit has been issued by the Zoning Officer. Upon completion of the timbering, the Zoning Officer shall be notified at least 7 calendar days prior to the end of operations.
 2. Application Content. Every landowner, on whose land timber harvesting occurs or impacts the Township, including its roads, shall prepare a written logging plan. Such plan shall be prepared by a Professional Forester or Forest Technician and shall be submitted as part of the permit application. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 3. Responsibility. The landowner, the applicant and the timber operator shall be jointly and severably responsible for complying with the terms of the logging plan and permit.

d. Logging Plan.

1. The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for one year from the date of issuance.
2. The logging plan shall include, at a minimum, the following information:
 - a. A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b. An erosion and sedimentation control plan approved by the Pike County Conservation District;
 - c. All forestry activities shall use "Best Management Practices" which shall be shown on the plan;
 - d. A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - e. All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - f. An application, provided by the Township, with supporting documentation, map(s), soils, approximate wetlands, ponds, etc., and a fee in the amount determined by the Board of Supervisors from time to time;
3. Map. Each logging plan shall include a site map containing the following information:
 - a. An accurate sketch drawn to scale of the property lines, road system, proposed harvest area, streams, setbacks, wetlands, landing area(s), general topographic conditions, existing buildings, structures and improvements;
 - b. Name of property owner(s), address and names of adjoining property owners;
 - c. Location of all erosion and sedimentation control measures;
 - d. Location of all crossings of waters of the Commonwealth, including the name of all trout streams, if applicable; and
 - e. The general location of the proposed operation to municipal and/or state highways, including any accesses to those highways.
4. Compliance with State Law. The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:
 - a. Erosion and sedimentation control regulations contained in Chapter 25 PA Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. Sections 691.1 et seq.) and as per the County Conservation District requirements;
 - b. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Sections 693.1 et seq.); and
 - c. Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. Sections 680.1 et seq.).
5. Relationship 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, Title 25 of the Pennsylvania Code, Chapter 102 shall also satisfy the minimum requirements for the logging plan and associated map specified in paragraphs 1014.4.2 and 1014.4.3 of this section, provided that all information required by these paragraphs is included or attached.

e. Forest Practices.

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the thoroughfare.
 2. No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
 3. All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
 4. Logging may occur between 7:00 A.M. and 7:00 P.M. prevailing time but not on Sundays, Christmas Day, Easter Sunday, Thanksgiving Day, Labor Day, Memorial Day, January 1st, and the Fourth of July.
 5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 6. Streams are an important natural resource that provide for water quality, flood control, bank stabilization and other ecological benefits. To insure their adequate protection, logging is prohibited within 100 feet of the top of the bank on each side of all streams, unless all of the following conditions are met:
 - a. The basal area of trees in that area within the 100 foot zone shall not be reduced below 50 percent of the basal area present before cutting.
 - b. Trees to be cut within the 100 foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.
 - c. All earthmoving within this area shall be minimized or fully avoided.
 7. No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet of the banks of a stream or watercourse.
 8. Although clear-cutting is an accepted forest management tool used to promote the growth of certain tree species, its use must be fully justified by the logging plan. Detailed information concerning increased stormwater runoff, erosion control and a maintenance plan to assure regeneration shall be provided. Clearcutting shall be limited to a maximum contiguous area of 2 acres.
- f. **Public Road Responsibility.** The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The Township shall require the landowner or operator to furnish a bond to guarantee the repair of such damages of at least \$2,500. Such bond shall remain in full force until the Zoning Officer issues a written notification that all provisions of this Ordinance and conditions of the permit have been complied with. In lieu of such bond, the operator or landowner may post a cash deposit or certified check with the Township.

46. **Townhouses and Apartments.**

- a. **Maximum Number of Townhouses Attached in any manner - 8.**
- b. **Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.**
- c. **Garages.** Townhouses shall be designed so that garages and/or carports are not an overly prominent part of the view from public streets. Parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.

- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- f. Common Open Space. A minimum of 30 percent of the total lot area of the development involving townhouses and apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet that is suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.
- g. Buffer. Within a minimum of 50 feet from the existing right-of-way of a connector or collector street and from any lot line of an existing single family detached dwelling, a forested buffer shall be maintained or planted. This provision shall not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement shall not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line. This buffer may count towards the common open space requirement.

47. Treatment Centers.

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

48. Veterinarian Office. (includes Animal Hospital)

- a. Minimum lot area - 1 acre.
- b. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
 2. Bees, Keeping of.
 - a. Facilities for the keeping of bees shall be setback a minimum of 40 feet from any lotline and shall be fenced if within 100 feet of a lot line. Signs shall be erected as necessary to warn persons of the presence of bees.
 - b. The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.
 3. Composting as a principal or accessory use. (other than raising of mushrooms)
 - a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
 - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - c. Any composting of manure shall be restricted to lots of 5 acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.
 - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines.
 4. Day Care, Child - as accessory to a Dwelling.
 - a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 1 acre and a 20 feet minimum setback from all existing dwellings on another lot(s). Four to 6 children, in addition to children who are "related" to the primary

caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.

- c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.
 - e. The use shall be actively operated by a permanent resident of the dwelling.
 - f. If 4 or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
 - g. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - h. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - i. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
5. Drive-through facilities.
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
6. Fences and Walls.
- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
 - b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
 - c. Fences -
 - 1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential or VC district shall:
 - a) be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas,
 - b) not exceed 5 feet in height and
 - c) be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron, vinyl posts or other material that closely resembles wood or wrought iron.
 - 2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - 3) Height. No maximum height shall apply to fences that are not within a residential district. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
 - 4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except where buffer plantings are required by Section 803. Where no setback is required, a 1 foot or greater setback shall provide for future maintenance of the fence.

