TOWNSHIP OF SALISBURY
LEHIGH COUNTY, PENNSYLVANIA

Ordinance No. 03-2015-595

(Duly Adopted March 26, 2015)

AN ORDINANCE REPEALING THE CURRENT EXISTING ZONING ORDINANCE CODIFIED IN THE SALISBURY TOWNSHIP CODE OF ORDINANCES, CH. 27, IN ITS ENTIRETY AND ADOPTING A NEW ZONING ORDINANCE

WHEREAS, the principal purpose of the New Zoning Ordinance is to address obsolete sections of the prior Ordinance, bring the Ordinance up-to-date with changing State and Federal requirements and to reflect the changes made in the new Salisbury Township Comprehensive Plan adopted in 2012; and

WHEREAS, the Board of Commissioners, after careful review and consideration, desires to adopt a new Zoning Ordinance as prepared and submitted by the Planning Commission with the assistance of the firm Urban Research and Development Corp., the professional consultant.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, that the Township hereby adopts the new Salisbury Township Zoning Ordinance in the form attached hereto and made a part hereof, effective immediately.

DULY ORDAINED and **ENACTED** by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania this 26th day of March, 2015, in lawful session duly assembled.

BOARD OF COMMISSIONERS
TOWNSHIP OF SALISBURY

James A. Brown, President

Attest:

Randy Soriano, Secretary

November 2014

SALISBURY TOWNSHIP

ZONING ORDINANCE

CHAPTER 27

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The preparation of this Ordinance was partially funded with the **Lehigh County Main Street Initiative Planning Grant** from Lehigh County.

Note to the Reader that the Zoning Ordinance makes reference to the Pennsylvania (PA) Municipalities Planning Code (PA MPC). To fully understand these references, the reader should obtain a current copy of that Statute and read the text as referenced by the Zoning Ordinance (See 53 P.S. Section 10101 et. seq.)

Part 1

General Provisions and Administration

§ 101. Short Title.

This chapter shall be known and be cited as the "Salisbury Township Zoning Ordinance" of 2014.

§ 102. Purposes and Objectives.

This chapter is hereby adopted: (1) in accordance with the requirements and purposes (including § 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10101 et seq.; (2) in accordance with the community development goals and objectives (which are included by reference) of the Salisbury Township Comprehensive Plan adopted on September 27, 2012 (as may be amended), which constitutes an overall program; (3) in consideration of the character of the Township, its various parts and the suitability of the various parts for particular uses and structures; and, (4) to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, § 27), the Pennsylvania Floodplain Management Act, 32 P.S. § 679.101 et seq., Pennsylvania Stormwater Management Act, 32 P.S. § 680.1 et seq., Pennsylvania Department of Environmental Protection regulations on erosion and sedimentation control, Pennsylvania Department of Transportation regulations on highway access control and other relevant federal and State laws, regulations, official policies and relevant court decisions.

§ 103. Applicability.

1. Any activity regulated by this chapter shall only occur in such a way that conforms to the regulations of this chapter.

2. This chapter regulates matters authorized by § 603, "Ordinance Provisions," of the Municipalities Planning Code (MPC), 53 P.S. § 10603, or § 10603, as amended.

3. All readers maintain the responsibility to procure the latest amendments to this chapter.

4. Any of the following activities, or any other activity regulated by this Ordinance, shall only be carried out in conformity with this Ordinance:

    A. the erection, construction, movement, placement or extension of a structure; to include but not limited to earthmoving and/or alteration of slopes;
    B. a change of the type of use or expansion of the use of a structure or area of land;
    C. the creation of a lot or alteration of lot lines;
    D. the creation of a new use;

E. the alteration or disturbance of a regulated natural feature; and/or
F. the carrying out of other activity that requires a Zoning Permit.

§ 104. Enforcement, Violations and Penalties See §111.A. of this Chapter.

See § 616 and 617 of the MPC 53 P.S. §§ 10616, 10617.
MPC

§ 105. Filing Fees and Costs.

1. Fee Schedule. The Board of Commissioners have established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this chapter. The fee schedule may be based upon the type of application and the breadth of the proposed development (such as acreage, numbers of lots and type of use) to most accurately reflects the Township's actual costs.

2. No application or appeal shall be considered filed until all fees are paid.

§ 106. Interpretation of Similar USES.

1. Minimum Requirements. The provisions of this chapter shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where two provisions of this chapter or a provision of this chapter and another ordinance regulate the exact same matter, the provision that is more restrictive upon uses and structures shall apply, unless provided otherwise. However, where an overlay zoning district regulates the same matter as another provision of this chapter, the overlay zoning district shall apply in place of the other provision.

2. USES Not Specifically Regulated. If a use clearly is not permitted by right, by condition or by special exception by this chapter within any zoning District in the Township, the use is prohibited in the Township, except the applicant may apply to the Board of Commissioners for approval under the requirements and procedures of this Section. After review by the Planning Commission, the Board of Commissioners may permit any such use if the applicant proves all of the following to the satisfaction of the Board of Commissioners:

   A. That the use would clearly be less offensive in impacts and nuisances than uses permitted in that District.

   B. That the use would be compatible with permitted uses in that District.

   C. That the proposed use would be compatible with the purposes of the District.

   D. That the applicant follows the procedures listed in § 119 and can meet the standards and criteria listed in § 119.

E. That the use is not "specifically prohibited" in the District.

F. That the proposed use would be compatible with the nature and character of the surrounding community.

G. That the proposed use will meet the general and specific criteria set forth in this chapter for a permitted use deemed by the Board of Commissioners to be sufficiently similar in character and impact to the proposed use.

3. Sketches. Sketches in this chapter are for illustrative purposes only and are not regulatory.

4. Interpretation of Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this chapter and the location of all District boundaries to particular applications. In case of uncertainty by the Zoning Officer, he/she shall request an interpretation of the specific uncertainty by the Zoning Hearing Board, with the applicant not liable for the application fee for that particular request. The Zoning Officer may also request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor. See § 112 and the Township fee schedule concerning appeals by an applicant.

5. Definitions. In matters of dispute, the Zoning Hearing Board shall have the authority to define words that are not specifically defined in this chapter.

§ 107. General Procedure for Permits.

1. After receiving a proper complete application and the required fee, the Zoning Officer within 30 days of receipt of the application shall either:

A. Issue the permit under this chapter; or

B. Refuse the permit indicating the reason in writing.

2. Reviews. Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Commissioners, and/or the recommendations of the Planning Commission.

3. Appeal. If refused a permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.

4. After the permit under this chapter has been received by the applicant, the applicant may undertake the action permitted by the permit under this chapter, provided there is 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 thirty-day appeal period shall be at the risk of the applicant.

§ 108. Permits and Certificates.

1. Applicability. Any of the activities regulated by this chapter shall only be carried out after receipt of any required approval or permit and in compliance with this chapter.

2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance.

   A. A Zoning Permit is required to be issued prior to the start of any of the following activities:

      (1) Erection, construction, movement, placement, relocation or expansion of a structure, building or sign,
      (2) Change of the type of use or expansion of the use of a structure or area of land,
      (3) Creation of a lot or alteration of lot lines
      (4) Creation of a new use,
      (5) Demolition of a principal building, or partial demolition of the exterior of a principal building,
      (6) Site Alterations or Mineral Extraction as defined by § 202, and/or
      (7) Excavation or Grading in preparation for the construction of a building or a change in use of a property.

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

4. Types of Uses.

   A. Permitted by Right Uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is "permitted by right" if it meets all of the requirements of this chapter, including any specific additional requirements listed for that use in §§ 402 and 403.

   B. Special Exception Use or Use Requiring a Variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.

   C. Conditional Use. A permit under this chapter for a conditional use shall be issued by the Zoning Officer only upon the written order of the Board of Commissioners, after the Planning Commission has been given an opportunity to review the application.

5. Applications.

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

B. Eight copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board, and three copies shall be submitted if action by the Board is not required. Such site plan shall be drawn to scale.

C. Any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this chapter:

(1) The location and dimensions of the lot.

(2) Locations, dimensions, heights and uses of existing and proposed structures, signs, parking and loading areas, and locations of existing and proposed uses of areas of land.

(3) Name and address of the applicant or appellant.

(4) Name and address of the owner of the affected property.

(5) A description of the proposed use of the property, including numbers of dwelling units, if any.

(6) Additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter.

(7) All other applicable information listed on the official Township application form.

D. Submittals to the Board. In addition to the information listed in Subsection C above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this chapter:

(1) The present zoning district and major applicable lot requirements.

(2) For non-residential uses: A description of the proposed nonresidential operations and storage in sufficient detail to indicate potential

nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.

(3) If a nonresidential use is proposed within 300 feet from a residential lot line, a description of hours and days of operation, including traffic activities.

(4) A listing of any sections of this chapter being appealed, with the reasons for any appeal.

E. Other Laws. The Zoning Officer may withhold issuance of a permit under this chapter if there is clear knowledge by him or her that such a use would violate another Township, State or federal law or regulation.

F. Ownership. No person other than a landowner or his or her specifically authorized agent or a tenant or lessee with written permission of the land owner shall submit a zoning application (see definition of "landowner" in Part 2).

G. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission or Township Engineer) for review and comment.

6. Issuance of Permit.

A. At least two copies of any permit required under this chapter shall be made.

B. One copy of any such permit shall be retained in the Township files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request. One copy of a submitted site plan should be returned to the applicant after approval/disapproval, with such action certified on the plan with the signature of the Zoning Officer.

C. The Zoning Officer shall issue or deny a permit for a permitted by right use within a maximum of 30 days after a complete, duly filed application and fees are submitted.

7. Revocation of Permits. The Zoning Officer shall suspend or revoke a permit or approval issued under the provisions of this chapter in case of:

A. Any false statement or misrepresentation of material fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Crimes Code, 18 Pa.C.S.A. § 101 et seq., provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties); or

B. Upon violation of any condition lawfully imposed upon a special exception or conditional use; or

C. Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application; or

D. For any other just cause set forth in this chapter.

8. Temporary Permit for Structure or Use. See § 807.

9. Changes to Approved Plans.

A. After the issuance of a permit and/or approval of a site plan under this chapter by the Township, such approved application and/or site plan shall not be changed without the written consent of the Township, as stated in Subsection 9B below.

B. Changes to a site plan or USE approved by each respective Board such as Zoning Hearing Board, Planning Commission and/or Board of Commissioners shall require resubmission and approval of the changes if the Zoning Officer determines such changes are relevant to conditions of approval.

(1) Such re-approval by the Zoning Hearing Board, Planning Commission or the Board of Commissioners is not required for clearly minor technical adjustments or matters that are: a) solely corrections or additions of information that do not affect the significant features of the site plan and the intensity of the use or b) minor technical changes needed to respond to reviews by the County Conservation District, the Township Engineer or Township Staff, as determined by the Zoning Officer. A copy of such adjustment or correction should be provided in writing to the President of the Board of Commissioners and the Chairperson of the Planning Commission if it concerns a plan approved by such bodies.

10. Certificate of Occupancy. The Township Construction Codes shall determine whether a Certificate of Occupancy is required.

§ 109. Amendments to this Chapter.

1. The Board of Commissioners may amend, challenge or repeal any or all portions of this chapter on: (A) its own motion; or, (B) upon agreeing to hear a written request of any person, entity or the Planning Commission.

2. Before voting on the enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, following the procedural requirements of the MPC, 53 P.S. § 10609 et seq., including public notice.

3. Review of Amendments.

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

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

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

5. Application for Chapter Amendment. Any request for amendment of this chapter, (including supplement, change or repeal) by any person or entity (other than the Township staff, Planning Commission, Board of Commissioners or committee appointed by the Board of Commissioners or under the direct oversight of such entity) shall include the following:

   A. A Statement of why the change would be in the best interests of the Township.

   B. A Statement of how the proposal will relate to the Township Comprehensive Plan.

   C. A Statement addressing any adverse effects on adjacent properties.

   D. A Statement addressing any major traffic access or congestion concerns.

   E. A map showing the proposed boundaries of any proposed map changes, the existing zoning of the land and of adjacent lands and the current uses of adjacent lots.

   F. A Statement explaining proposed extensions and major improvements, if needed, of public water and sewer systems to serve the land area.

6. Traffic Studies of Zoning Amendments. The Planning Commission or the Board of Commissioners may require an applicant for a zoning amendment to fund a traffic impact study following standard methods and completed by a qualified traffic engineer. Such a study shall take into account the entire land area proposed for a change, with an emphasis on the net projected traffic increases from the proposed

amendment compared to the existing zoning, based upon reasonable assumptions about the intensity and type of development. See § 810, "Traffic Impact Study."

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

8. Time Guideline on Reviewing Amendment. If a zoning amendment is properly requested in writing and submitted together with any required fees to the Zoning Officer outside of the curative amendment process, the Planning Commission should hold an initial public meeting on such proposed amendment within 60 days of receiving such request, unless the Commission determines at a regular meeting that such request is not worthy of further consideration.

§ 110. Curative Amendments.

1. Submittal. A landowner, who desires to challenge on substantive grounds the validity of this chapter which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Commissioners with a written request that this challenge and proposed amendment be heard and decided as provided in the MPC, 53 P.S. § 10609.1 et seq.

2. Curative Fees. For a curative amendment request, the applicant shall pay the Township all fees required under the applicable Township fee schedule, and at a minimum, shall also compensate the Township for all actual expenses for legal advertising and for rental of any needed meeting space outside of the Township Building.

§ 111. Administration – Zoning Officer

1. Appointment. The appointment of the Zoning Officer(s) shall be made by the Board of Commissioners. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices.

2. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Commissioners, who shall be known as the Zoning Officer(s). He/she shall receive such fees or compensation as approved by resolution of the Board of Commissioners. The Zoning Officer shall not hold any elective office within the Township. No Zoning Permit or Zoning Certificate of Use and Occupancy shall be granted by him/her for any purpose, except in compliance with the liberal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement

proceedings as a means of enforcement when acting within his/her scope of employment. The Zoning Officer shall report to the Township Manager and be subject to his/her direction. The Township Manager shall be his/her direct supervisor in the Township chain of command."

Section A – Duties & Responsibilities – The duties and the responsibilities of the Zoning Officer shall be:

1. **Process Applications** – To receive, examine and process all zoning permits and certificates of use applications as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exceptions and conditional uses, or for variances after the same have been approved.

Inspections – Before issuing any Zoning Permit or Zoning Certificate of Use and Occupancy at his/her discretion, to inspect or cause to be inspected all buildings, structures, signs, or land and portions thereof for which an application has been filed for a Zoning Permit or a Zoning Certificate of Use and Occupancy. Thereafter, he/she may make such inspections during the completion of such work and before issuing a Zoning Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans or Zoning Permit shall be noted and the holder of the Zoning Permit shall be notified of the discrepancies. The Zoning Officer shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. To inspect properties to determine compliance with all provisions of this Ordinance, as well as conditions attached to the approval of variances, special exceptions, conditional uses, and curative amendments.

Section B – Violations – 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, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses. Each day that a violation is continued shall constitute a separate offense.

Section C – Enforcement Notice – If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice, as provided in the following:

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

2. An enforcement notice shall state at least the following:

   A. The name of the owner of record and any other person against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth under § 804.E. of this Ordinance.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section D – Enforcement Remedies – Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act, or prior enabling laws, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500, plus all court costs, including reasonable attorney 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 the district justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

Section E – Causes of Action – In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained, or used in violation of this Ordinance enacted under the Act, or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violations, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct business, or use constituting a violation.

When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun,

by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

§ 112. Zoning Hearing Board Appointment, Actions and Variances.

1. Appointment and Terms.

   A. The Zoning Hearing Board shall be continued and shall consist of five residents of the Township appointed by the Board of Commissioners, unless a differing number of members are authorized by another valid Township ordinance. Alternate members may be appointed within the provisions of the MPC, 53 P.S. § 10101 et seq. Members of the Board shall hold no elected office in the Township.