- 5) Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- d. Walls -
- 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 25 feet from all lot lines. This additional setback shall not apply if the retaining wall would not be visible from an existing or future dwelling on an abutting lot.
 - 2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
 - 3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback..
 - 4) Walls that are attached to a building shall be regulated as a part of that building.
7. Garage Sale.
- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
 - b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 2 days total in any 3 consecutive months.
 - c. The use shall be clearly accessory to the principal use.
 - d. No outdoor storage shall be permitted when the sale is not in operation.
8. Home Occupations.
- a. All home occupations shall meet the following requirements:
 - 1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4) One off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery by tractor-trailer trucks.
 - 6) The regulations of Section 403.A.12.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.

- 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
 - 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - 10) A barber or beauty shop shall not include any non-resident employees.
 - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - 12) A Home Occupation may include one 2 square foot non-illuminated sign, as permitted by Article 7.
 - 13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - a) If a lot includes over 3 acres, the Zoning Hearing Board may also permit up to 3 non-resident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.
 - 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
 - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 - 17) A zoning permit shall be required for any home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Light Home Occupation:"
- 1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
 - 2) The use shall only involve the following activities:
 - a) work routinely conducted within an office,
 - b) custom sewing and fabric and basket crafts,
 - c) cooking and baking for off-site sales and use,
 - d) creation of visual arts (such as painting or wood carving),
 - e) repairs to and assembly of computers and computer peripherals, and
 - f) a construction tradesperson, provided that a maximum of one non-resident employee shall routinely operate from the lot.
 - 3) On-site retail sales shall be prohibited.

Note - The term "Light Home Occupation" is intended to include, but not be limited to, the term "No Impact Home Occupation" in the State Municipalities Planning Code.

9. Outdoor Storage and Display, Commercial or Industrial as a Principal or Accessory Use.

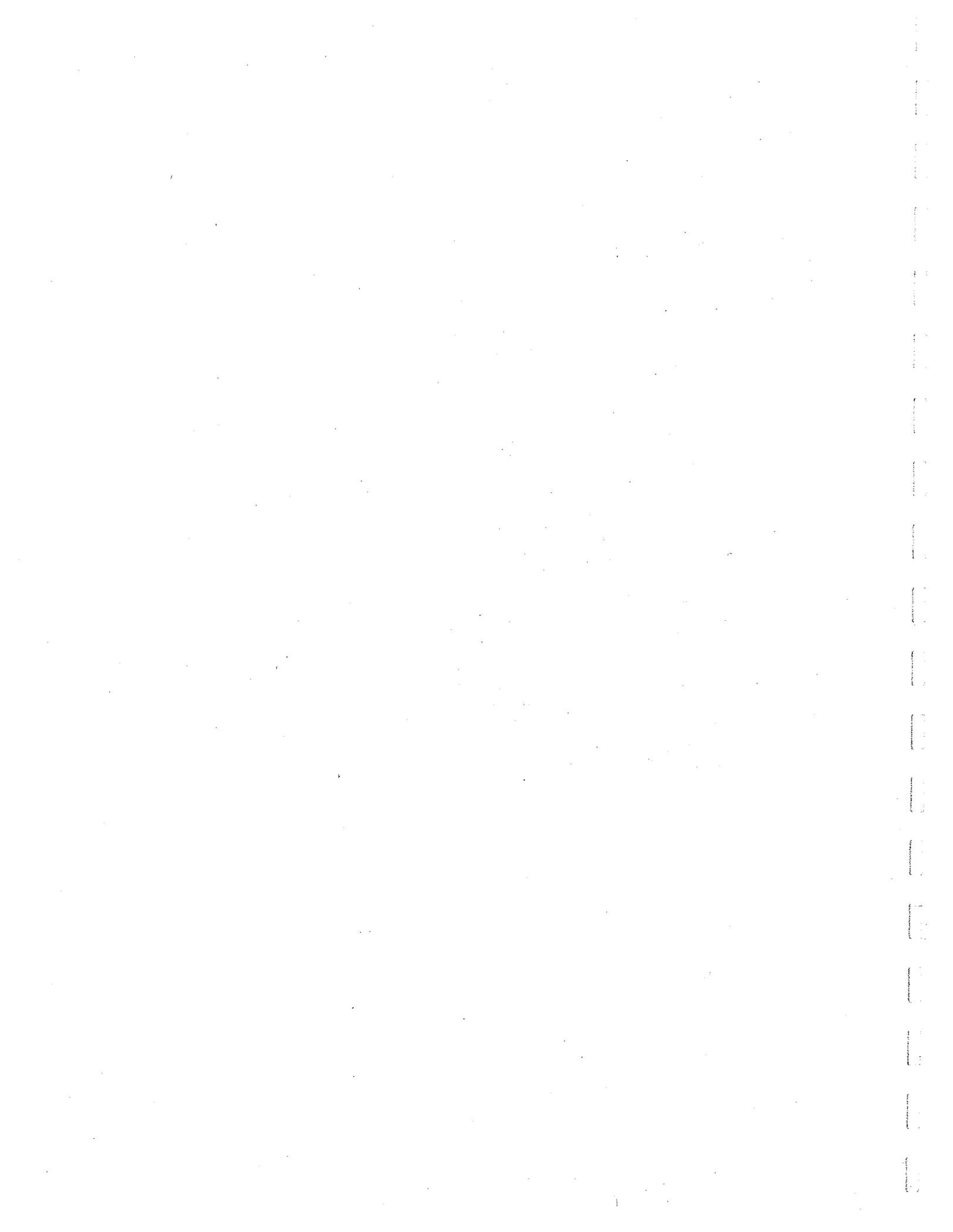
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
 - c. Screening. See Section 803.
 - d. Tire Storage. Purpose - To minimize fire, health and vector hazards.
 - 1) For tires not mounted on a motor vehicle, any outdoor storage of more than 12 tires on a lot in a residential district or more than 75 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.
 - 2) The outdoor storage of more than 150 used tires shall be limited to the Industrial District and shall be setback a minimum of 150 feet from all lot lines.
 - 3) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.
 - 4) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.
10. Pets, Keeping of.
- a. This is a permitted by right accessory use in all districts.
 - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. On a lot of less than 5 acres, a maximum combined total of 6 dogs and cats shall be permitted to be kept by residents of each dwelling unit. However, if a lot includes 3 or more apartment dwellings, then the maximum shall be a total of 3 dogs and cats per dwelling unit.
 - 1) Such limits shall only apply to dogs or cats over 6 months in age.
 - 2) Any greater number of dogs and/or cats shall need approval as a "kennel".
 - d. The keeping of 1 or 2 total pigeons (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl shall be permitted on lot with a minimum lot area of 10,000 square feet.
 - e. Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
 - f. Minimum lot area - 2 acres, plus ½ acre for each horse in excess of 2 horses.
 - g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
 - h. It shall be unlawful on a residential lot to keep any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.
11. Residential Accessory Structure or Use. (see definition in Article 2)
- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any

- yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
- b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements:
 - 1) Maximum total floor area of all accessory buildings- 1,000 square feet.
 - 2) Maximum of 2 accessory buildings per lot.
 - c. Height. See Section 307.B.
 - d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - 1) the parking of a maximum of 2 vehicles, each of up to 15,000 pounds aggregate gross vehicle weight, or
 - 2) the parking of 1 vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.
 - e. Repairs. Repairs of the following shall not occur on a principally residential lot:
 - 1) trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, or
 - 2) vehicles not owned or leased by a resident of the lot or his/her "relative."
 - f. See setback exceptions in Section 803.B.
 - g. Unregistered Vehicles. A maximum of 2 "unregistered vehicles" shall be kept outside of an enclosed building on a residential lot of less than 50 acres. See also the definition of "Junkyard."

12. Retail Sales of Agricultural Products as an Accessory Use.

- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
- b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 30 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
- c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
- d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
- e. Signs. See Section 709.
- f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
- g. A maximum total of 10,000 square feet of building floor area shall be used for such use.
- h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
- i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.

- j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
13. Swimming Pool, Household. (referred hereafter as "pool").
- a. A pool shall not be located in a front yard. A pool shall be setback a minimum of 15 feet from any rear or side lot line.
 - b. A pool shall be surrounded by a secure fence with a minimum height of 4 feet or by another type of secure enclosure such as a secure electric pool cover. Any gate shall be self-latching.
14. Unit for Care of Relative.
- a. The use shall meet the definition in Section 202.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
 - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A Unit for Care of Relative shall not be allowed in a separate detached building. The Unit for Care of Relative shall be physically attached to the principal dwelling unit. A garage shall not be converted into a Unit for Care of Relative if the garage is needed as a required parking space for the dwelling.
 - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
 - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
 - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines.
 - g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.



ARTICLE 5
ENVIRONMENTAL PROTECTION

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

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

501.B. Any earth disturbance over 20,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the Pike County Conservation District.

501.C. See State erosion control regulations (Note: as of 2001, in 25 PA. Code Chapter 102).

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

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

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

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

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

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

503. **WETLANDS AND LAKES.**

503.A. **Lot Area.** Wetlands (as officially defined under Federal and/or State regulations) and lakes shall not be counted toward the minimum lot area of any lot or tract of land. This Section 314.A. shall not apply to lots that lawfully existed prior to July 9, 1999.

503.B. **Wetland Studies.** It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

503.C. **Wetland Setbacks.** No principal building, on-lot septic system or vehicle parking area shall be placed within 25 feet from any wetland.

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

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

505. **NOISE.**

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

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	1) 62 dBA
	2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day	2) 55 dBA
At any Other Lot Line	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

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

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

506. **SETBACK FROM BODIES OF WATER.**

506.A. No new or expanded building and no new or enlarged off-street parking area or commercial or industrial storage area shall be located within:

1. 100 feet from the average water level of the Delaware River.

2. 100 feet from the top of bank of the Bushkill Creek, Toms Creek, Little Bushkill Creek or Saw Creek.
3. 75 feet from the top of bank of all other perennial waterways, lakes, ponds and other bodies of surface water.

506.B. Any street or driveway crossing of a perennial natural watercourse shall be approximately perpendicular to the watercourse, to the maximum extent possible.

506.C. The following are exempt from the provisions of Section 310.A.:

1. This section does not prohibit the construction of a single family detached dwelling on an existing lawful lot of record if the Applicant proves to the Zoning Officer that it is infeasible to comply with the setbacks of this Section. In such case, the Applicant shall provide proof that the dwelling is at the greatest distance from the creek or river that is possible. All such applications shall be provided to the Planning Commission for review and comment prior to issuing the zoning permit. Planning Commission comments shall be forwarded back to the Zoning Officer within 30 days of receipt.
2. This section shall not prohibit the construction of scenic observation towers as part of a resort.

506.D. Stream Buffers. Stream buffers shall be provided along all perennial waterways, lakes, ponds and other bodies of surface water. The total buffer shall measure 75 feet from the top of bank and shall consist of two distinct areas.