   B. Wards. One member of the Board should be appointed from each ward of the Township. If a member would move from the ward in which he/she resided at the time of his/her appointment to the Board, to another ward in the Township, such move should not cause forfeiture of that member's appointment or grounds for removal of that member from the Board, but upon the expiration of that member's term on the Board that member shall not be re-appointed to the Board except as the member from the Ward in which he/she resides at the time.

   C. Wards. The Board of Commissioners shall have the authority to determine whether Zoning Hearing Board members are appointed based upon their ward of residence or not. The Board may decide to appoint one member who lives in each Ward.

   D. Terms. Members shall be appointed to three-year terms, with at least one position expiring each year.

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

3. Removal of Members. See MPC, 53 P.S. § 10905.

4. Organization.

   A. Officers. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.

   B. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the MPC, 53 P.S. § 10908 et seq.

C. Rules. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

5. Zoning Hearing Board Functions. In addition to any other responsibilities established by the MPC (such as within § 909.1), the Zoning Hearing Board shall be responsible for the following:

A. Appeal of a Decision by the Zoning Officer.

(1) The Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Township) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this chapter.

(2) See time limitations for appeals in § 112, Subsection 6.

B. Challenge to the Validity of this chapter or Map.

(1) The Board shall hear challenges to the validity of this chapter filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved.

(2) After the conclusion of the hearing(s), the Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the MPC, 53 P.S. § 10101 et seq.

C. Variance.

(1) The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

(2) Standards. The Board may grant a variance only within the limitations of State law. As of 2013, the MPC, 53 P.S. § 10101 et seq., provided that all of the following findings must be made, where relevant:

a. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or District in which the property is located.

b. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict

conformity with the provisions of this chapter and a variance is therefore necessary to enable the reasonable use of the property.

c. Such unnecessary hardship has not been created by the appellant.

d. 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.

e. 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.)

(3) Variance Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. The Board may in various cases prohibit certain permitted uses on a lot where the Board finds that such USES would be contrary to the public interest considering the facts and circumstances of the case and the variance.

D. Special Exception Uses.

(1) The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner), as provided in this chapter and in accordance with such standards and criteria contained in this chapter and the procedures in § 120.

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

(3) See special exception use process in § 120.

E. Hearings. See § 113.

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

G. Court Appeals. In the case of an appeal from the Board to the court of common pleas, the appellant shall make the return required by law, and should promptly notify the Township Zoning Hearing Board Solicitor of such appeal.

H. Appeal by the Zoning Officer. See § 106, Subsection 4.

I. Persons with Disabilities. Process for claims resolution of a zoning ordinance provision that may conflict with Federal law and/or court decisions concerning persons with disabilities.

(1) A complete written application for the Claim must be submitted to the Zoning Officer that fully describes the claim and identifies the zoning ordinance provision(s) in question. The application shall be on the form that the Zoning Hearing Board uses for special exceptions, unless another form is provided by the Township.

(2) The Zoning Hearing Board shall then hear the request as a special exception.

(3) The Zoning Hearing Board shall grant a special exception allowing modification(s) to specific requirements of this Ordinance if the applicant proves to the satisfaction of the Zoning Hearing Board that the modification(s) are required in order for the Zoning Ordinance to comply with applicable Federal law and relevant federal and/or state court decisions.

(4) The modification shall be needed to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

(5) 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, or their successor laws, or Pennsylvania state regulations that are intended to care out such laws.

(6) The applicant shall identify the disability which is protected by such statutes, and the extent of the modification(s) of the provisions of this Ordinance that are necessary for a reasonable accommodation.

(7) Any modification approved under this Section may be limited to the time period during which the persons with protected disabilities occupy or utilize the premises.

6. Time Limits for Appeals. The time limitations for appeals shall be as follows:

A. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the county court of common pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under § 914.1 of the Pennsylvania MPC, 53 P.S. § 10914.1.

B. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

C. This thirty-day time limit for appeals shall not apply to the revocation of a permit under § 108, Subsection 7.

7. Stay of Proceedings. See § 916 of the MPC, 53 P.S. § 10916 et seq.

8. Time Limits on Permits and Variances.

A. After a variance is approved or approval is officially authorized under this chapter, then a permit shall be secured by the applicant within 12 months after the date of such approval or authorization. Such action under such permit shall then substantially begin within 12 months of the issuance of the permit.

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

C. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the 12-month application period to up to 18 months.

D. If an applicant fails to obtain the necessary permits within the above time period, or after obtained the permittee fails to diligently commence substantial construction within 12 months or allows interruptions in substantial construction of longer than six months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits shall be deemed automatically rescinded.

E. Any building construction shall be completed within 36 months of issuance of an applicable permit, unless a written extension is granted by the Zoning Officer for good cause, or unless the project was approved by the Township to be phased. Otherwise, a permit shall be considered to have automatically expired at the end of such thirty-six-month period.

§ 113. Board Hearings and Decisions.

The Board shall conduct hearings and make decisions in accordance with the following:

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

(1) Ad. Public notice shall be published, as defined by § 107 of the MPC, 53 P.S. § 10107. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered. See also State Act 36 of 2013, or its successor law, which addresses provisions for electronic notices and notices to certain persons with mineral rights.

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

(3) Persons Given Notice.

a. Written notice shall be mailed or delivered to the last known address of the applicant or his/her representative as listed on an official application form.

b. Notice should be provided, delivered or mailed to the Zoning Hearing Board and the last known address of owners of record of property abutting or directly across the street from the lot lines of the subject property. In the case of a variance request other than concerning a lot area, setback or other dimensional requirement, then such notice should also be given to the last known address of owners of record of property at least partially within 300 feet of the lot lines of the subject property. The applicant shall provide the Township with a list of such property owners. Failure of the Township to provide such notice shall not be grounds for an appeal or delay. If a person provides an email address to the Township, notice may be sent to that address instead of being mailed.

c. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered by a Township representative to the last address known to the Township.

d. Written notice of the hearing shall be posted on the property.

e. All notice under this Subsection should be intended to be received or posted at least five days prior to the hearing date.

f. The Zoning Officer may provide notice to the Police Department and/or local fire officials.

(4) Adjacent Municipalities. In any matter which relates to a property which lies within 300 feet of the boundary of another municipality, except boundaries separated by a perennial river, and which the Township staff determines may have a significant impact on that municipality, the Township staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter at least seven days prior to the hearing date.

Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing.

(5) Fees. The Board of Commissioners may, by resolution, establish a reasonable fee schedule, based on costs, to be paid by: (a) the applicant for any notice required by this chapter; and, (b) those persons requesting any notice not required by this chapter.

B. Parties in Hearings.

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

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

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

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

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

F. Communications Outside of Hearings.

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

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

G. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission or Township Engineer provide an advisory review on any matter before the Board.

H. Initiation of Hearings. A hearing required under this chapter shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.

I. Decision/Findings.

(1) The Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.

(2) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.

(3) Any conclusion based on any provision of the Pennsylvania MPC, 53 P.S. § 10101 et seq., or of this chapter should contain a reference to the provision relied on.

J. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative at their last known address not later than the time limit established by § 907 of the Pennsylvania MPC, 53 P.S. § 10907.

§ 114. Appeals.

1. In General. All appeals of this chapter or any action of the Board of Commissioners, the Zoning Officer or the Board under this chapter shall conform with Article X-A of the MPC, 53 P.S. § 10101 et seq.

2. Procedural Defects in Enactment. Allegations that this chapter or any amendment was enacted in a procedurally defective manner shall be appealed directly to the court and be filed not later than 30 days from the intended effective date of the chapter or amendment.

3. The Zoning Hearing Board. Appeals to the Board shall comply with § 113, Hearings.

§ 115. Public Utility Exemptions.

See § 619 of the MPC, 53 P.S. § 10619.

§ 116. Township and Municipal Authority Exemption.

The minimum lot area and lot width requirements of this chapter shall not apply to uses or structures owned by Salisbury Township or by municipal authorities created solely by Salisbury Township, for uses and structures that are intended for a legitimate governmental, stormwater, public recreation, public utility, or public health and safety purpose.

§ 117. Intentionally deleted.

§ 118. Submission Requirements for Site Plan Review.

1. The following information, as applicable, shall be submitted by the applicant for any Conditional Use or any Special Exception use required to submit a site plan under § 119 or § 120, except for information waived by the Zoning Officer as not applicable or necessary:

   A. Statement describing the proposed use.

   B. Layout. A site layout drawn to scale (one inch equals 20 feet, one inch equals 30 feet, one inch equals 40 feet, one inch equals 50 feet or another scale pre-approved by the Zoning Officer or Township Engineer) showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.

   C. Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations and types of landscaping to be provided in off-street parking lots, along streets and in other areas. The information in this Subsection C is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan.

   D. Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon § 601.

   E. Lighting and Signs. The height, location and approximate intensity of exterior lighting. The sign area, height, location and general method of lighting of signs.

   F. Sidewalks. The location of any proposed sidewalks (with width) and curbing.

G. Utilities. Proposed method of providing wastewater treatment and water supply (such as "public water and public sewage services") and proposed connections or well and septic system locations.

H. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, dust, fire or toxic or explosive hazards or other significant hazards to the public health and safety; together with proposed methods to control such hazards and nuisances.

I. Natural Features.

(1) Proposed and existing contours if earth disturbance is proposed (at two-foot contours or other contours pre-approved by the Township Engineer or Zoning Officer). Identification of any slopes between 8% and 12%, between 12% and 15%, between 15% and 25%, and greater than 25% that are proposed to be impacted.

(2) Identification of woodlands, and which areas are proposed to be removed or maintained, and measures to protect trees from damage during construction, such as temporary fencing around the root systems.

(3) Proposed method of managing stormwater runoff. See also the Township Stormwater Ordinances, to determine if those requirements apply.

(4) Delineation of any floodplains from the FEMA Maps and any wetlands or springs in areas proposed to be disturbed. Delineation of any 100-year Floodplains or waterways within 50 feet of the lot lines on any adjacent lot.

(5) Locations of any perennial or intermittent watercourses, and any setbacks required by Article 5.

(6) Locations of high water tables in areas proposed for development. See § 504.

(7) Locations of known or suspected wetlands, existence of wetland plants, vernal pools, ground water seeps and springs, and any required buffer areas. See § 503.

(8) Locations of any known suspected or previously repaired sinkholes.

The Zoning Officer may waive detailed identification of natural features within an area of land where the application states that area will not be disturbed as part of this application, and where there are not direct impacts to or from that area of land.

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

K. Zoning District and major applicable requirements.

L. Preparer. Name and address of the person who prepared the site plan (which shall be a registered engineer, architect, landscape architect or surveyor, who shall certify such plan), the applicant and the owner of record of the land.

M. Tax Map parcel number.

N. Certification of ownership and acknowledgement of plan, signed by owner or developer.

O. A place for signature of the Zoning Officer, stating that the site plan has been reviewed and approved under the Zoning Ordinance.

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

Q. Traffic Study. Any site plan meeting the requirements of § 810 of this chapter shall submit a traffic study. The traffic study shall meet all the requirements of § 1018 of the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22],or its successor section.

R. A Site Capacity Analysis may also be required under § 308.

S. Locations and identification of types of all easements.

T. Location of any area required to be set aside as an alternate septic drain field and an alternate well with 100 foot separation from septic systems.

§ 119. Conditional Use Process.

1. Applicability. Certain uses that are permitted by this chapter as conditional uses shall be required to follow the review and zoning approval procedures described in this Section.

2. Procedure.

A. Submission.

(1) A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) or special exception

approval that is directly relevant to the site layout and nature of the use is granted.

(2) Fifteen complete copies of any required site plan meeting the requirements of § 118 shall be submitted to the Township.

(3) The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this chapter.

B. Distribution. The Township shall distribute copies of the site plan to the Planning Commission and the Board of Commissioners. A minimum of one copy shall be retained in the Township files. The Township fire services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.

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

D. Planning Commission. The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Commissioners.

E. Commissioners Action.

(1) The Board of Commissioners shall hold a hearing, pursuant to public notice, within 60 days from the date of the applicant's filed conditional use application unless the applicant has agreed in writing to an extension of time. The Board of Commissioners shall not act to approve or deny a conditional use application unless: (a) the Commissioners have received the reports of the Zoning Officer and the Planning Commission; or, (b) a period of 30 or more days has passed from the date of the application.

(2) The Board of Commissioners shall approve, conditionally approve or disapprove the conditional use submission.

(3) In granting a conditional use, the Board of Commissioners may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter.

(4) The decision of the Board of Commissioners shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or his/her representative within 45

days after the last hearing at which evidence was received by the Board of Commissioners, unless otherwise provided by the MPC.

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

A. Any specific standards for the proposed use listed in § 402 or 403.

B. Other applicable sections of this chapter.

C. Generally be capable of meeting applicable sections of the Subdivision and Land Development Ordinance [Chapter 22].

D. Comply with all of the following standards:

(1) Other Laws. Will not clearly be in conflict with other Township ordinances or State or federal laws or regulations known to the Township. The Township may require an applicant to prove compliance, or to prove that appropriate applications have been submitted to obtain such compliance.

(2) 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.

(3) Safety. Will not create a significant public safety hazard, including fire, toxic or explosive hazards. Such concerns may be addressed by reference to other applicable federal, State or Township laws and regulations.

(4) Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.

(5) Stormwater Management. Will follow adequate, professionally accepted engineering methods to manage stormwater. Stormwater shall not be a criterion of decision under this chapter if the application clearly would be subject to a separate engineering review and an approval of stormwater management by the Board of Commissioners under the Subdivision and Land Development Ordinance [Chapter 22].

(6) Compatibility. Will comply with all applicable berming, glare, noise, setback and buffering requirements of this chapter and will not create any extreme nuisances to adjacent existing dwellings.

(7) Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this chapter, as stated in Part 5.

(8) Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, wetlands, floodplains, springs, seeps, and other important natural features.

§ 120. Special Exception Uses.

1. Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflict with adjacent uses or areas.

2. Special Exception Procedure.

A. All applicants for a special exception use shall submit seven sets of site plans for the proposed use to the secretary to the Zoning Hearing Board together with a written application. The Zoning Officer may waive the site plan requirement for home occupations that are not intense and other uses not involving new buildings or additional off-street parking. Photographs of the existing site or buildings may also be requested to be presented by the applicant.

B. All site plans shall contain the information required in § 108, Subsection 4.

C. Township Procedures.

(1) The Township shall forward the application to the Zoning Hearing Board and its Solicitor. A minimum of one copy shall be retained in the Township files.

(2) The Zoning Officer should, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the plan to determine compliance with this chapter and report these findings to the Zoning Hearing Board.

D. Site Plan Review and Optional Review.

(1) Site Plan Review. A site plan review by the Planning Commission and the Board of Commissioners may also occur for certain uses under § 118 prior to issuance of building permits. That review may occur after special exception approval.

(2) Optional Review. The Zoning Hearing Board may provide the Planning Commission with the opportunity to review a special exception application if they determine that the project will need a site plan review under this Ordinance. In such case, any comments of the Planning Commission shall be provided in writing. The Planning

Commission review shall not by itself require the Zoning Hearing Board to delay a hearing or decision.

E. Zoning Hearing Board Action.

(1) The Board shall hear and decide such request for a special exception use under the procedures of Part 1 and the MPC, 53 P.S. § 10101 et seq.

(2) The Board shall schedule the first hearing within 60 days after submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within 45 days after the conclusion of the final hearing on the matter.

(3) The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with this Part.

3. Approval of Special Exception Uses. The Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet:

A. All of the standards listed in § 119, Subsection 3D and § 118.

B. Specific standards for the proposed use listed in §§ 402 and 403.

C. All other applicable requirements of this chapter.

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

§ 121. Site Planning Guidelines.

The following advisory guidelines are intended to assist applicants and the Township in developing well-planned developments:

1. Natural Features. Seek to minimize grading changes and removal of mature trees. Seek to preserve the natural beauty of highly visible areas. Seek to preserve land along creeks and steep hillsides. Enhance compatibility between proposed development and continued protection of the natural environment. Minimize the loss and/or disturbance of valuable natural features, pursuant to the regulations contained within this Ordinance.