1. Buffer Area 1 shall be the first 50 feet measured from the top of bank of the body of water. There is a prohibition on earth disturbance, cutting of vegetation or the placement of fill of any type in this portion of the stream buffer, with the exception of stormwater conveyances required under the Township's Stormwater Management Ordinance, PADEP Chapter 102, stream crossings permitted under Chapter 105, stream and stream buffer restoration projects and permitted activities identified in the Township's Floodplain Management Ordinance.
2. Buffer Area 2 shall be measured 25 feet from the terminus of Buffer Area 1. In Buffer Area 2, activities that will enhance the quality of the stormwater being discharged from the site are allowed, except in environmentally sensitive areas such as wetlands and steep slopes greater than 15 percent. In these environmentally sensitive areas, the exceptions outlined in Buffer Area 1 shall be allowed. Activities permitted in designated floodplains in Area 2 must comply with the Floodplain Management Ordinance.

507. CONTROL OF LIGHT AND GLARE.

507.A. Street Lighting Exempted. This Section 507 shall not apply to street lighting that is owned, financed or maintained by the Township or the State.

507.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.

- 507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.2 footcandles at the residential property line. Exterior lighting shall not cause a nighttime spillover of light that exceeds 5 horizontal foot-candles onto a street.
- 507.G. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
508. **STEEP SLOPES**. The provisions of the Township Subdivision and Land Development Ordinance shall apply.
509. **SEWAGE AND WATER SERVICES**.
- 509.A. Central Water Service. A use shall not be considered to be served by "Township-approved central water service" unless:
1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
 2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
 3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.
- 509.B. Central Sewage Service. A use shall not be considered to be served by "Township-approved central sewage service" unless:
1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
 2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
 3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

509.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.
2. At the time of subdivision or land development approval, the Board of Supervisors may request that agreements be established so that a central water or sewage system is dedicated to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to post a bond to guarantee proper operation of a system for at least 2 years after dedication.

509.D. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

509.E. Water Studies.

1. Purposes. To provide the Township with information to properly evaluate the impact a proposed development will have upon groundwater resources. To make sure that adequate water supplies will be available to service a proposed development without negatively impacting adjacent uses dependent upon the same water source.
2. A hydrogeologic study shall be required to be submitted by the applicant whenever a proposed use, subdivision or land development will involve total average water usage of groundwater or spring water after build-out exceeding 10,000 gallons per day.
3. See also the provisions of Section 306 and 402 concerning withdrawals of spring water and groundwater for off-site use.
4. Credentials. The study shall be prepared by a professional geologist or professional engineer with substantial experience in preparing similar studies. Before any person or entity is engaged to prepare the study, the applicant shall submit written credentials of the individual who will direct the study. The Board of Supervisors shall then have a maximum of 45 days from the date of receipt to the Township to determine whether the individual's credentials are acceptable. The governing body may also pre-approve a written list of individuals who are known to be qualified to complete these types of studies.
5. The hydrogeologic study at a minimum shall include the following:
 - a. A location map for the proposed development showing proximity to waterways, lakes and major roads.
 - b. A proposed 30 day average rate and maximum daily rate of groundwater or spring water withdrawal from each water source.
 - c. A map showing water withdrawal points.
 - d. An analysis of the impacts of the water withdrawal upon the groundwater supply and upon uses and creek levels within a one-half mile radius of the project, including agricultural activities.
 - e. The analysis shall consider impacts during both normal conditions and drought conditions. Drought conditions shall be documented.

- f. The Board of Supervisors may require that the study include the construction of test wells to determine the impacts. The level, rates, dates and times of water measurements shall be provided, and weather conditions shall be documented. The impacts upon a reasonable sampling of existing wells shall be recorded, provided that the owners of such wells grant permission for such studies.
6. If the Township determines that the water withdrawal could have a significant negative impact upon existing water users, as a condition of any development approval, the Township may require that the applicant commit in a legally binding manner to appropriate mitigation of the negative impacts. This mitigation may include, but is not limited to: a) a financial guarantee to fund a deeper well or a connection to a central water system for properties that experience significant negative impacts after the water withdrawal occurs, b) a permanent conservation easement placed on sufficient land areas to result in amounts of groundwater recharge that is equivalent to the amount of groundwater that is being withdrawn, or c) a legally binding commitment to reduce the amount of the water withdrawal during drought conditions.

ARTICLE 6
OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

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

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit*, except: 1 per conversion apartment that only includes one bedroom or is an efficiency unit. * Note: If desired, one space may be in a garage and one space in a driveway.	
2. Home Occupation	See Section 402	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped (other than Retirement Community)	1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents of a type reasonably expected to be able to drive a vehicle	Employee
<u>B. INSTITUTIONAL USES:</u> 1. Place of Worship or Church	1 per 4 seats plus 1 for each 100 S.F. of meeting room area plus 1 for each 2 employees	Employee
2. Hospital	1 per 3 beds	1.2 Employees
3. Nursing Home	1 per 4 beds	1.1 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 Employees
5. Day Care Center	1 per 5 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College, University or Trade School	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	Employee
9. Library, Community Center or Cultural Center or Museum	1 per 3 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	Employee
C. COMMERCIAL USES:	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley	3 per lane plus 2 per pool table	1.2 Employees
5. Car Wash	Adequate waiting and drying areas.	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.2 Employees
7. Funeral Home	1 per 4 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.2 Employees
9. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician and 4 per dentist	1.2 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 3 persons of maximum capacity of all facilities	1.2 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats	1.2 Employees
18. Retail Sales (other than Types separately listed)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area of rooms accessible to customers	
20. Tavern	1 per 30 sq. ft. of total floor area	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
21. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.2 Employees
22. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employee
23. Veterinarian Office	4 per veterinarian	1.2 Employee
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.2 Employee

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

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

602.B. Existing Parking.

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

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

1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included

3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

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

602.E. Location of Parking.