2. Circulation. Seek to separate pedestrian circulation from major routes of vehicle traffic. Minimize the number of access points along major roads. Avoid parking spaces backing into through traffic routes. Ensure adequate capacity of driveways and drive-through lanes to avoid traffic backing onto streets. Assure adequate vehicular access to future residences not currently proposed.

3. Utilities. Seek to place as many utility lines as possible underground.

4. Signs. Seek to minimize the lighting intensity of signs. Seek to avoid signs with overly bright, less attractive colors. Consider use of ground-mounted or wooden signs.

5. Compatibility. Seek to locate noisier and less compatible uses (such as loading docks) as far away from homes as possible. Seek to screen out views of less attractive activities from streets and homes.

§ 122. Liability.

1. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, stormwater runoff, activity on steep slopes or any other review or permit of this chapter, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

2. If the Zoning Officer mistakenly issues a permit under this chapter, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

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Part 2

Definitions

§ 201. General Interpretation.

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

A. Words in the present tense shall include the future tense.

B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."

C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.

D. "Sale" shall also include rental.

E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.

F. If a word is not defined in this chapter, but is defined in the Township Subdivision and Land Development Ordinance [Chapter 22], as amended, the definition in that Chapter shall apply. If a word is not defined in this Chapter, but is defined in the applicable Stormwater Ordinance, as amended, the definition in that Chapter shall apply. If a word is defined in both this chapter and another Township ordinance, each definition shall apply to the provisions of each applicable ordinance. If a term is not defined in this Chapter, but is defined in the Pennsylvania MPC (MPC), then the MPC definition shall apply.

G. Any word or term not defined in this chapter or the sources listed in Subsection F. above, shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary may be consulted.

H. The words "such as," "includes" and "including" shall provide examples, but shall not by themselves limit a provision only to items specifically mentioned, if other items would otherwise comply with the provision.

§ 202. Terms Defined.

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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

ACCESS DRIVE or ACCESSWAY – an existing or approved privately-owned, constructed and maintained vehicular access roadway accessing more than one dwelling unit or more than one commercial, institutional or industrial principal use. See also "driveway."

ACCESS POINT – one combined vehicle ingress/egress point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

ACCESSORY BUILDING – a building which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the uses of the principal building. Any portion of a principal building used for an accessory use shall not be considered to be an ACCESSORY BUILDING.

ACCESSORY STRUCTURE – a structure, such as a private garage, storage shed or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

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

ACRE – 43,560 square feet.

ADJACENT – includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

ADULT STORE. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities" (as defined in this Part).

ADULT DAY CARE CENTER – a use providing supervised care and assistance primarily to persons who are over age 60, handicapped or need such daily assistance because of their limited physical or mental abilities. This use shall not include a treatment center or the care of persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

ADULT LIVE ENTERTAINMENT USE – a use including live entertainment involving persons (which may include but is not limited to waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or completely nude female breasts or engaging in simulated or actual specified sexual activities (see definition in this Section) related to some form of

monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

ADULT MOVIE THEATER – a use involving the presentation typically to three 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 (see definition in this Section) for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

ADULT USE – this shall include only the following: adult store, adult movie theater, massage parlor or adult live entertainment use.

AFTER HOURS CLUB – a commercial use or membership club that permits the consumption of alcohol during and is routinely open between the hours of 2:00 a.m. to 4:00 a.m., in addition to any other hours. See also the applicable 1990 State law that generally prohibits this use if admission is charged. This term shall not regulate a use without a liquor license in which the premises are vacated by 2:30 a.m.

AGRICULTURE – shall mean crop farming, plant nursery and animal husbandry. See definition of each.

AIRPORT – an area of land which is designated, used or intended to be used for the landing and take-off of motorized fixed wing aircraft weighing more than 50 pounds each, and any related aircraft support facilities such as for maintenance, refueling and parking. A public airport shall be one that does not meet the definition of a private airport. A private airport shall be one that is limited to a maximum total of 15 flights and/or take-offs in any seven-day period and that is not available for use by the general public. See also "heliport."

ALLEY – a public or private minor right-of-way providing secondary access to the side or rear on one or more abutting properties, which has a maximum right-of-way width of 20 feet, and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no new principal building shall have its only frontage onto an alley.

AMATEUR RADIO ANTENNA – a device, partially or wholly exterior to a building that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies. This includes any accessory supporting structures. This term shall not include an antenna that is mobile and attached to a State-licensed motor vehicle.

ANIMAL CEMETERY – land or buildings used for the internment or burial of the remains of non-cremated animals. This term shall not include the following, which shall be permitted by right accessory uses in any District: (A) the burial of one or two animals on a lot of less than 30 acres; (B) the burial of up to nine animals on a lot of 30 or more acres; and (C) the spreading of remains of animals cremated in a sanitary fashion. See also any applicable regulations of Pennsylvania Department of Environmental Protection.

ANIMAL HOSPITAL – Any establishment offering veterinary services. Animal Hospital can treat all types of animals and can include overnight boarding of animals, other than dogs, that are not sick or recovering. Any other boarding of dogs shall be regulated as a kennel.

ANIMAL HUSBANDRY – see "livestock, raising of."

APARTMENT – see "dwelling types."

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

ASSISTED LIVING FACILITY – a residential facility licensed as such by the Commonwealth of Pennsylvania, and which provides meals, supervision and support services for four or more elderly persons or other persons needing such care. See the State definition and regulations in 55 PA. Code Chapter 2800 or its successor section. For the purposes of this Ordinance, personal care homes and assisted living facilities are regulated in the same manner.

ATTIC – that part of a building which is immediately below and wholly or partly within the roof framing. See the definition of floor area.

AUDITORIUM, COMMERCIAL – a commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not including a use that meets the definition of an indoor theater, accessory meeting rooms of a hotel/motel or adult live entertainment use. See the definitions of restaurant, standard and restaurant, fast-food.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOMES SALES – a building or area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard. The occasional sale of a single such vehicle on a lot is a permitted by right accessory use in all Districts.

AUTO RECONDITIONING – the completion of minor repairs to a motor vehicle for primarily cosmetic reasons, such as removal of scratches, small dents and fabric tears, but which does involve body work or engine repairs.

AUTO REPAIR GARAGE – a building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of auto service station. An auto repair garage may include, but not be limited to, any use that involves any of the following work: major mechanical or body

work, grinding, straightening of body parts, spray 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. See restrictions on auto repair in residential Districts in "Residential Accessory Structure or Use," § 403.

AUTO SERVICE STATION – a building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is similar in character to the following: sale and installation of oil, lubricants, antifreeze and similar accessories. This use may include the sale of ready-to-eat food for consumption off the lot and common household products as a clearly accessory use, provided that the total parking requirements of Part 6 are complied with. An accessory use providing motor fuel only to vehicles operated by that business shall not be considered to be a gasoline service station.

AVERAGE GROSS RESIDENTIAL DENSITY – in a PRD, the number of proposed and existing dwelling units divided by the number of acres in the PRD proposed for residential use.

BASEMENT – an enclosed floor area partly or wholly underground. See definitions of story and floor area.

BED AND BREAKFAST – the use of a single-family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access to transient visitors to the area for a maximum of 10 temporary guests at any one time, and which does not provide any cooking facilities or meals other than breakfast to guests. This use shall only include a use renting facilities for a maximum of 14 days in any 60 day period to any one person. The use shall not include the regular on-site provision of meals for compensation to persons who are not permanent residents or guests, unless the requirements for a restaurant are also met.

BEE KEEPING – the raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

BETTING USE – a use where lawful gambling activities are conducted including, but not limited to, off-track betting or use of slots machines. This term shall not include betting under the State lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a membership club). Such use may include a restaurant.

BILLBOARD – a billboard shall be an off-premises sign with any total sign area greater than 50 square feet.

BLAST OR BLASTING – the explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives, other than lawful fireworks displays.

BOARD – unless otherwise stated, shall mean the Zoning Hearing Board of Salisbury Township.

BOARD OF COMMISSIONERS – the Board of Commissioners of Salisbury Township.

BOARDER - An individual other than a member of a family occupying a dwelling unit or owning a lodging facility who, for compensation, is furnished sleeping accommodations within such dwelling unit or lodging facility and who also may be furnished meals or other domestic services in return for compensation.

BOARDINGHOUSE or ROOMING HOUSE – a residential use in which two or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation or the occupancy of a dwelling unit by a greater than the permitted maximum number of unrelated persons. This term includes uses commonly known as single room occupancy housing. This term shall not include a use meeting the definition of a hotel, dormitory, motel, life care center, personal care home, assisted living facility, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days. If a Boarding House includes 6 or more units, an on-site manager shall be provided, who is not a temporary boarder.

BUFFER YARD – a strip of land separating a land use from another land use or feature, and which is not occupied by any principal or ACCESSORY 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.

BUFFER ZONE – in regards to cutting of trees, the land surrounding the immediate perimeter of a logging operation in which no cutting of trees or other vegetation shall occur, except for the isolated cutting of individual trees which are dead, damaged, sick, infected or constitute a danger to neighboring properties or the public in general.

BUILDING – any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total volume under roof of greater than 100 cubic feet and that has a height of 6 feet or greater. "BUILDING" is interpreted as including "or part thereof." See the separate definition of structure. Any structure involving a permanent roof (such as a porch with a permanent roof or a carport) that is attached to a principal building shall be considered to be part of that principal building.

BUILDING COVERAGE – the percentage obtained by dividing the maximum horizontal area in square feet covered by all principal and ACCESSORY BUILDINGs on a lot by the total lot area of the lot upon which the buildings are located. For the purposes of determining building coverage, decks and porches covered by a

permanent roof shall be counted as a building, while decks and porches that are not covered by a permanent roof shall not be counted as a building.

BUILDING, PRINCIPAL – a building used for the conduct of the principal use of a lot, and which is not an ACCESSORY BUILDING.
BUILDING LENGTH – the horizontal measurement between the two most distant portions, other than portions measured diagonally, of any one building or of attached buildings.

BUILDING LINE or BUILDING SETBACK LINE – see "setback line."

BUILDING WIDTH – the horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

BULK RECYCLING CENTER – a use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of nonrecycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

BULK STORAGE – storage beyond what is reasonably needed for customary use onsite. This includes storage of substances intended to be sold or re-sold for use off-site.

BUSINESS SERVICES - a for-profit operation that provides building cleaning and maintenance, office equipment sales and service, photocopying or similar work, and that mainly serves other businesses.

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

CARE AND TREATMENT FACILITIES FOR YOUTH – a use involving residential and/or outpatient counseling and support facilities primarily for persons age of 18 or younger who primarily need such special services because of emotional or behavioral concerns or because of inadequate care provided by families. Such facilities may also include counseling and support facilities for the families of the youth, as well as programs for persons of any age who have aged out of the program. Such facilities may also include child day care facilities, diagnostic assessment, residential group homes, onsite and off-site recreation programs and educational programs for such youth.

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

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

CEMETERY – land or buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this chapter.

CHAIRPERSON – includes chairman, chairwoman, chair and acting chairperson (when applicable).

CHRISTMAS TREE FARM– a type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale of trees from November 15 to December 30 that were produced on the premises.

CLEAR CUTTING – the felling and/or removal of trees that results in 70 percent or more of the merchantable timber being cut on any acre.

COLLEGE or UNIVERSITY – an institution of higher learning licensed by the State Department of Education to provide academic or professional degrees or certificates and which primarily serves persons age 18 years and older. See also definition of trade school. Such use involving health care or dental training may occur as an accessory use to a HOSPITAL; provided, that dormitories and other student residential facilities shall only be allowed where specifically permitted in the DISTRICT regulations.

COMMERCIAL COMMUNICATIONS TOWER – a structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals. Commercial communications towers include, but are not limited to, a radio common carrier tower or an antenna used for transmitting commercial radio or television signals, microwave signals, cellular telephone communications and/or satellite communications. A commercial communications tower shall not include an amateur radio antenna or a satellite dish antenna (as defined by this Section) or an emergency services radio antenna if such are accessory to a permitted use.

COMMERCIAL DISTRICT – the C-1, C-2 and C-3 Districts.

COMMERCIAL OUTDOOR RECREATION – an area which has a total building coverage of less than 15% is used principally for active or passive recreation and is used for a profit-making purpose. This term may include uses such as mini-golf and paintball courses, but shall not include a motor vehicle racetrack.

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

COMMISSION – the Planning Commission of the Salisbury Township.

COMMON OPEN SPACE – see "open space, common."

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

COMPREHENSIVE PLAN – the document entitled the Salisbury Township Comprehensive Plan, or any part thereof, adopted by the Board of Commissioners, as amended.

CONDITIONAL USE – a use which is allowed or denied by the Board of Commissioners within the provisions of Part 1, after review by the Planning Commission.

CONDOMINIUM – a set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act of 1980, as amended.

CONSERVATION – the careful and sustainable management of any alterations to important natural features and/or the restoration of natural areas.

CONSTRUCTION – includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a pre-existing building.

CONVENIENCE STORE, MAJOR – a use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a retail indoor floor area of greater than 1,500 square feet but less than 6,000 square feet and which includes the sale of gasoline. Such use shall also meet the requirements for an auto service station. See "retail store" for similar uses that do not meet this definition.

CONVERSION – to change or adapt land or structures to a different use.

COUNTY – the County of Lehigh, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION – shall mean the Lehigh Valley Planning Commission, Lehigh-Northampton Counties.

CROP FARMING – the cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards, vineyards and accessory wine processing, and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. A principal crop farming use may also include customary accessory keeping of animals, but shall not include a "Kennel," unless the requirements for such use are also met.

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

CURATIVE AMENDMENT – a proposed zoning amendment made to the Board of Commissioners by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

DAY CARE – a use involving the supervised care of children under age 18 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a nursery school. See also the definition of "ADULT DAY CARE CENTER."

A. The following types of day care are permitted by right without additional regulation by this chapter:

(1) Care of children who are permanent residents of the dwelling.

(2) Care of children within a place of worship during weekly religious services.

(3) Care of one to three children within any dwelling unit.

(4) Care of children after or before school within a lawful primary or secondary school.

B. FAMILY DAY CARE HOME – a type of day care use that:

(1) Provides care for four to six children at one time who are not permanent residents of the home.

(2) Provides the care within a family dwelling unit.

(3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

C. GROUP DAY CARE HOME – a type of day care use that:

(1) Provides care for between seven and 12 children at any one time who are not permanent residents of the home.

(2) Provides the care within a family dwelling unit.

(3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

D. DAY CARE CENTER – a type of day care use that:

(1) Provides care for seven or more children at any one time who are not permanent residents of the home.

(2) Does not provide the care within a family dwelling unit.

(3) Is registered as such by the Pennsylvania Department of Public Welfare, or its successor agency.

DAYS – calendar days.

DENSITY – the total number of dwelling units divided by the lot area, unless otherwise stated.

DEP – the Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

DETACHED BUILDING – a building that is surrounded on all sides by open yards and that is not attached to any other building.

DETENTION FACILITY – such use shall be limited to facilities owned and operated by a county, State or federal government or its agents and shall be limited to the following:

A. A juvenile detention facility as described and regulated in 62 P.S. § 2077

B. A Minimum Security Prison Facility – a jail, prison or detention facility operated by a county, State or federal government or its agents and used for the confinement of persons for safe custody. The term does not include a facility used for the detention or confinement of juveniles. Only "eligible offenders" or those who do not demonstrate a present or past pattern of violent behavior shall be incarcerated in a minimum security prison. "Eligible offenders" do not include any person awaiting trial for, or convicted of, murder, voluntary manslaughter, rape, statutory rape, aggravated assault,

robbery, burglary of the first degree as provided in 18 Pa.C.S.A. § 3502 (relating to burglary), involuntary deviate sexual intercourse, arson, extortion accompanied by threats of violence, assault by prisoner, assault by life prisoner, kidnapping, aggravated indecent assault or escape or drug trafficking. No person shall be incarcerated at a minimum security prison if such person's previous conviction history cannot be determined or has not yet been determined. No person shall be incarcerated in a minimum security prison unless such person has been evaluated to determine that no history of violent behavior exists and no present probability of violent behavior exists.

DEVELOPMENT – construction, erection or expansion of a structure, mineral extraction, filling, grading (other than crop farming) or paving (other than repaving) operations. The term also includes any activities defined as land development under the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22].

DISTRIBUTION – the processing of materials so as to sort out which materials are to be transported to different locations, and the loading and unloading of such materials. This term shall not include a trucking company terminal.

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

DOG DAY CARE – A use that involves the keeping of more dogs than are allowed under "Pets and Accessory Animals, Keeping of" in § 403, that is only operational between 6 AM and 10 PM (unless the regulations for a "Kennel" are also met), and that provides recreational opportunities for the dogs. The facility may also include accessory care of cats, birds and similar domestic pets.

DORMITORY – residential facilities that are only inhabited by faculty and/or full-time students of an accredited college, university or medical training facility or State licensed teaching HOSPITAL or accredited public or private primary or secondary school.

DRIVEWAY – a privately owned, constructed, and maintained vehicular access from a street or access drive to only one dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

DUMP – any area used for solid waste disposal that does not operate under a valid solid waste permit issued by Pennsylvania DEP and that is not a permitted junkyard under this chapter.

DWELLING – a building used as nontransient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a sectional home. This chapter categorizes dwellings into the following types:

A. CONVERSION APARTMENT – a new dwelling unit created within an existing building.

B. EFFICIENCY UNIT – a type of dwelling unit including sleeping and living areas within a single room and that also includes cooking facilities and a bathroom and that has a minimum of 400 square feet of habitable floor area, after deleting any area within a basement or cellar.

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

D. MID-RISE APARTMENTS – three or more dwelling units within a building that is higher than 35 feet or 3 1/2 stories, and less than 60 feet or five stories (whichever is less).

E. SECTIONAL HOME – a type of dwelling that meets a definition of single-family detached dwelling, single-family semidetached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a manufactured/mobile home and that is supported structurally by its exterior walls and that rests on a permanent foundation.

F. SINGLE-FAMILY DETACHED DWELLING – a dwelling unit accommodating a single-family and having open area on all sides.

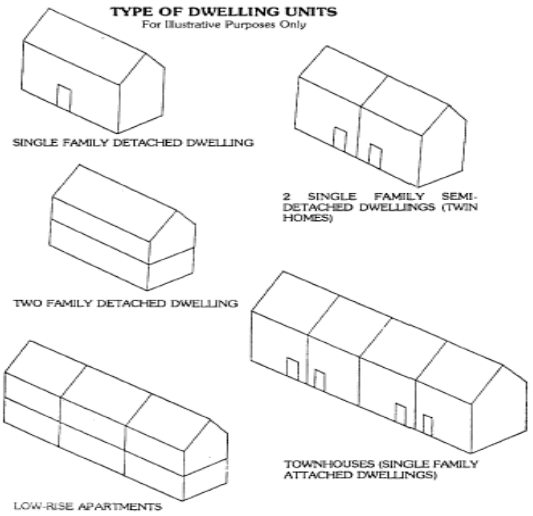
G. MANUFACTURED/MOBILE HOME – a type of single-family detached dwelling that meets all of the following requirements: (A) is transportable; (B) is designed for permanent occupancy; (C) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing; (D) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation; (E) is not a recreation vehicle; and, (F) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the definition of sectional home.

H. SINGLE-FAMILY SEMIDETACHED DWELLING – one dwelling unit accommodating one family that is attached and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as 1/2 of a duplex or 1/2 of a twin home. Each unit may or may not be on a separate lot.

I. TOWNHOUSE – one dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from each other by vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as row houses or single-family attached dwellings.

J. TWO-FAMILY DETACHED DWELLING – two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.

DWELLING UNITS – one dwelling occupied that is only occupied by persons meeting the definition of one family or a group home (see definitions). Each dwelling unit shall have its own sanitary, sleeping and cooking facilities and separate access to the outside, or access to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall have only one cooking facility within a single room or two abutting rooms that open into each other. No dwelling unit shall include a separate habitable area that is completely separated by interior walls so as to prevent interior access from the remainder of the habitable area.



EASEMENT – authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

E-MAIL – A system for sending and receiving messages electronically over a computer network as between personal computers.

EMERGENCY SERVICES STATION – a building for the housing of fire, emergency medical or police equipment and for related activities. A membership club may be included if it is a permitted use in that DISTRICT. This may include housing for emergency personnel while on-call.

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

ENVIRONMENTALLY SENSITIVE AREAS – Areas which include features which are sensitive to land disturbance activities and development, such as steep slopes, ponds, lakes, streams, stream corridors, springs, wetlands, hydric soils, prime farm-land soils, highly erodible lands, vernal pools, floodplains, riparian buffer areas, significant stands of native, mature, and/or otherwise important vegetation, existing wellhead protection areas, aquifer recharge areas, and geologic fractures.

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 § 403. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

EXERCISE CLUB – a commercial facility or membership club that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool, racquetball courts and training for these activities. This use may also be allowed as part of an Indoor Commercial Recreation use.

FAMILY – one or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than three persons who are not RELATED (see definition) to each other by blood, government-sanctioned civil unions, official foster relationship, marriage or adoption. See also the definitions and standards (in § 402) for a group home, or in § 112.5.I. which may allow a higher number of unrelated persons within a dwelling unit. A treatment center shall not be considered a family.

FAMILY SUPPORT AND LODGING CENTER – a noncommercial use providing temporary housing and support services to persons with a relative actively undergoing significant medical care in Lehigh or Northampton counties.

FENCE – a manmade barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Manmade barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

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

FLOODPLAIN (ONE-HUNDRED-YEAR) – see definitions in the Township Floodplain Ordinance [Chapter 8].

FEMA MAP - the latest mapping officially issued by the Federal Emergency Management Agency (FEMA) that shows the extent of the 100 year floodplain, including any revisions or supplemental adjustments approved by FEMA.

FLOOR AREA OR GROSS OR TOTAL FLOOR AREA – the sum of the total horizontal area of each floor within a building(s) measured from the sides of exterior walls or from the centerlines of walls separating buildings. Floor area shall only include areas that meet the definition of a story (see definition). Floor area specifically shall not include the following: elevator shafts, common lobbies and stairwells in a multi-tenant building, mechanical rooms, unenclosed porches or decks, or unenclosed breezeways or walkways, roof overhangs or similar features.

FORESTER – a person with a bachelors or master's degree in forestry from a college or university program that at the time was fully accredited by the Society of American Foresters, and who has practical experience in wood lot management.

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

FRATERNITY or SORORITY – a type of boarding house, regulated as such, which is occupied by organized groups of higher education students, and which is officially recognized as a fraternity or sorority by such institution.

GARAGE, PRIVATE or HOUSEHOLD – an enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation. The rental to a person who does not reside on the property of storage space that would accommodate more than two cars or for commercial purposes shall be regulated as a business use.

GARAGE SALE – the accessory use of any lot for the occasional sale or auction of items on a residential property or the auction of onsite land or buildings. See § 403.

GARDEN APARTMENT – see under "DWELLINGS."

GAS OR OIL WELL – A well drilled into the ground to produce natural gas or petroleum products. See §§ 306 and 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.

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

GREENHOUSE – building, room or area usually of glass in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season.

GROSS FLOOR AREA – See "FLOOR AREA."

GROUP HOME – the use of any lawful dwelling unit which meets all of the following criteria:

A. Involves the care of the maximum number of persons permitted by the group home standards of § 402, and meets all other standards of such section.

B. Involves residents clearly functioning as a common household.

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

D. Does not meet the definition of a TREATMENT CENTER, BOARDING HOUSE, DORMITORY, MOTEL, INSTITUTIONAL GROUP HOME or MEMBERSHIP CLUB. See also the definition of CARE AND TREATMENT FACILITIES FOR YOUTH which may include GROUP HOMES for youth.

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

See also § 112.5.I. for allowed modifications.

* NOTE: See definitions in the Federal Fair Housing Act Amendments and the Americans with Disabilities Act.

HAZARDOUS WASTE – those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated or disposed of in a manner customarily accepted for ordinary solid wastes. This also includes wastes subject to special State or federal licensing or regulation including, but not limited through, the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 et seq.

HEALTH CARE CAMPUS – a property developed as a unified campus and including a HOSPITAL and other health care and health care support uses, developed with a coordinated internal infrastructure system that encourages the sharing of facilities

such as parking and open space and provides coordinated access to the public street system.

HEIGHT – the vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the roof. See exemptions for certain types of structures in § 802. For height of signs, see Part 7, "SIGNS."

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

A. PUBLIC HELIPORT – a heliport that does not meet the definition of a private heliport.

B. PRIVATE HELIPORT – a heliport, other than a HOSPITAL HELIPORT, limited to a maximum total of 15 flights or take-offs in any seven-day period and that is not available for use by the general public. This is also known as a helistop.

C. HOSPITAL HELIPORT – a PRIVATE HELIPORT that is:
   (i) owned by a HOSPITAL,
   (ii) operated by a HOSPITAL or third party contractor under agreement with a HOSPITAL
   (iii) situated on a HEALTH CARE CAMPUS, and
   (iv) used for medical services and not for general transportation

HOME OCCUPATION – a routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or it's permitted ACCESSORY BUILDING that:

A. Only includes uses that are clearly incidental and secondary to the principal residential use.

B. Is conducted primarily by a permanent resident of the dwelling.

C. Meets the definition of this Section and the standards and limitations of a home occupation in § 403.

D. Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing).

E. Specifically does not include the following: hotel, motel, nursing home, boarding house, restaurant, stable, treatment center, kennel, auto repair,

onsite retail sales, painting of vehicles, tractor repair, lawn mower and engine repair, manufacturing (other than custom crafts or sewing) or bulk welding.

F. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of one nonresident working on the premises at any one point in time.

GENERAL HOME OCCUPATION – a type of home occupation that does not involve a use specifically permitted as a light home occupation but which the applicant proves to the satisfaction of the Zoning Hearing Board as a special exception would be: (A) similar in impacts to a permitted light home occupation; and, (B) be compatible with the surrounding residential area.

LIGHT HOME OCCUPATION – a type of home occupation that is permitted by right in all residential Districts and is limited to only the following types of activities, within the restrictions of § 403:

(1) Custom sewing, seamstress or dressmaker.
(2) Tutor or music or voice instruction.
(3) Tax preparation.
(4) Photographer.
(5) Artist or sculptor.
(6) Drafting or graphics services.
(7) Data processing or typing.
(8) Home crafts for sale off-site.
(9) Mail order (not including retail sales from the site).
(10) Product distribution through direct off-site sales (such as household items or cosmetics sold at off-site events)
(11) Offices of the following: licensed physician, dentist, speech pathologist, audiologist, chiropractor, optometrist, podiatrist, architect, attorney, accountant, insurance agent, real estate agent or broker, tax collector, engineer, surveyor, vocational consultant, financial planning and investment services, interior design, computer programming, consulting services; or,
(12) Telephone soliciting and telephone answering services.
(13) The Business may not involve any illegal activity.

This term also includes, but is not limited to, a use meeting the definition of a "No Impact Home Based Business" within the Pennsylvania MPC.

HOSPITAL – a use that includes facilities that are licensed as a “HOSPITAL” by the State Department of Health and that involves the diagnosis, treatment or other medical care of humans and that involves some care requiring stays overnight. A hospital may also include clinical laboratories as accessory uses and outpatient medical care. A hospital may occur in combination with medical offices (see definition) provided that the requirements for medical offices are also met. A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not routinely involve the housing of the criminally insane and shall not primarily involve the housing or treatment of persons actively serving an official sentence after

being convicted of a felony. A hospital may also involve medical research and education and training for health care professions. A hospital may only include dormitories and other student residential facilities if that use is specifically permitted in that District.

HOSPICE – a special concept of care designed to provide comfort and support to patients and their families when a life limiting illness no longer responds to cure-oriented treatments.

HOTEL or MOTEL – a building or buildings including rooms (other than dwelling units) that are 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.

IMPERVIOUS COVERAGE – the total area of all impervious surfaces (including building coverage) on a lot divided by the total lot area. Where a lot lies partially within Salisbury Township and partially within another municipality, the land outside the municipal boundaries of Salisbury Township shall not be considered in the impervious coverage calculation, i.e. the impervious coverage calculation for Salisbury Township shall be based solely on the portion of property located within Salisbury Township.

IMPERVIOUS SURFACE – area covered by roofs, concrete, asphalt, stone or other man-made cover which has a coefficient of runoff of 0.8 or greater. Any dispute over whether an area is impervious shall be decided by the Township Engineer or Alternate Township Engineer.

INDUSTRIAL District – the I Zoning District.

INDUSTRIAL USE – includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

INSTITUTIONAL GROUP HOME – a use that meets the definition of a group home but that includes a higher number of residents than is permitted as a group home.

JUNK – any discarded, scrap or abandoned manmade or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, aircraft, glass, plastics, industrial waste, machinery, equipment, containers, structures, used building materials and building materials left on a site after completion of the portion of construction to which those building materials relate. Junk shall not include: (A) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations; (B) toxic wastes; (C) grass clippings, leaves or tree limbs; or, (D) items clearly awaiting imminent recycling at an approved recycling use.

JUNK VEHICLE – includes any vehicle or trailer stored out of doors that meets any of the following conditions:

A. Does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker (except for licensed antique cars not required to have an inspection sticker), (licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this Section).
B. Cannot be immediately moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
C. Cannot be immediately towed, in regards to a vehicle designed to be towed.
D. Has been demolished beyond repair.
E. Has been separated from its axles, engine, body or chassis.
F. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See also the separate Township Ordinance on Junk Vehicles.

JUNKYARD –

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

    (1) Junk.

    (2) A greater number of junk vehicles than is permitted under § 604. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.

    (3) One or more manufactured/mobile homes that are not in habitable condition.

B. Junk stored as part of a business within a completely enclosed building shall be considered a warehouse and shall meet the requirements of that use instead of a junkyard.

KENNEL – the keeping or boarding of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "PETS AND ACCESSORY ANIMALS, KEEPING OF" provisions in § 402." A kennel may also include the temporary boarding of other types of pet animals. A kennel shall include any such use, regardless of whether: (A) the animals are or are not owned by the operator of the kennel; and, (B) compensation is or is not paid for the care of the animals. A nonprofit animal shelter is a type of kennel. See also the definition of "pets, keeping of." See also “DOG DAY CARE” which may be approved as a separate use.

LAND DISTURBANCE – Any activity involving grading, tilling, digging, logging or filling or stripping of vegetation; or another activity which causes land to be exposed to the danger of erosion.

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

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

LIFE CARE CENTER – a residential use designed and operated exclusively for retired or semi-retired adults of 55 years of age or older and/or physically handicapped persons and their spouses and that includes a nursing home and onsite health care, meal services, social services, recreation activities and similar support facilities intended specifically to serve the needs of these residents.

LIGHT BUSINESS CONVERSION - the conversion of an existing dwelling into a business use that meets the requirements for such use under § 402.

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

LINE, STREET – the street right-of-way line. This shall be the future street right-of-way line, if one is required to be established.

LIVESTOCK, RAISING OF – the raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "PETS AND ACCESSORY ANIMALS, KEEPING OF" provisions of § 403 and beyond what is allowed within the definition of crop farming. For the purposes of this chapter, the raising of livestock shall have the same meaning as animal husbandry. The raising of livestock shall not include a slaughterhouse or a stockyard used for the housing of animals awaiting slaughter.

LOGGING – see "TREE HARVESTING."

LOT – A designated parcel, tract or area of land established by a plat that is recorded in the Office of the County Recorder of Deeds or otherwise as permitted by law, having its principal frontage upon a STREET or officially approved place and to be used, developed or built upon as a unit.

LOT AREA – the contiguous horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

A. Areas within public street or alley rights-of-way that exist or are proposed to be dedicated.

B. Areas that are required to be dedicated as common open space.

C. For residential lots only, areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity.

LOT, CORNER – a lot abutting on two or more intersecting streets which has an interior angle of less than 135° at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135°.