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

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

1. Purposes. To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
 - (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
 - (2) If approved under this subsection "c.", the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking

is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.

- (3) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the Township may require that the land be developed as parking.
- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

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

603.B. Size and Marking of Parking Spaces.

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

603.C. Aisles.

1. Each aisle providing access parking stalls shall have the following minimum width:

Angle of Parking	One-Way Minimum Aisle Width	Two-Way Minimum Aisle Width
Parallel or 30 degrees	12 feet	18 feet
45 degrees	15 feet	18 feet
60 degrees	18 feet	21 feet
90 degrees	22 feet	24 feet

603.D. Accessways and Driveways.

1. All entrance and exit drives shall conform to the following minimum widths:
 - Single family residential - 10 feet
 - One-way - non-residential - 20 feet
 - Two-way - non-residential - 30 feet
2. All driveway widths and turning radii shall conform to the PennDOT criteria for a given type of driveway and street, as well as the type and speed of vehicles, at all public street intersections.
3. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block or other low-dust materials approved by the Township.
 - a. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. In addition, as a by right use, the least-used 25 percent of any parking area may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. The design of the porous parking shall be subject to approval by the Township Engineer. This may 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 used except where absolutely necessary to control storm water runoff. This includes avoiding curbing within parking lots.
 - d. See also provisions regarding Storm Water Quality, Recharge and "Best Management Practices" in the Storm Water Management Provisions of the Subdivision and Land Development Ordinance.

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

603.G. Handicapped Parking.

1. **Number of Spaces.** All parking lots shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, in accordance with the requirements of the U.S. Federal Americans With Disabilities Act:

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

2. **Location.** Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Accessible routes shall be in accordance with the requirements of the US ADA.
3. **Minimum Size.** Each required handicapped parking space shall be 8 by 20 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. **Slope.** Handicapped parking spaces shall be located in areas of less than 2 percent slope in any direction.
5. **Marking.** All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended. Signs shall be provided at each space setting forth the amount of the fine for parking violations of these spaces.
6. **Paving.** Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

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

1. **Intent.** To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 25 feet and be maintained in grass or other attractive vegetative groundcover. At least 15 feet of the planting strip shall be outside of the existing street right-of-way.

- a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
- b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
- c. Township-approved sidewalks and approximately perpendicular driveway crossings may be placed within the planting strip. Signs may be placed within a planting strip outside of a street right-of-way provided all requirements of this Ordinance are met. Mostly vegetative stormwater channels may be placed within the planting strip.
- d. The following shall be prohibited within the planting strip:
 1. paving, except for approved sidewalks and driveway crossings,
 2. fences, and
 3. parking, storage or display of vehicles or items for sale or rent.
- e. Where feasible, this setback should include an unobstructed generally level width running parallel to a road that is suitable for a person to walk.

603.I. Interconnected Parking Lots. See provisions in the Subdivision and Land Development Ordinance.

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

604. OFF-STREET LOADING.

604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.

1. Each use of greater than 4,000 square feet of building floor area that regularly receives truck deliveries shall have at least one truck loading space. Then, a minimum of one additional truck loading space shall be required for each additional 20,000 square feet of building floor area after the first 20,000 square feet.

604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

605. **FIRE LANES AND ACCESS.**

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

ARTICLE 7 SIGNS

701. APPLICABILITY.

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

702. NONCONFORMING SIGNS.

- 702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
- 702.B. An existing lawful non-conforming sign may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign.

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

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	30	Shall only be posted during seasons when such products are actively offered for sale.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Banners Over Street</u> - A flexible banner sign stretched over the cartway of a street.	1	40	40	Shall require advance approval by the Board of Supervisors. Shall maintain a minimum clearance over the cartway of 18 feet. Shall only be allowed to advertise a non-profit or charitable special event. Shall not be posted more than 4 weeks before the event and be removed within 1 week after the event. Shall be installed by the Township, with the applicant responsible to reimburse the Township for its expenses.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	8	40	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance, provided they do not exceed 10 in number.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	2	2	Shall not be illuminated, except for a sign of a medical doctor. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	2	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	No maximum	Maximum total of 32	Maximum total of 60	Shall be placed a max. of 30 days prior to election, vote or referendum and removed a max. of 5 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2	2	Maximum of 2 such signs per such organization or place of worship.
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision..	5 per lot	Not permitted	Limit - 3 locations. Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a maximum of 7 consecutive days per event, and a maximum of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

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

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

- a. 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.
- b. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign- not readable from any public street or any exterior lot line.
- d. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
- e. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

704. FREESTANDING, WALL AND WINDOW SIGNS.

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

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS ***
<p>Rural and Residential Districts for allowed principal non-residential uses.</p> <p>For home occupation signs, see Section 703. No new signs in these districts shall be internally illuminated.</p> <p>See also entrance signs for resorts and major residential developments in Section 713.</p>	8 feet	40 square feet on each side of a principal building.	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 32 sq. ft.**
VC District.	12 feet	10% of the area of the building side on which the signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 32 sq.ft *
GC, I and any other district not listed above	12 feet.	10% of the area of the building side on which the signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft. *

* If a lot includes 2 or more distinct principal uses, the maximum freestanding sign area may be increased by 20 square feet.

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

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

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

704.D. Signs on Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.

704.E. Directional Signs for Private Activities.