LOT DEPTH – the average horizontal distance between the front and the rear lot lines.

LOT, FLAG – an irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. This type of lot is prohibited, in effect, by the definition of "Lot Width."

LOT, INTERIOR – a lot other than a corner lot.

LOT LINES – the recorded property lines bounding the lot as herein defined; however any line that denotes an adjoining public or private street or railroad RIGHT OF WAY shall be interpreted as the LOT LINE for the purpose of determining the location of the SETBACKS.

A. LOT LINE FRONT: The lot line coincident with the RIGHT OF WAY line of a street
B. LOT LINE REAR: Lot lines that are formed at the outermost edge of any rear yard
C. LOT LINE SIDE: Lot lines that are formed at the outermost edge of any side yard.

LOT, REVERSE FRONTAGE – a lot that abuts two approximately parallel streets, but only has access onto one street.

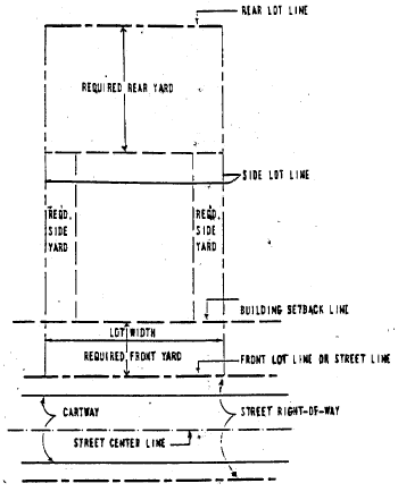
FRONT LOT LINE (STREET LINE) – a lot line separating the lot from the approved or dedicated street right-of-way.

REAR LOT LINE – a lot line opposite and most distant from the front lot line. (A three-sided lot has no rear lot line.)

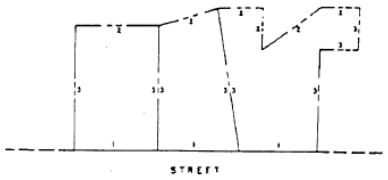
SIDE LOT LINE – any lot line other than a front or rear lot line. A side street lot line is a side lot line separating a lot from a street.

LOT, THROUGH – a lot that abuts two approximately parallel streets.

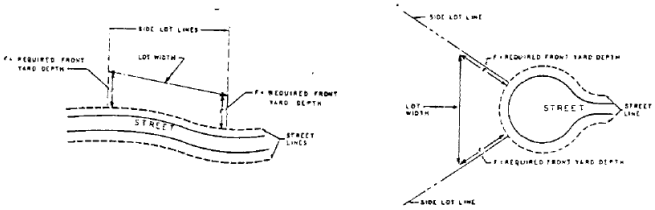
Terms for Lot Requirements
For General Illustrative Purposes Only



SAMPLE LOT CONFIGURATIONS: NUMBERS CORRESPOND TO THE ABOVE DEFINITIONS



LOT WIDTH – The distance measured between points where the front building SETBACK lines meet side property lines. In the case of a curve, the arc distance along the curve.



LUMBERING – see "tree harvesting."

MANUFACTURE – the making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility or truck terminal.

MANUFACTURED/MOBILE HOME – see under "dwelling types."

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

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

MASSAGE PARLOR – an establishment that meets all of the following criteria:

A. "Massages" are conducted.

B. The person conducting the massage is not licensed as a health care professional or licensed massage therapist by the State.

C. The massages are not conducted within a licensed HOSPITAL or nursing home or an office of a medical doctor or chiropractor.

D. The massages are conducted within private or semi-private rooms.

E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or a high school or college athletic program.

Note – A use that involves State-licensed massage therapists is allowed as a “Personal Service Use” and is not regulated as a Massage Parlor.

MEDICAL OFFICE or CLINIC – a use involving the treatment and examination of patients by State-licensed physicians or dentists or other State-licensed health care professionals, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. This use shall not routinely involve treatment for addiction to illegal drugs. See "TREATMENT CENTER" or "HOSPITAL."

MEMBERSHIP CLUB – an area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or

auditoriums unless that particular use is permitted in that District and the requirements of that use are met.

MINERAL EXTRACTION – the removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, and 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"

MOTEL – see "hotel."

MPC - the Pennsylvania Municipalities Planning Code, as amended.

MUNICIPALITIES PLANNING CODE or STATE PLANNING CODE – the Pennsylvania MPC, as amended, 53 P.S. § 10101 et seq.

NATURAL FEATURES - Components of the ecological, hydrological and geological environment, including soil types, geology, slopes, vegetation, surface water, groundwater, drainage patterns, aquifers, recharge areas, floodplains, aquatic life, and wildlife.

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

NIGHT CLUB – a tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

NONCONFORMING LOT – a lawful lot of record with lot area, lot width or other dimension that was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning District in which it is located by reason of such adoption or zoning amendment, and which is not abutting other land owned by the same owner.

NONCONFORMING STRUCTURE – a structure or part of a structure not manifestly designed to comply with the applicable lot area, dimensional and other provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include, but are not limited to, signs. Such nonconformity may include, but is not limited to, nonconforming setbacks, height, building coverage or impervious coverage.

NONCONFORMING USE – a use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or previous or subsequent

amendments, where such use was lawfully in existence prior to the enactment of this chapter or such amendment. Provided, however, that an existing use shall not be considered nonconforming solely because it includes fewer than the required number of parking spaces.

NURSING HOME – a facility licensed by the State as a nursing home for the housing and intermediate or fully skilled nursing care of three or more persons. This shall only include facilities that primarily serve persons who need such care because of old age, illness or physical disability.

OFFICE – a use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios. A call center is also a type of Office.

OFFICIAL MAP – any "OFFICIAL MAP" that may be adopted as such or amended by the Board of Commissioners in accordance with the MPC, 53 P.S. § 10101 et seq.

OFFICIAL STREET CLASSIFICATION MAP – the map as adopted by the Board of Commissioners classifying the streets of the Township. See definition of street classification. This map may be amended by resolution of the Board of Commissioners.

OPEN SPACE, COMMON – a parcel or parcels of land which meets all of the following requirements:

A. It is designed, intended and suitable for active or passive recreation by residents of a development or the general public.

B. It is managed through by an approved system for perpetual maintenance; and,

C. It is deed restricted to permanently prevent the use of land for uses other than common open space.

D. It does not include any of the following: street rights-of-way as approved or to be dedicated driveways, access drives that serve other uses, buildings (other than ACCESSORY BUILDINGs such as recreational gazebos and pools clearly intended for non-commercial recreation), off-street parking (other than that clearly intended and necessary to only serve non-commercial recreation), any area needed to meet a requirement for any other individual lot, any area deeded over to an individual property owner for their own use, or land within 25 feet of overhead electrical transmission lines or towers of 35 kilovolts or greater capacity.

E. It does not include stormwater detention or retention basins and infiltration facilities, unless the applicant proves to the satisfaction of the Township that such area has been designed and will be maintained in a manner that it will

be suitable for recreational uses during most times of the year, and/or will serve as a scenic and ecological asset, such as having the appearance of a natural pond. An underground stormwater detention facility may be approved to serve as Common Open Space only if the surface is improved to be usable for recreation and is not used for vehicle parking.

ORDINANCE, – the Salisbury Township Zoning Ordinance, including the ZONING MAP and Official Street Classification Map, as amended.

PA – Pennsylvania.

PARKING – off-street parking and aisles for vehicles unless otherwise stated.

PARKING STRUCTURE – a building for short term storage of motor vehicles, having two or more tiers and with a top tier either roofed or not.

PAWN SHOP - a commercial use that is regulated as a Pawn Shop by the Pennsylvania Department of Banking.

PAVED AREA – all areas covered by stone and/or impervious surfaces, other than buildings and concrete public sidewalks and other than stoned or concrete areas required for stormwater management.

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

PERMIT – a document issued by the proper Township authority authorizing the applicant to undertake certain activities.

A. CONSTRUCTION PERMIT – a permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township staff, in accordance with the provisions of the Township Building Codes.

B. ZONING PERMIT or a PERMIT UNDER THIS ORDINANCE – a portion of a building permit (unless a separate zoning permit may be established by the Township) that indicates that a proposed use, building or structure is, to the best knowledge of the Township staff, in accordance with this chapter and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations.

PERMITTED BY RIGHT USE – uses that do not have to be approved as uses by the Zoning Hearing Board or the Board of Commissioners. (A site plan review by the Planning Commission and the Board of Commissioners is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances.) A nonconforming use shall not be considered to be a permitted use.

PERSON – any individual or corporation owning a tract of land within the Township, or his/her/their respective heirs, assigns, grantees, vendees and successors.

PERSONAL CARE HOME – a residential use providing residential accommodations, meals and support services to persons who need such assistance because of old age, physical disability and/or mental retardation and that is licensed as a personal care home or assisted living facility by the Commonwealth of Pennsylvania. For uses providing nursing care, see "nursing home."

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, shoe repair shops, household appliance repair shops and other similar establishments, but shall not include a massage parlor.

PETS AND ACCESSORY ANIMALS, KEEPING OF – the keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See limits on the numbers and types of permitted animals in § 403, which also allow the keeping of certain other animals, such as a limited number of chickens for egg production. A domestic animal shall be defined as an animal that is normally or ordinarily domesticated or raised as a household pet in the character and climate of Salisbury Township.

PICNIC GROVE, COMMERCIAL – an area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

PLACES OF WORSHIP – buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If such use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

PLANNED RESIDENTIAL DEVELOPMENT – a type of development that complies with the requirements of the sections of this chapter and of the MPC, 53 P.S. § 10101 et seq., pertaining to PRDs. See Part 9.

PLANNING COMMISSION – the Planning Commission of Salisbury Township.

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

PORTABLE STORAGE CONTAINER – A mobile rectangular box that is kept outside of a building and that is used for temporary storage, but which is not intended to be used for solid waste.

PRD – see planned residential development.

PRINCIPAL BUILDING – the building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

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

PROPERTY LINE – has the same meaning as lot line.

PUBLIC NOTICE – notice required by the Pennsylvania MPC, 53 P.S. § 10101 et seq.

PUBLIC UTILITY – an entity providing central water service, central sewage service, electricity distribution service, natural gas distribution service, or central steam heat service to multiple lots and that is under the jurisdiction of the Pennsylvania Public Utility Commission and/or is owned or operated by a municipality or a municipal authority.

PUBLIC WATER SERVICE – see under "water system."

RECHARGE – The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

RECHARGE AREA – An area where water is able to seep into the ground and replenish an aquifer because no confining layer is present.

RECREATION, COMMERCIAL – leisure-time activities that are open to the general public and that are primarily operated for commercial purposes. This shall not include any adult uses. Indoor commercial recreation shall only include activities that occur within a completely enclosed building. See also the definition for "Commercial Outdoor Recreation."

RECREATION, PRIVATE – leisure-time activities that are only open to members, guests or some specific groups.

RECREATION, PUBLICLY-OWNED – land and/or facilities that are owned and/or operated by a government agency or the Township and are available for use by the general public for leisure and recreation.

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

RECREATIONAL VEHICLE STORAGE AREA – an outdoor area used for the storage of three or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that District.

RECYCLING CENTER, BULK – see "bulk recycling center."

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

RELATED or RELATIVES – persons who are closely related by blood, marriage, adoption or formal foster relationship. This term shall be limited to relationships such as father, mother, daughter, son, grandparent, great-grandparent, sister, brother, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, step-father, step-mother, legal guardian, first cousin and similar relationships. This term shall not include relationships such as second, third or more distant cousins.

RESIDENTIAL ACCESSORY BUILDING, STRUCTURE or USE – a use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (private), carport, tennis court, garage sale, basketball backboard, storage of a recreational vehicle, private swimming pool, nursery school/day care center (as an accessory use), volleyball court, home office, gazebo, storage shed, greenhouse, children's playhouse and children's play equipment.

RESIDENTIAL DISTRICT – the C-R, R-1, R-2, R-3, R-4 and R-5 Zoning Districts.

RESIDENTIAL LOT LINES – the lot line of a lot containing a primarily residential use or the lot line of undeveloped land zoned as a residential District, but not including lots or Districts separated by an expressway. If a use required to provide buffers and/or additional setbacks is on a lot divided by a zoning District, requirements for buffers and setbacks shall not apply from such zoning District boundary, but instead shall apply from the nearest residential lot line of any other lot.

RESIDENTIAL USE – shall include those types of homes listed under the definition of dwelling types plus group homes but shall not include nursing homes, treatment centers or personal care centers, which shall be considered institutional uses.

RESTAURANT, FAST FOOD -

A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a standard restaurant. This term shall also include a use that primarily involves off-premises delivery of ready-to-eat food, other than a catering business.

B. A fast-food 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 must be met.

C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTAURANT, STANDARD –

A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customer's order their food while seated inside a building from a waiter or waitress and then the food is delivered to their table and consumed at the table.

B. A standard 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 must be met.

C. If a primary or substantial portion of the total trade is in admission charges for entertainment and the use has a capacity of more than 300 persons for such entertainment, the requirements for a nightclub shall be met.

RESTRICTIVE COVENANT – a provision is a deed limiting the use of a property and/or prohibiting certain uses and/or limiting the manner and/or locations of development.

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 Store, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or restaurant. A retail store may include up to 25% of its total indoor and outdoor sales area for sale of lumber without being considered a lumberyard.

RETIREMENT VILLAGE – a residential development limited exclusively to persons aged 55 years and older and their spouses.

RIGHT-OF-WAY – An area secured for public use, and which may, but need not be improved with STREETS, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit and enjoyment.

RIGHT-OF-WAY, LEGAL RIGHT-OF-WAY- a term to define the existing street right of way, that is either shown on a plan or a deed of dedication or some other way that it has been dedicated to the municipality as an area that the municipality then owns or may operate or construct and maintain its streets thereon. –

RIGHT-OF-WAY, ULTIMATE – the ULTIMATE RIGHT-OF-WAY is the intended width of a STREET as established by the TOWNSHIP COMPREHENSIVE PLAN, or an adopted OFFICIAL MAP.

SALDO - the Salisbury Township Subdivision and Land Development Ordinance, as amended.

SANITARY LANDFILL (or SOLID WASTE LANDFILL) – a type of solid waste disposal area involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

SANITARY SEWAGE SERVICE, PUBLIC – see under "sewage service."

SATELLITE DISH ANTENNA or SATELLITE ANTENNA – a device attached to the ground or a structure that incorporates a reflective surface (such as in the shape of a shallow dish, cone or cornucopia) to transmit or receive radio or electromagnetic waves between earth-based uses and satellites in space. This term shall include, but not be limited to, satellite earth stations and satellite microwave antennas. This term shall also include any pedestal or attached structure. A satellite antenna may be ground-mounted, roof-mounted or tower-mounted. Tower-mounted antennae are erected on a separate base but are attached to an adjacent structure by some means of support.

SCHOOL, PUBLIC or PRIVATE, PRIMARY or SECONDARY SCHOOL TO INCLUDE CHARTER AND CYBER SCHOOL – a public, parochial or private educational institution licensed or accredited by the State Department of Education that primarily serves persons between the ages of five and 19 and that provides standards of instruction meeting requirements of the COMMONWEALTH. This term shall not include: (A) TRADE SCHOOLS (such as privately operated schools of trade, vocation or business); or, (B) CARE AND TREATMENT FACILITIES FOR YOUTH.

SCREENING – a year-round vegetative material of substantial height and density designed to buffer two uses from each other. See requirements in § 803.2.

SEEPS AND SPRINGS – Seeps and springs are areas where groundwater intersects at or near to the ground surface either seasonally or permanently. Springs involve groundwater reaching the surface at a specific point, while seeps involve a more widespread area. These areas may or may not be considered wetlands under Federal requirements. Hydrophytic vegetation is often dominant.

SELECTION METHOD – in regards to tree harvesting, a method of selectively removing trees from a wooded area either singly or in small groups according to age and size with provision being made for natural or artificial revegetation.