1. These signs shall require a permit. These signs shall only be erected at the minimum number of intersections necessary to provide clear directions along the most direct route from an arterial or collector road to the place of business. In no case shall more than 5 signs be permitted per business. Locations of the signs shall be subject to approval by the Board of Supervisors.
2. These signs may be erected by government agencies or private interests. These signs shall only state the name of the business or development and provide an arrow, and shall not include any other advertising. A distance may be included (such as "2 miles").
3. These signs shall not be placed more than 8 miles from the business to which they pertain.
4. These signs shall have white letters on a blue background. These signs shall have materials, colors and sizes conforming to standards adopted by resolution of the Board of Supervisors. The letters shall be upper case block letters, with a height of 5 inches and a line width of 5/8 inch.
5. A single line sign shall measure 8 by 48 inches. A double line sign shall measure 15 by 48 inches. No sign shall be larger than 15 by 48 inches.
6. Signs shall have a minimum border of 1.5 inches.
7. Signs shall be mounted on double posts conforming to uniform Township standards.
8. Signs may be mounted singly or in groups. The order of placement of individual signs shall conform to policy established by resolution of the Board of Supervisors.
9. Signs may be located within a street right-of-way provided the required clear sight line for an intersection is not obstructed.
10. When located on private property, the applicant shall provide written authorization from the property owner. The authorization must state that the sign is permitted to be placed in the proposed location and that the same terms of placement are available to other parties who wish to post a similar sign. When located along a street right-of-way, a highway occupancy permit is required from the Township or the State Department of Transportation, as appropriate.

705. ABANDONED OR OUTDATED SIGNS. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. **Setbacks.**

1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet of an abutting lot line of residential lot.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

706.B. **Sight Clearance.** No sign shall be so located that it interferes with the sight clearance requirements of Section 803.

706.C. **Off-Premises.** No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

706.D. **Permission of Owner.** No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

706.E. **Utility Poles.** No sign shall be attached to a utility pole using metal fasteners, except by a utility.

707. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

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

709. **PROHIBITED SIGNS.** The following prohibitions on signs shall apply in all zoning districts:

709.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 Section 703.

709.B. Flashing, blinking, twinkling, animated or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least 10 seconds, except time and temperature signs may change more frequently.

1. 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 Section 703.

709.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

- 709.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
 - 709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
 - 709.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
 - 709.H. Floodlights and outdoor lasers for advertising purposes.
 - 709.I. To avoid distractions to motorists, neon lighting shall be prohibited as part of signs and if attached to the outside of a building.
710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

711. **MEASUREMENT AND MAJOR TYPES OF SIGNS.**

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

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

711.B. **Measurement of Sign area.**

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may

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

712. OFF-PREMISE SIGNS (Including Billboards).

- 712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, 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-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.
- 712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 712.C. Official Sign. Signs erected and maintained by either PennDOT or the Township are permitted by right in all Districts.
- 712.D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
1. District. An off-premise sign is only permitted in the I District.
 2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
 3. Maximum Sign Area. 300 square feet.
 4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection 6 below.
 5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
 7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes.
 8. Residences. No off-premise sign greater than 10 square feet in sign area shall be located within 200 feet of an existing dwelling.

9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.

713. MAJOR RESIDENTIAL AND RESORT DEVELOPMENT SIGNS.

- 713.A. Residential Development Sign. If a subdivision or land development is approved to include over 20 dwelling units, then an additional sign shall be permitted at each entrance to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.
 1. Each such sign shall have a maximum sign area of 32 square feet. Such signs shall have a maximum total height of 8 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 8 feet and a maximum length of 12 feet.
- 713.B. Resort Sign. A Major Development Sign may be located on one lot in an approved resort development.
 1. Each such sign shall have a maximum sign area of 32 square feet. Such signs shall have a maximum total height of 8 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 8 feet and a maximum length of 12 feet.
- 713.C. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

ARTICLE 8 GENERAL REGULATIONS

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

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

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

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above the ground level.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 15 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

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

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

803.A. **In General.**

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

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

1. **Corner Lots.** For a corner lot, each yard that abuts a street shall be considered a front yard.
2. **Projections Into Required Yards.**
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. A residential porch or wood deck that is open along sides not attached to the principal building may extend into a required setback. However, a raised wood deck shall be setback a minimum of: 5 feet along a side lot line where buildings are detached and 20 feet along a rear lot line. Space under an unenclosed porch may be used for household storage.
 - d. An unenclosed front porch (which may include a roof) may intrude up to 10 feet into a required front yard.

803.C. **Sight Clearance at Intersections.** For a new subdivision or land development, the intersection sight clearance provisions of the Subdivision or Land Development Ordinance shall apply. The following provisions shall apply for any other lot or use:

1. At intersections of streets, sight obstructions of any type (including vegetation and earth) shall be removed (by excavation if necessary) and deed or lease restrictions established to maintain visibility such that the clear and unobstructed sight between 3 and 8 feet above the street surface is provided within a clear sight triangle described as follows. Two legs of the triangle shall extend from the intersection of the centerlines of the two streets. The first leg shall extend from the intersection of the centerlines along the centerline of the intersecting street for a distance 15 feet from the nearest edge of the travel lanes of the through street. The second leg of the triangle shall extend from the intersection of the centerlines of the streets along the centerline of the through street for the following distances:
 - a. 700 feet if the through street is an arterial street.

- b. 475 feet if the through street is a connector street.
- c. 400 feet if the through street is a collector street.
- d. 300 feet if the through street is a minor or local street.