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.

SEPTAGE – materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

SETBACK LINE –

A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.

B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in § 309.

C. Unless otherwise stated, setback distances are for both accessory and principal structures.

For a building setback measured from a private street, the setback shall be measured from the right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

SEWAGE DISPOSAL SYSTEM – a system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, STATE and federal requirements.

A. PUBLIC SEWER SERVICE – service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.

B. ONLOT or NONPUBLIC SEWER SERVICE – any form of sewage service permitted under local, State and federal law that does not meet the definition of public sewer service.

SEWAGE SLUDGE or SLUDGE – the treated, conditioned, digested accumulated, settled solids deposited as a result of sewage treatment processes that occur within the requirements of a State or federal environmental pollution or on-lot septic system permit. This shall only include substances adequately stabilized so that they are suitable for land application.

SHOPPING CENTER – a use combining either: (A) six or more retail or personal service uses or establishments; or, (B) two or more retail or personal service uses or establishments where such uses involve a total of more than 40,000 square feet of total gross floor area. Such a use may also include offices.

SIGHT DISTANCE – an area required to be kept free of visual obstruction. See § 803.1.

SIGN – any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from a street or beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See the definitions for various types of SIGN in §§ 711 and 703.

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.

SIGN AREA – the measurement of the square footage of a sign, as measured in compliance with § 711.2.

SITE ALTERATIONS - the cutting of trees, construction of a stormwater detention basin, filling or draining of wetlands, relocation or alteration of a waterway, or other change to a natural feature that is regulated by this Ordinance.

SITE CAPACITY ANALYSIS - Site capacity analysis provides a mechanism for subtracting portions of a site inappropriate for development due to the presence of sensitive environmental receptors or land features. Consequently, the purpose of this analysis is to determine the extent to which a site may be utilized given its unique physical characteristics.

SLAUGHTERHOUSE – a use that routinely involves the killing and butchering of animals for use as meat, and which is not a customary accessory use to the on-site raising of animals.

SLOPE - the vertical increase in height of ground level, divided by the horizontal length of that area of ground, measured in percent.

SOLICITOR – the Salisbury Township Solicitor, unless otherwise stated, unless a special solicitor is appointed for a specific matter.

SOLID WASTE –

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

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

SOLID WASTE FACILITY –

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

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

SOLID WASTE-TO-ENERGY FACILITY – a type of solid waste disposal facility that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see the definitions of each of these terms in Title 25 of Pennsylvania Department of Environmental Protection regulations.

SOLID WASTE TRANSFER FACILITY – a type of solid waste disposal facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see the definitions of each of these terms in Title 25 of Pennsylvania Department of Environmental Protection regulations.

SPECIAL EXCEPTION – a use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 120.

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.

STABLE, NONHOUSEHOLD – any housing of more than two horses. This may include a commercial or private riding club. The housing of one or two horses shall be

considered an accessory use under the "Pets and Accessory Animals, Keeping of" provisions (see § 403).

STATE – any references to Pennsylvania State should be referenced as "COMMONWEALTH".

STATE PLANNING CODE – the Pennsylvania MPC, Act 247 of 1968, as amended, 53 P.S. § 10101 et seq.

STORAGE SHED – an enclosed ACCESSORY BUILDING maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle.

STORY– is defined as "that portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above (also see basement, building height, grade plane and Mezzanine. It is measured as the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces and, for the top most story, from the top of the floor finished to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

A. BASEMENT – defined as a story that is not a story above grade plane. The definition basement does not apply to the provisions of § 1612 IBC for flood loads.

B. STORY ABOVE GRADE PLANE - defined as any story having its finished floor surface entirely above grade plane or in which the finished surface of the floor next above is:

(1) More than six (6) feet (1829 mm) above grade plane; or
(2) More than twelve (12) feet (3658 mm) above the finished ground level at any point.

STREET – a public or private thoroughfare which affords principal means of access to abutting properties or that is a regional highway/expressway, but not including an alley or a driveway. The terms "street," "highway" and "road" have the same meaning and are used interchangeably.

STREET CENTERLINE – the center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cart way.

STREET CLASSIFICATION – the functional classification of streets into the following types, as shown in the Comprehensive Plan for existing streets and as determined by the Township Engineer for future streets:

A. ARTERIAL STREET – a street designed to carry large volumes of through-traffic for the connection of residential areas and for circulation outside of

residential areas. Access onto these streets is normally controlled by stop signs restricting on-coming traffic and traffic signals.

B. COLLECTOR STREET – a street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties. Traffic on these streets is normally controlled by signs.

C. LOCAL STREET – a street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.

D. CUL-DE-SAC STREET – a local street which is permanently terminated at one end by a vehicle turnaround and which intersects another street at the other end.

E. LOOP STREET – a local street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.

F. MARGINAL ACCESS STREET – a local street which is parallel or adjacent to collector or arterial streets and which provides access to abutting properties.

G. REGIONAL HIGHWAY or EXPRESSWAY – a street that provides direct links between metropolitan areas, which carries large volumes of high-speed traffic, that does not permit on-street parking and that has no at-grade intersections.

H. SERVICE STREET – a nondedicated minor right-of-way for public use providing primary or secondary access to nonresidential properties.

STREET, PRIVATE – a street that does not meet the definition of a public street.

STREET, PROPOSED – a street which is shown on a proposed subdivision or land development application or has been approved by the Board of Commissioners, but has not yet been open to traffic.

STREET, PUBLIC – a street that is owned and maintained by Salisbury Township or PennDOT.

STRUCTURE – any manmade object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

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

B. Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter.

SUBDIVISION – see the definition in the Township Subdivision and Land Development Ordinance [Chapter 22].

SUBDIVISION ORDINANCE – the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22], as amended.

SWIMMING POOL, HOUSEHOLD OR PRIVATE – a manmade area with walls of manmade materials intended to enclose water at least 18 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

A. ABOVE-GROUND SWIMMING POOL – a swimming pool in which the normal water level is at or above the elevation of the surrounding ground level.
B. BELOW-GROUND SWIMMING POOL – a swimming pool in which the normal water level is below the elevation of the surrounding ground level.

SWIMMING POOL, NONHOUSEHOLD – a manmade area with walls of manmade materials intended to enclose water at least 18 inches deep for bathing or swimming and that does not meet the definition of a household swimming pool. A nonhousehold pool includes: (A) a semipublic pool that serves only residents of a development or members of a club and their occasional guests; or, (B) a public pool intended to serve the general public. See also the provisions for recreational facilities limited to use by employees of a use or residents of a development as an accessory use, which may include a swimming pool, at the end of § 306.

TAVERN – a place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur. See also the definitions of restaurants, auditoriums and nightclubs.

TEMPORARY - unless otherwise provided for in regards to a specific provision, or unless otherwise approved by the Township, temporary shall mean not lasting or occurring more than 30 total days in any calendar year. See § 807.

THEATER – a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

THEATER, OUTDOOR DRIVE-IN – an outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

TIRE STORAGE, BULK – the storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

TOPS – in reference to tree cutting, shall mean the part of a felled tree which is left above the part of the tree to be utilized by a logger.

TOWNHOUSE – see "dwelling types."

TOWNSHIP – Salisbury Township, Lehigh County, Pennsylvania.

TRACT – the combination of lots in common ownership that are submitted to be approved together as part of a single subdivision or land development.

TRADE SCHOOL – a facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16 and that does not meet the definition of a college or university. This shall include a dancing school, martial arts school or ceramics school.

TREATMENT CENTER – a use (other than a permitted prison or a permitted care and treatment facility for youth) providing housing facilities for persons who need specialized housing, treatment and/or counseling and who need such facilities because of:

A. Criminal rehabilitation, such as criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol.

B. Addiction to alcohol and/or a controlled substance.

C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

D. See also § 112.5.I.

TREATMENT CENTER, OUT-PATIENT – A use that primarily exists to provide medication (such as methadone) and/or repetitive counseling to multiple persons with addictions to illegal use of controlled substances as a principal use, and which does not include on-site residential facilities, and which is not licensed by the State as a HOSPITAL.

TREE HARVESTING – the cutting down of trees for any type of business, development or commercial purpose. The term Tree Harvesting shall also include, but is not limited to, the definition of "forestry" in the Pennsylvania MPC.

TRUCKING COMPANY TERMINAL – a use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks, and that does not involve substantial processing or repackaging of the materials.

A. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a distribution use.

B. A trucking company terminal may include the following as clearly accessory uses if they are closely related to the principal use: repair, washing, refueling and maintenance facilities for trucks using the terminal, administrative uses for the terminal and rest facilities for truck drivers using the terminal.

UNIT FOR CARE OF RELATIVE – a separated living area especially created for and limited to occupancy by a relative of the permanent residents of the principal dwelling unit to provide needed care and supervision of such relative because of a handicap, disability, developmental disability, illness or old age. See standards listed under accessory apartment in § 403.4(9). See definition of relative in this Section. If such area is entirely incorporated within a lawful dwelling unit without a separate kitchen, then such area shall be permitted by right.

USE – the purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include, but are not limited to, the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

VARIANCE – the granting of a specific waiver by the Zoning Hearing Board of a specific requirement of this chapter for a specific property. A variance shall be only be granted if the applicant meets the variance standards of the Pennsylvania MPC, 53 P.S. § 10101 et seq. (see § 112, Subsection 5, of this chapter).

VERNAL POOL – Areas that are low points topographically and are typically covered by shallow water for an average of two months during normal years, but which may be completely dry for the remainder of the year, and which are not man-made...

VETERINARIAN OFFICE – a building routinely used for the treatment of animals and related housing or boarding of sick animals. Treatment of small animals includes only small domestic animals including, but not limited to, dogs, cats, rabbits, birds or fowl. Treatment of large animals includes all types of animals including horses, cows and pigs. The housing primarily of healthy animals shall be considered a kennel and shall meet the requirements of that use.

WALL – see "fence."

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

WATER SYSTEM – a system designed to transmit water from a source to users, in compliance with the requirements of the appropriate State agencies and the Township.

A. CENTRAL WATER SERVICE – service by a central water system that is owned and operated by (A) a municipality; (B) a municipal or county authority; or, (C) a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.

B. PUBLIC WATER SERVICE – central water service by a system owned by a municipality or a municipal or county authority.

C. ON-LOT or NONPUBLIC WATER SERVICE – service by a water system that does not meet the definition of a central water service. In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

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

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.

WETLAND BUFFERS – Area of protection around a wetland within which specific development, construction and other human activities are prohibited.

WHOLESALE – sales that primarily involve transactions with other businesses and their agents and not to the general public.

WIND TURBINE - a device exterior to a building that converts wind energy into electricity, such as by using rotors.

WOODLAND – a tree mass or plant community in which tree species are dominant or co-dominant, the branches of trees form a complete, or nearly complete, aerial canopy. For the purposes of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or old fields.

YARD – an area open to the sky and not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific Districts prohibit principal and ACCESSORY STRUCTUREs within specified required minimum yards.

YARD, FRONT – an area required to be open to the sky and not occupied by buildings between the front lot line (which usually is the future street right-of-way line) and a

line drawn parallel to such front lot line at a distance specified by a specific section of this chapter. 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.

B. When a lot abuts onto two or more public streets, the applicant may choose the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.

C. No accessory or principal structure shall extend into the required front yard, except as provided in this chapter.

YARD, REAR – an area required to be open to the sky and not occupied by buildings between the rear lot line and a line drawn parallel to such rear lot line at a distance specified by a specific section of this chapter. Such yard shall extend the full width of the lot from side lot line to side lot line. A principal structure shall not extend into the required rear yard for a principal structure and an ACCESSORY STRUCTURE shall not extend into the required rear yard for an ACCESSORY STRUCTURE, except as provided in this chapter.

YARD, SIDE – an area required to be open to the sky and not occupied by buildings between each side lot line and a line drawn parallel to such side lot line at a distance specified by a specific section of this chapter. Such yard shall extend the full width of the lot from front lot line to rear lot line. A principal structure shall not extend into the required rear yard for a principal structure and an ACCESSORY STRUCTURE shall not extend into the required rear yard for an ACCESSORY STRUCTURE, except as provided in this chapter.

ZONING HEARING BOARD - refer to § 112 of this ORDINANCE.

ZONING MAP – the map is adopted as part of the Zoning Amendment approved by ORDINANCE.

ZONING OFFICER – the administrative officer charged with the duty of enforcing the provisions of this chapter or his or her officially designated assistant(s).

ZONING ORDINANCE – the Salisbury Township Zoning Ordinance [Chapter 27], as amended.

Part 3

Districts

§ 301. Districts Designated.

1. For the purpose of this chapter, Salisbury Township is hereby divided into the following zoning Districts, as described in this chapter:

   CR Conservation – Residential District
   R1 Rural Residential District
   R2 Low Density Residential District
   R3 Medium Low Density Residential District
   R4 Medium Density Residential District
   R5 Medium High Density Residential District
   C1 Office – Laboratory District
   C2 Neighborhood Commercial District
   C3 General Commercial District
   I Light Industrial District
   HCO Health Care Overlay District
   TO Transitional Overlay District

2. For the purposes of this chapter, the zoning Districts named in Subsection 1, above, shall be of the number, size, shape and location shown on the Official Zoning Map. Any use of the abbreviations listed in Subsection 1 above shall mean the District name that is listed beside the abbreviation.

3. Floodplain. The floodplain area, as defined by the Township Floodplain Ordinance [Chapter 8], shall serve as an overlay area to all of the underlying Districts. The documents and mapping referenced by the Township's Floodplain Ordinance [Chapter 8], as amended, are hereby included in this chapter by reference.

4. Purposes of Each District. In addition to the purposes stated in the Comprehensive Plan and in other sections of this Ordinance, the following districts shall have the following purposes:

   CR Conservation – Residential District – To provide for mostly single family detached housing at a very low density and conservation-oriented land uses, in recognition of the extensive important natural features in this district.

   R1 Rural Residential District – To provide for mostly single family detached housing at a relatively rural density.

   R2 Low Density Residential District – To provide for mostly single family detached housing at a low density.

   R3 Medium Low Density Residential District – To provide for mostly single family detached, twin and townhouse development at a medium low density.

R4 Medium Density Residential District – To provide for a wide range of housing types at a medium density.

R5 Medium High Density Residential District – To provide for a wide range of housing types at a medium high density.

C1 Office – Laboratory District – To provide for offices and related types of development.

C2 Neighborhood Commercial District – To provide for limited types of commercial uses, while protecting adjacent residential neighborhoods.

C3 General Commercial District – To provide for a wide range of commercial uses, while protecting adjacent residential neighborhoods.

I Industrial District – To provide for a range of manufacturing and other industrial uses, while recognizing that there are limited suitable sites for such activity within Salisbury Township.

HCO Health Care Overlay District – To provide for a range of health care uses, while protecting adjacent residential neighborhoods.

TO Transitional Overlay District – To provide for limited types and intensities of health care uses, while protecting adjacent residential neighborhoods.

§ 302. Application of District Regulations.

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

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

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

4. Any territory which may hereafter be annexed to the Township shall be classified as the zoning District of the Township most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

§ 303. ZONING MAP.

1. A map entitled, "Salisbury Township Zoning Map" accompanies this chapter and is declared a part of this chapter. The Official Zoning Map shall bear the adoption date of this chapter and the words "Official Zoning Map."

2. Changes of any nature to the Official Zoning Map shall only be made in conformity with the amendment procedures set forth in this chapter. All changes should be noted by date with a brief description of the nature of the change.

3. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Township Office and shall be the final authority on boundaries and Districts.

4. Official Zoning Map.

   A. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

   B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof, unless the amendment has been duly advertised and adopted.

   C. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

§ 304. District Boundaries.

Where uncertainty exists as to boundaries of any District as shown on the Zoning Map, the following rules shall apply:

A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-ways, 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 chapter, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.

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

C. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

D. Interpretation of Boundaries. See § 106, Subsection 4.

§ 305. Setbacks Across Municipal Boundaries.