2. The third leg of the sight clearance triangle shall connect the ends of the two shorter legs.

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

1. **Buffer Yard Width, When Required.** Buffer yards shall have a minimum width of 25 feet where required along a street and 40 feet where required in other situations, unless a larger width is required by another provision of this Ordinance. Buffer yards shall primarily include evergreen plants screening and shall be required in the following situations, and where otherwise required by this Ordinance:

Buffer Yard to be Provided by the Following:	When the Use Providing the Screening and Buffer Is:
a. Along side and rear lot lines of any newly developed or expanded: <ul style="list-style-type: none"> (1) principal commercial or industrial use, (2) area of 6 or more new off-street parking spaces, (3) an outdoor industrial storage or loading area, or (4) an area routinely used for the overnight parking of 2 or more tractor-trailer trucks. 	Abutting an existing primarily residential use; OR Abutting undeveloped residentially-zoned land.
b. Along front lot lines of any newly developed or expanded: <ul style="list-style-type: none"> (1) outdoor industrial storage or loading area, or (2) area routinely used for the overnight parking of 2 or more tractor-trailer trucks. 	Abutting and visible from a public street

2. **Location of Buffer Yards.**

- a. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within an existing street right-of-way. No trees or shrubs plantings shall be newly placed in the Township street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. **Characteristics of Buffer Yards.**

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.

- b. A buffer yard shall not be required where the applicant proves to the Zoning Officer that a minimum of 60 feet of mature woodland will be preserved where the buffer yard otherwise would be required.
- c. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.
- d. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.
- e. A well or septic system may be placed within a buffer yard, provided the landscaping provisions are still met.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
- b. Each planting screen shall meet the following requirements:
 - (1) Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - (2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 4 years a mostly solid year-round visual screen at least 6 feet in height.
 - (3) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - (4) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements, and c) locations needed to meet other specific State, Township and utility requirements.
 - (5) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
 - (6) Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - (1) the location and arrangement of each buffer yard,
 - (2) the placement, general selection of species and initial size of all plant materials, and
 - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

804. LANDSCAPING.

- 804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided

with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

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

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

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Such trees shall be planted with the trunk outside of the street right-of-way, but as close as is feasible to the street right-of-way, or an alternative location acceptable to the Board of Supervisors.
3. Ordinance. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.

804.D. Parking Lot Landscaping.

1. One deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within automobile parking areas. Otherwise, the trees may be planted around the parking area.
3. Trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

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

Note- This ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. **Quality of Trees.** Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. **Minimum Size.** The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
- d. **Planting and Maintenance.** Required trees shall be:
 - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - (ii) properly protected by curbs, curbstops, distance or other devices from damage from vehicles.

804.E. **Landscaping Maintenance.** All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

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

805. **NONCONFORMITIES.**

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

805.B. **Continuation of Nonconformities.**

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

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

1. **Nonconforming Structure.**

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

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;
 - (4) The septic and well requirements of Section 309 shall be met; and
 - (5) If the lot has a lot area of less than one acre, then the lot area shall not be less than 50 percent of the area that would otherwise be required.
 - (6) If two abutting lots each have a nonconforming lot area of less than 30,000 square feet, and a lot area of one acre or more is required by the applicable district regulations, and the lots are held in common ownership at the time of adoption of this Ordinance, then the lots shall hereby be merged into a single lot.
 - (a) For the purposes of this Ordinance, at the effective date of this Ordinance, such nonconforming lots shall hereby be considered to be a single lot and shall not be individually sold, conveyed or developed.
 - (b) Before any permit is issued for any building construction, expansion, placement or replacement on a lot regulated by this subsection (6), the applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
 - (c) This subsection shall only apply if one or both of the lots do not include a principal building at the time of adoption of this Ordinance.
 - b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
 - a. An expansion of more than 10 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
 - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - c. Based upon the following measures, the area of a nonconforming use shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming. These two measures are the 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive.
 - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units

or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.

5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.

805.D. Damaged or Destroyed Nonconformities.

1. A nonconforming structure 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 12 months after the date of damage or destruction,
 - b. work begins in earnest within 12 months afterwards and continues, and
 - c. no additional nonconformity may be 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.

805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

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

806. DUMPSTER SCREENING AND LOCATION.

806.A. Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.

806.B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.

806.C. Setback from Dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.

806.D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section 806.

806.E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.

806.F. If a building includes four or more dwelling units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied. The applicant shall provide an estimate of waste flow to show that sufficient numbers and sizes of dumpsters will be available.

807. MINIMUM SETBACKS FROM EXISTING STREETS.

807.A. Where a lot abuts a public or private street and the established legal right-of-way is less than that required for a street of the given classification, the front yard setback shall be measured from the centerline of said street but shall be increased by the following distance to provide for a fully effective right-of-way:

1. 30 feet from the centerline of a connector or collector street,
2. 25 feet from the centerline of a minor or local access street,
3. 15 feet from the centerline of an alley or private access street.

807.B. Applicants are strongly encouraged to dedicate such area to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.