1. Intent. To continue the objective of compatible land uses across municipal boundaries.

2. This chapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning District.

3. These same setback and buffer yard provisions shall be provided for uses proposed within Salisbury Township if an abutting existing residence or abutting principally residential zoning District is located in an abutting municipality.

§ 306. Table of Permitted Uses by District.

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

P	=	Permitted by right (zoning decision by ZONING OFFICER)
C	=	CONDITIONAL USE (decision by the BOARD OF COMMISSIONERS after an opportunity for review by Planning Commission)
SE	=	Special exception use (decision by Zoning Hearing Board, with certain uses requiring review by the Planning Commission)
N	=	Not permitted
(§ 402)	=	See additional requirements in § 402 (subsections may also be listed)
(§ 403)	=	See additional requirements in § 403 (subsections may also be listed)
(SW)	=	Public sewer and public water service both required

2. Unless otherwise provided by law or specifically stated in this chapter (including § 106, Subsection 2), land or structure shall only be used or occupied for a use specifically listed in this Part as being permitted in the respective zoning District, as listed below. Any use shall only be permitted if it complies with all other requirements of this chapter. Where different requirements are stated for the same use in this chapter, the most restrictive requirement shall apply.

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
Agricultural Uses						
Crop farming	P	P	P	P	P	P

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
Crop storage, commercial as principal use	N	N	N	N	N	N
Composting (§ 403.4.C)	P	P	P	P	P	P
Raising of livestock (§ 402.1.MM) (beyond what is allowed under crop farming)	N	N	N	N	N	N
Retail sales of agricultural products grown primarily on the premises, as an accessory use (§ 403.4.O)	P	P	P	P	P	P
Sale or mixing of agricultural seeds or animal feed (not involving bulk manufacturing for sale)	P	N	N	N	N	N
Residential Uses						
Single-family detached dwelling For individual	P	P	P	P	P	P
Manufactured/Mobile Homes, see also § 402.1.NN	P	P	P	P	P	P
Planned residential development – complying with Part 9 and the approval procedures of the Pennsylvania MPC	N	N	P	N	N	N
Single-family semi-detached dwelling/twin (SW***)	N	N	N	P**	P*	P
Two-family detached dwelling (SW***)	N	N	N	N	P**	P
Townhouse (SW) (§ 402.1.III)	N	N	N	P**	P**	P
Garden apartment (SW) (§ 402.1.III)	N	N	N	N	P****	P*
Manufactured/Mobile Home Park (SW) (§ 402.1.OO)	N	N	N	N	N	C
Boarding house (SW) (§ 402.1.I)	N	N	N	N	N	N
Group home within a permitted dwelling unit, not including a treatment center (§ 402.1.CC). See also § 112.5.I.	P	P	P	P	P	P

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
Conversion of an existing building into an increased number of dwelling units (SW) (other than 1 accessory apartment within an existing single-family detached dwelling) (§ 402.1.Q)	N	N	N	N	N	P
Apartments with more than 3 stories	N	N	N	N	N	N
See also apartments under "accessory uses" in this table	N	N	N	N	N	N
For land that is at least partly within the CR district, see also the Open Space Development Option in § 310.						
Commercial and Industrial Uses						
All principal uses not specifically listed in this table as permitted (except as provided in § 106)	N	N	N	N	N	N
Airport	N	N	N	N	N	N
Bed and Breakfast Use (§ 402.1.G.)	SE	N	SE	SE	SE	SE
Campground (§ 402.1.K)	N	N	N	N	N	N
Communications tower, commercial (includes cellular telephone towers) (§ 402.1.P), provided that placement of additional antenna on an existing communications tower in the CR district is a permitted by right use provided it does not increase the total height by more than 10 feet.	SE	N	N	N	N	N
Golf course (§ 402.1.BB) of more than 30 acres	N	P	P	P	P	P
Junk – outdoor storage, display or processing of	N	N	N	N	N	N

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
Light business conversion (§ 402.1.LL) limited to the conversion of a dwelling that existed at the time of adoption of this chapter and that is directly abutting an arterial street other than Broadway Ave	N	N	N	SE	SE	SE
Medical offices located on the same lot as an approved existing HOSPITAL (Note - the definition of Offices may include medical laboratories and testing facilities).	N	N	N	SE	N	N
Plant nursery restricted to sale of items clearly grown on the premises (§ 402.1.XX)	P	P	P	P	P	P
Plant nursery including retail sale of items not primarily grown on the premises	N	N	N	N	N	N
Recreation area, non-profit private with a maximum impervious coverage of 10% and a minimum lot area of 5 acres, not including a miniature golf course or golf driving range	SE	SE	SE	SE	SE	SE
Stable, nonhousehold (§ 402.1.FFF)	N	SE	N	N	N	N
Institutional						
ANIMAL CEMETERY	N	N	N	N	N	N
Care and treatment facility for youth, nonprofit (SW) (§ 402.1.M)	N	N	N	N	SE	N
Cemetery (S. 402.1.N), without crematorium	N	P	P	P	P	P
Crematorium	N	N	N	N	N	N
College or university educational and support buildings HOSPITAL	N	N	N	SE	N	N

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
Community center (§ 402.1.R) (other than one limited to use by residents of 1 development) or library	N	N	N	N	SE	SE
Cultural center (§ 402.1.R) or museum	N	N	N	N	N	N
Day care center, adult (§ 402.1.B)	N	N	N	N	N	P
Day care center (§ 402.1.S) (See also accessory use), provided that the lot is adjacent to an arterial street	N	N	N	N	P	P
Day care home, family (§ 403.4.D)	SE	SE	SE	SE	SE	SE
Day care home, group (§ 402.1.S)	N	N	N	N	SE	SE
Dormitory of a college, university, primary or secondary school or HOSPITAL, except as allowed within an approved "care and treatment facility for youth" (see also Part 10)	N	N	N	N	N	N
Family support and lodging center (§ 402.1.V)	N	N	SE	SE	SE	SE
HOSPITAL(§ 402.1.EE) (SW)	N	N	N *****	N *****	N	N
HOSPITAL HELIPORT (when situated on HEALTH CARE CAMPUS)	N	N	P	P	N	N
Life care center (§ 402.1.KK) (SW)	N	N	N	N	SE	SE
Membership club	N	N	N	N	N	N
Nursing home (§ 402.1.TT) or personal care home, assisted living facility (§ 402.1.UU) or hospice (SW)	N	N	N	N	SE	SE
Place of worship (§ 402.1.WW)	N	P	P	P	P	P
Picnic grove, commercial (§ 402.1.VV)	SE	N	N	N	N	N

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
School, public or private, primary or secondary (SW) (§ 402.1.AAA) – other than a "care and treatment facility for youth"	N	P	P	P	P	P
Treatment center or Out-Patient Treatment Center. See also § 112.5.I.	N	N	N	N	N	N
Miscellaneous						
Groundwater or spring water withdrawal involving an average of more than 10,000 gallons per day for off-site use. See regulations in § 519.	C	C	C	C	C	C
Public/Semi-Public						
Township owned or operated uses for a valid governmental purpose	P	P	P	P	P	P
Emergency services station	SE	SE	SE	SE	SE	SE
Nature preserve	P	P	P	P	P	P
Publicly-owned recreation	P	P	P	P	P	P
Public utility facility, other than facilities exempted by § 115 or permitted as "essential services" in § 306.5	N	N	N	N	N	N
Swimming pool, non-household (§ 402.1.GGG)	N	N	SE	SE	SE	SE
U.S. postal service facility	P	P	P	P	P	P
Accessory Uses						
Accessory apartment, one, within an existing single-family detached dwelling or single-family semidetached dwelling (twin dwelling) (§ 403.4.A):						
–Other than a "unit for care of a relative"	N	N	N	N	N	SE

Types Of Uses	**Residential Districts**					
(See definition in Part 2)	**CR**	**R1**	**R2**	**R3**	**R4**	**R5**
–Limited to a "unit for care of a relative" (§ 403.4.A.(9))	SE	SE	SE	SE	SE	SE
Cutting down of trees	P	P	P	P	P	P
Day care center, accessory to a place of worship, with minimum lot area of 2 acres	P	P	P	P	P	P
Gas or Oil Well (§ 403.4.G)	N	N	N	N	N	N
Heliport (§ 402.1.DD)	N	N	N	N	N	N
Home occupation, general (§ 403.4.H)	SE	SE	SE	SE	SE	SE
Home occupation light (§403.4.H)	P	P	P	P	P	P
Natural Gas Compressor Station	N	N	N	N	N	N
Skateboard, in-line skating and bicycle ramps	SE	SE	SE	SE	SE	SE
Solar Energy Collectors as an Accessory Use (§ 403.4.P)	P	P	P	P	P	P
Tree Harvesting (See § 516.8)	P	P	P	P	P	P
Wind turbine, maximum of one per lot, as an accessory use (§ 403.4.U)	SE	SE	SE	SE	SE	SE
See list of additional accessory uses in the following parts of this § 306.						

Notes:

* = With an eighteen-thousand-square-foot TOTAL minimum lot area of all lots within the development

** = With a thirty-thousand-square-foot TOTAL minimum lot area of all lots within the development

*** = Except where public water is not required under § 307, Subsection 2B, in the R-4 District.

**** = With a two-acre total minimum lot area of all lots within the development.

***** = See Part 10 for the Health Care Overlay District

For manufactured/mobile homes – see additional requirements in § 402

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Agricultural Uses				
Crop farming	P	P	P	P
Composting (§ 403.4.C)	P	P	P	P
Raising of livestock (§ 402.1.MM) (beyond what is allowed under crop farming)	N	N	N	SE
Retail sales of agricultural products grown primarily on the premises (§ 403.4.N)	P	P	P	P
Sale or mixing of agricultural fertilizers, seeds or animal feet (not involving bulk manufacture for sale)	P	P	P	P
Residential Uses				
Single-family detached dwelling. For individual Manufactured/Mobile Homes, see also § 402.1.KK)	P	P	N	N
Single-family semidetached dwelling (twin) (SW)	N	N	N	N
Townhouse (SW) (§ 402.1.III)	N	N	N	N
Conversion of an existing building into an increased number of dwelling units – limited to a maximum of 3 dwelling units per lot (SW) (§ 402.1.Q), which may be accessory to a lawful commercial use with a total minimum lot area of 12,000 square feet	N	P	N	N
Manufactured/mobile home park (SW) (§ 402.1.OO)	N	N	N	C
Boarding house (SW) (§ 402.1.I), which may include a fraternity or sorority of a college or university	N	N	SE	N
Group home within a permitted dwelling not including a "treatment center" (§ 402.1.CC). See also § 112.5.I.	P	P	P*	P*
Commercial Uses				

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Adult store, adult movie theater, adult live entertainment use or massage parlor (§ 402.1.A)	N	N	N	SE
After Hours Club - Note–This use is also prohibited by § 7327 of Title 18 of Pennsylvania Statutes	N	N	N	N
Airport	N	N	N	SE
Amusement park	N	N	C	N
Auditorium, commercial or nightclub (§ 402.1.C)	N	N	SE	N
Auto reconditioning	N	P	P	P
Auto repair garage (§ 402.1.D)	N	N	SE	SE
Auto service station – not primarily intended to service tractor-trailer trucks (§ 402.1.F)	N	N	SE	SE
Auto service station – primarily intended to service tractor-trailer trucks (§ 402.1.F)	N	N	N	N
Auto, boat or manufactured/mobile homes sales (§ 402.1.E)	N	N	P	P
Bakery	N	P	P	P
Bed and breakfast use (§ 402.1.G)	P	P	P	P
Betting use (§ 402.1.H)	N	N	N	SE
Beverage distributor	N	N	P	P
Business services	P	P	P	P
Bus terminal, Inter-city (§ 402.1.J)	N	N	C	P
Campground (§ 402.1.K)	N	N	N	P
Car wash (SW) (§ 402.1.L)	N	N	P	P
Cellular telephone and similar antenna attached to existing communications towers, power lines and non-residential principal buildings (§ 402.1.P)	P	P	P	P
Commercial outdoor recreation (includes miniature golf course and golf driving range)	N	N	P	P

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Commercial indoor recreation (includes bowling alley, roller or ice skating, batting practice and similar uses)	N	N	P	P
Communications tower, commercial (§ 402.1.P) (includes cellular telephone towers)	N	N	N	SE
Conference center	N	N	P	P
Construction company headquarters/storage	N	SE	P	P
Convenience store, major	N	N	P	N
Crafts or artisan's studio	N	P	P	P
Dog Day Care (S. 402.1.T)	N	N	SE	P
Exercise club	P	P	P	P
Financial institution (S. 402.1.W)	P	P	P	P
Flea market	N	N	P	N
Forestry – See Tree Harvesting				
Funeral home (3/4 acre minimum lot area required)	N	P	P	P
Heliport (§ 402.1.DD)	N	N	N	SE
Kennel (§ 402.1.JJ)	N	N	P	P
Laundry/Laundromat, commercial or industrial (SW)	N	N	P	P
Lumberyard	N	N	C	P
Medical office or clinic	P	P	P	P
Membership Club	N	N	P	N
Motel or hotel (§ 402.1.FF)	N	N	P	P
Office	P	P	P	P
Pawn Shop	N	SE	SE	N
Personal services (includes tailoring, custom dressmaking, haircutting/styling, dry-cleaning, shoe repair and similar uses)	N	P	P	N
Pharmacy or drug store within a building containing offices of 10 or more medical doctors or dentists	P	P	P	P

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Plant nursery not including retail sale of items not primarily grown on the premises (§ 402.1.XX)	P	P	P	P
Plant nursery including accessory retail sale of closely related items and plants not grown on the premises (§ 402.1.XX)	N	P	P	P
Repair of household items	N	P	P	P
Restaurant, fast-food (SW) (including a use primarily involving delivery of ready-to-eat food) (§ 402.1.ZZ)	N	N	SE	N
Restaurant, standard (SW). Within the C-1 District, it shall be limited to being within an approved office building (§ 402.1.ZZ)	P	P	P	N
Retail store (a permitted commercial use not including uses listed individually in this table, and not including a shopping center)	N	P	P	N
Shopping center (§ 402.1.CCC)	N	N	P	N
Stable, nonhousehold (§ 402.1.FFF)	N	N	N	P
Target range, completely indoor and enclosed (§ 402.1.HHH)	N	N	P	P
Target range, not completely indoor or enclosed (§ 402.1.HHH)	N	N	N	SE
Taxi terminal	N	N	C	P
Tavern	N	N	P	N
Theater, indoor	N	N	P	N
Trade school	P	P	P	P
Veterinarian office,* with a minimum lot area of 20,000** square feet	P	P*	P	P
Wind turbine(s) (§ 402.1.OOO), other than one that is allowed as an accessory use under § 403	N	N	SE	SE
Industrial Uses				

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Assembly of materials manufactured elsewhere	N	N	N	P
Beverage bottling (SW)	N	N	N	P
Building supplies, wholesale sales of	N	N	P	P
Distribution as a principal use (other than truck terminal)	N	N	N	SE
Finishing of previously prepared resin, vinyl, polymer or rubber products	N	N	N	P
Industrial equipment sales and rental, other than vehicles primarily intended to be operated on public streets	N	N	N	P
Junk – outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N
Junkyard (§ 402.1.HH)	N	N	N	SE
Liquid fuel storage, bulk	N	N	N	SE
Manufacture and/or bulk processing of:				
–Agricultural chemicals, fertilizers or pesticides	N	N	N	SE
–Animal feed, bulk manufacture for off-site use	N	N	N	P
–Apparel, textiles, shoes and apparel accessories	N	N	N	P
–Asphalt and similar materials	N	N	N	SE
–Cement, actual manufacture of	N	N	N	SE
–Cement, gypsum, concrete or plaster products, other than actual manufacture of cement	N	N	N	SE
–Ceramic products	N	N	N	P
–Chemicals, bulk manufacture or bulk storage of highly hazardous or toxic chemicals	N	N	N	N