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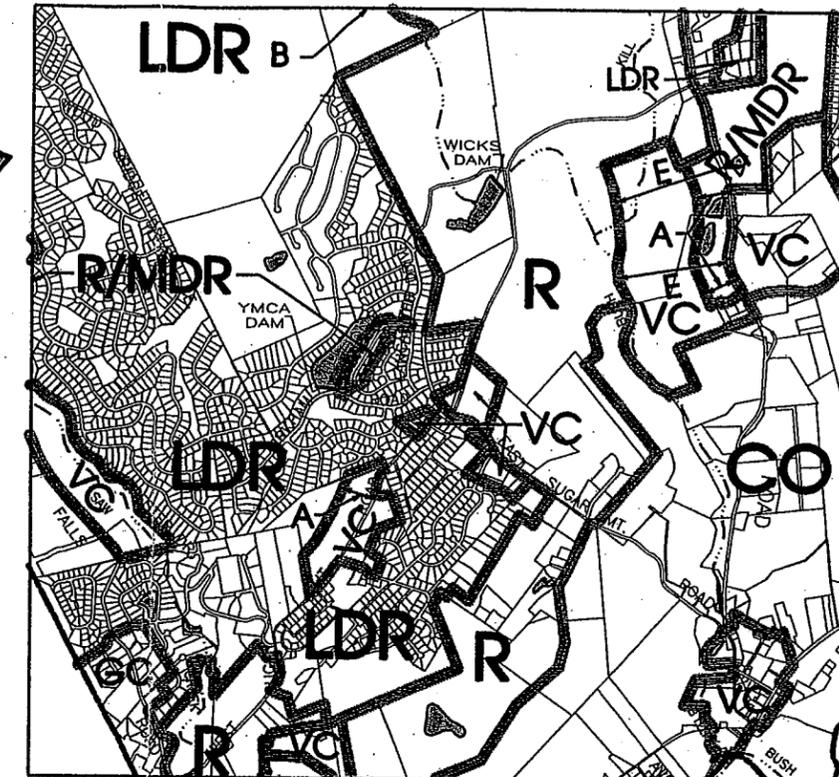
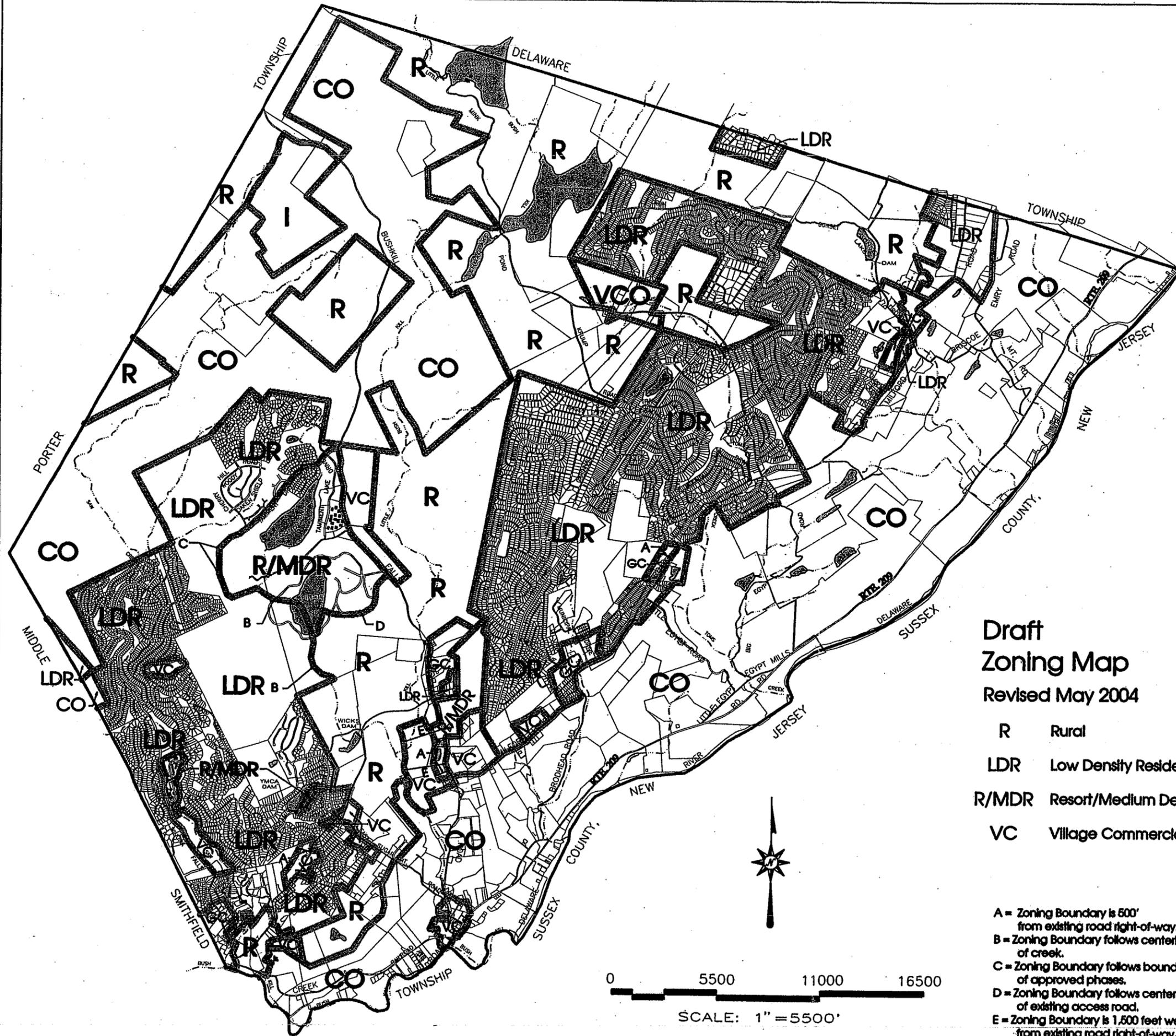
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Lehman Township

Pike County, PA



Draft Zoning Map
Revised May 2004

- | | | | |
|-------|-----------------------------------|-----|--|
| R | Rural | GC | General Commercial |
| LDR | Low Density Residential | I | Industrial |
| R/MDR | Resort/Medium Density Residential | CO | Conservation |
| VC | Village Commercial | VCO | Village Commercial Overlay - In this area, the applicant shall have the choice of using either the regulations of the VC District or the R District. In this area, the VC District shall serve as an "overlay district" to the R District. |

- A = Zoning Boundary is 500' from existing road right-of-way.
- B = Zoning Boundary follows centerline of creek.
- C = Zoning Boundary follows boundaries of approved phases.
- D = Zoning Boundary follows centerline of existing access road.
- E = Zoning Boundary is 1,600 feet west from existing road right-of-way.