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
–Chemical products that are not highly hazardous or toxic, other than fertilizers or pesticides	N	N	N	SE
–Coke or potash work, including coke oven	N	N	N	N
–Creosote, including treatment with	N	N	N	P
–Electrical and electronic machines, supplies and equipment	N	N	N	P
–Explosives, firework, ammunition or gunpowder, including bulk storage (except government-owned facility)	N	N	N	N
–Fabricated metal products (except ammunition or explosives)	N	N	N	SE
–Food products (not including uses listed individually in this table) (SW)	N	N	N	P
–Furniture and wood products (not including raw paper pulp)	N	N	N	P
–Glass and glass products	N	N	N	P
–Incineration, reduction, distillation, storage or dumping of slaughterhouse refuse, rancid fats, garbage, bones, dead animals or offal (other than within an approved solid waste facility)	N	N	N	N
–Jewelry and optical goods	N	N	N	P
–Leather, clay and pottery products	N	N	N	P
–Manufactured or modular housing	N	N	N	P
–Metal products, primary	N	N	N	SE
–Microelectronic components	N**	N	N	P
–Paper and cardboard products (not including manufacture of paper pulp)	N	N	N	P
–Paper, raw or paper pulp	N	N	N	N
–Paving or roofing materials, other than bulk manufacture or asphalt	N	N	N	SE
–Petroleum or kerosene refining or distillation	N	N	N	N
–Pharmaceutical	N	N	N	P

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
–Plastics, polymers, resins or vinyl	N	N	N	SE
–Products from previously manufactured materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	P
–Rubber, natural or synthetic	N	N	N	SE
–Scientific, electronic and other precision instruments	N**	N	N	P
–Soaps, detergents, paints, varnishes or enamels	N	N	N	SE
–Tar, including tar distillation	N	N	N	N
–Tire treading	N	N	N	N
–Transportation equipment	N	N	N	P
Mineral Extraction (§ 402.1.QQ)	N	N	N	SE
Packaging	N	N	N	P
Package delivery services distribution center	N	N	N	P
Photo processing, bulk	P	N	P	P
Printing or bookbinding	N	N	N	P
Recycling collection center (§ 402.1.YY)	P	P	P	P
Recycling center, bulk (other than a solid waste disposal or transfer facility)	N	N	N	P
Research, engineering or testing facility or laboratory within an enclosed building for scientific or industrial purposes, not including bulk manufacture for resale, but which may include custom production necessary for research, and which complies with the performance standards of Part 5	P	N	N	P
Sanitary landfill (§ 402.1.EEE)	N	N	N	C
Sawmill/Planing mill	N	N	N	P
Self-storage development (§ 402.1.BBB)	N	N	N	P
Solid waste to energy plant (§ 402.1.EEE)	N	N	N	C
Solid waste transfer facility (§ 402.1.EEE)	N	N	N	C

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Trucking company terminal (§ 402.1.LLL)	N	N	N	C
Warehousing (other than truck terminal) (§ 402.1.NNN)	N	N	N	P
Wastewater treatment plant, central serving uses off the tract	N	N	N	N
Welding	N	N	N	P
Wholesale sales	N	N	N	P
Other industrial uses not specifically listed in this table (Except as provided for in § 106)	N	N	N	SE
All uses that would have a serious threat of being unable to comply with the performance standards of this chapter, especially including the "environmental protection" requirements	N	N	N	N
Institutional				
Animal cemetery	N	N	N	SE
Cemetery (§ 402.1.N) without crematorium	P	P	P	P
Crematorium (§ 402.1.N)	N	N	N	SE
College or university – educational and support buildings	P	P	P	P
Community center (§ 402.1.R) or library	P	P	P	P
Cultural center (§ 402.1.R) or museum	P	P	P	P
Day care center, adult (§ 402.1.B)	P	P	P	P
Day care center, child (§ 402.1.S) (See also as accessory use)	P	P	P	P
Day care, family (§ 403.4.D)	P	P	P	P
Day care, group (§ 402.1.S)	P	P	P	P
Dormitory of a college, university or primary or secondary school	N	N	SE	N
Golf course (§ 402.1.BB)	P	P	P	P
HOSPITAL (§ 402.1.EE)	SE	N	N	N
Institutional Group Home (§ 402.1.GG)	N	N	SE	N

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Juvenile Detention facility (§ 402.1.II)	N	N	N	C
Life care center (§ 402.1.KK)	SE	N	N	N
Membership club	P	P	P	P
Minimum security prison facility (§ 402.1.PP)	N	N	N	C
Nursing home (§ 402.1.TT) or personal care home, assisted living facility (§ 402.1.UU) or hospice (SW) (§ 402)	P	P	P	P
Place of worship (§ 402.1.WW)	P	P	P	P
Picnic grove, commercial (§ 402.1.VV)	N	N	P	P
School, public or private, primary or secondary (SW) (§ 402.1.AAA) – other than "care and treatment facilities for youth"	P	P	P	N
Treatment center, with a minimum lot area of 2 acres in the C1 and C3 districts. See also § 112.5.I. (§ 402.1.JJJ)	C	N	C	C
Treatment center, Outpatient. (§ 402.1.JJJ)	C	C	C	C
Public/Semi-Public				
Township-owned uses	P	P	P	P
Emergency services station	SE	SE	SE	SE
Nature preserve	P	P	P	P
Publicly-owned recreation	P	P	P	P
Public utility facility, other than facilities exempted by § 104 or that are "essential services"	SE	SE	SE	SE
Swimming pool, nonhousehold (§ 402.1.GGG)	P	P	P	P
U.S. postal service facility	P	P	P	P
Miscellaneous Uses				
Gas or Oil Well (§ 403.4.G)	N	N	N	SE

Types of Uses (See definitions in Part 2)	**Business Districts**			
	C1	**C2**	**C3**	**I**
Groundwater or Spring Water withdrawal averaging more than 10,000 gallons per day from a lot for off-site consumption. See regulations in § 519.	N	N	N	C
Natural Gas Compressor Stations with a 750 feet setback from the nearest existing building	N	N	N	SE
Solar Energy Collectors (§ 402.1.DDD), other than as allowed as an accessory use	P	P	P	P
Accessory Uses				
Accessory apartment, one, within an existing single-family detached dwelling or single-family semi-detached dwelling (twin dwelling) (§ 403.4.A)	P	P	P	P
Day care center accessory to a place of worship, with a minimum lot area of 2 acres	P	P	P	N
Heliport (§ 402.1.DD)	N	N	N	SE
Home occupation, general or light (§ 403.4.H)	P	P	P	P
Retail sales and/or personal services – limited to a maximum of 5% of the floor area of an industrial or office use	P	P	P	P
Solar Energy Collectors as an Accessory Use (§ 403.4.P)	P	P	P	P
Wind turbine, maximum of one per lot, as an accessory use (§ 403.4.U) (see also under "Commercial Uses" above)	P	P	P	P
See list of additional accessory uses in the following part of this § 306	P	P	P	P
Tree Harvesting and Cutting of Trees (§ 516)	P	P	P	P

Notes:

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

C = Conditional use (decision by the Board of Commissioners with review by Planning Commission)

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

N = Not permitted

(§ 402) = See additional requirements of § 402

(§ 403) = See additional requirements in § 403

(SW) = Public sewer and public water service both required

* = If such dwelling exists prior to the adoption of this chapter

** = Except non-bulk manufacture that is directly part of a research process

For manufactured/mobile homes – see additional requirements in § 402.

3. PERMITTED ACCESSORY USES IN ALL DISTRICTS. The following accessory uses are permitted by right as accessory uses to a permitted by right, special exception or conditional principal use in all Districts, within the requirements of § 403 and all other requirements of this chapter:

A. Air conditioning equipment, other than central equipment for a commercial or industrial use.

B. Amateur radio antennae - See § 403.4.B.

C. Basketball backboard, which may be within a required setback area, provided it is a minimum of two feet from any lot line of an abutting residence.

D. Crop storage as an accessory use to crop farming.

E. Family day care center as an accessory use - See § 403.4.D.

F. Fence or wall - See § 403.4.E.

G. Flag pole.

H. Garage, household.

I. Garage sale - See § 403.4.F.

J. Home gardening.

K. Home pet care - See § 403.4.I.

L. Indoor storage that is accessory to a permitted use.

M. Keeping of Pets and accessory animals as allowed by § 403.4.K.

N. Loading, off-street, only to serve a use that is permitted in that District.

O. Parking, off-street, only to serve a use that is permitted in that District.

P. Recreational facilities limited to use by employees of a lot or a development and their occasional guests.

Q. Recreational facilities limited to use by residents of a development and their occasional invited guests.

R. Recreational vehicle, storage of one or two - See § 403.4.L.

S. Residential ACCESSORY STRUCTURE (see definition in Part 2) - See § 403.4.M.

T. Satellite antennae - See § 403.4.O.

U. Signs, as permitted by Part 7.

V. Swimming pool, household - See § 403.4.R.

W. Tennis/racquetball court or Volleyball court.

X. 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.

4. 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 chapter are met:

A. Amusement machines, coin or token operated.

B. Food, beverage and toy machines, coin operated.

C. Newspaper and periodical distribution machines and boxes, which shall only be allowed on a public sidewalk where they do not obstruct pedestrian or wheelchair travel and where they do not obstruct safe sight distances near intersections and driveway entrances.

D. Telephones, coin operated.

E. The following accessory uses; provided, that the use is clearly intended to primarily serve employees, patients, residents, visitors of patients, families of employees of the use and their occasional guests:

(1) Cafeteria within an enclosed principal building and without any signs visible from outside of the building and without its own separate outside entrance.

(2) Day care center; provided, that if such use serves more than 100 children at one time any outside play area shall be setback a minimum of 400 feet from the lot line of an existing single-family detached dwelling.

(3) Noncommercial recreational facilities.

5. ESSENTIAL SERVICES. The following are essential services that are permitted by right as a principal use or as an accessory use in all Districts:

A. The following essential services are not required to meet the accessory or principal setback, lot area or other lot requirements of this chapter, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.

(1) Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.

(2) Electrical transformers as an accessory use to dwellings.

(3) Electrical, telephone and street light poles.

(4) Electrical transmission and distribution lines and meters.

(5) Wells, standpipes, water transmission lines, cisterns and meters.

(6) Sewage pumping stations, but not including a central sewage treatment plant; provided that such USE is setback a minimum of 75 feet from any dwelling or any residential lot line.

(7) Cable television and telephone lines.

(8) Storm water pipes, outfalls, detention basins, swales, catch basins and best management practice measures.

(9) Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premises signs, unless signs are authorized by the Township within a public right-of-way.

(10) U.S. mailboxes.

(11) Boxes for receiving individual newspapers.

(12) Railroad lines.

(13) Fire hydrants and emergency callboxes.

(14) Engineered retaining walls that are clearly necessary to hold back slopes.

(15) Sidewalks and curbs.

(16) Residential driveways, provided that driveways may be required to meet a certain setback from a lot line under § 307 in a residential district or under § 309.1.E.

(17) Ramps primarily intended for handicapped access.

(18) Ground level porches that are not covered by a permanent roof.

(19) Steps leading into the entrance of a building.

(20) On-lot septic disposal systems (See Pennsylvania Department of Environmental Protection setback requirements).

(21) Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction during the time of an active Township construction permit on the same or an adjacent lot or within the same subdivision; provided, such items are removed from the site within 30 days of completion of the portion of the construction that they relate to.

B. The following are permitted essential services and are required (except within § 115) to meet all of the applicable requirements of this chapter:

(1) Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of § 803.2 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.

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

(3) Emergency and other electrical generators and compressors.

(4) Solid waste bulk dumpsters and bulk compactors.

(5) Telephone switching stations.

(6) Industrial or commercial central air conditioning equipment.

§ 307. Table of Lot and Setback Requirements by District.

1. For the purposes of this § 307, the following abbreviations shall have the following meanings:

Sq. ft. = square feet

ft. = linear feet

SFD = single-family detached dwelling

Public Sewer = service at the time of occupancy by public sewage service as defined by Part 2

Central Water = service at the time of occupancy by central water service as defined by Part 2

NA = Not applicable

2. The following requirements shall apply for each respective District, unless a more restrictive requirement is listed for a particular use in § 402 or 403 or elsewhere in this chapter:

(i) See also the steep slope regulations of § 505 which may require larger lots in areas of 8% or greater slope.
(ii) See Part 10 of this Ordinance for a HOSPITAL and related health care uses.
(iii) For all districts, see exceptions in § 309, such as for certain decks.
(iv) For land that is at least partly within the CR district, see also the Open Space Development Option in § 310.
(v) The numbers of lots and/or dwelling units shall be governed by the Site Capacity Analysis in Section 308.

A. Table of Requirements for the CR, R1 and R2 Districts:

Type of Requirement (See definition of terms in Part 2)	**CR**	**R1**	**R2**
Minimum Lot Area (sq. ft.) unless a more-restrictive requirement is provided by § 505 (per dwelling unit for residential purposes):			
a) SFD without public sewer	2 acres, except as provided in § 505	See § 505	See § 505
b) SFD with public sewer	"	30,000	12,000
c) Other permitted principal uses	"	43,560	43,560

Type of Requirement (See definition of terms in Part 2)	**CR**	**R1**	**R2**
Minimum lot width at the minimum front yard building setback line (ft.) except on the curve of a cul-de-sac street, this minimum width may be reduced by 40%	200	150	90
Minimum lot width at the street right-of-way line (ft. – after development)	25	25	25
Minimum width and length of a dwelling (ft.)	20	20	20
Minimum building setback for principal structure (ft.)			
- Front yard	50	50	25
- Side yard – each of 2 sides	25	20	12
- Rear yard	100	50	40
- For any yard adjacent to a public street	50	50	25
- For any permitted nonresidential principal structure to a lot line of a "residential lot line" (as defined in Part 2)	50	50	50
Minimum building setback for accessory structures (ft.) (see also § 403 for pools and for residential ACCESSORY STRUCTUREs)			
- Within required minimum front yard building setback of a principal building – not permitted			
- Side yard	6	6	6
- Rear yard	6	6	6
- For any side or rear yard abutting a public street	20	10	10
Minimum setback for driveways from a lot line of an existing abutting single-family detached dwelling (ft.)	6	6	3
Maximum height (ft.; see exceptions in § 802)			
- Principal building	45	40	35
- ACCESSORY BUILDING (except 35 feet on a lot with a lot area of more than 5 acres)	22	22	22
Maximum number of stories			
- Principal building	2 1/2	2 1/2	2 1/2
- ACCESSORY BUILDING (plus an additional uninhabitable floor that shall be restricted to storage and shall not have plumbing)	1	1	1
Maximum building coverage	10%	20%	25%
Maximum impervious coverage	15%	50%	50%

B. Table of Requirements for the R3, R4 and R5 Districts for uses other than townhouses, garden/low-rise apartments or manufactured/mobile home parks: (for those uses see § 402):

Type of Requirement (See definition of terms in Part 2)	**R3**	**R4 and R5 ***
Minimum lot area (sq. ft.) unless a stricter requirement is established by § 505 (regarding steep slopes):		
a) Single Family Detached Dwelling (SFD) without public sewer and without public water	43,560 sq.ft.	43,560 sq.ft.
b) SFD with public sewer or public water, but not both	35,000 sq.ft.	35,000 *** sq.ft.
c) SFD with both public sewer and public water	9,600 sq.ft.	6,000 sq.ft.
d) Single-family semidetached dwelling (twin) per dwelling unit with public sewer and water - See also minimum development size in § 306.2.	6,000*** sq.ft.	4,500*** sq.ft.
e) Two-family detached dwelling (duplex) – per dwelling unit with public sewer and public water - See also minimum development size in § 306.2.	Not permitted	7,000*** sq.ft.
f) Other permitted principal uses	20,000 sq.ft.	20,000***
Minimum lot width at the minimum front yard building setback line (ft.)		
- Lot required to be 20,000 sq. ft. or larger	90	90
- Lot permitted to be less than 20,000 sq. ft.	70	50
- other than single-family semidetached dwelling (twin) or duplex		
- Single-family semidetached dwelling (twin) per dwelling unit	50	40
- Two-family detached dwelling (duplex) – per building	Not permitted	80
Minimum lot width at the street right-of-way line (ft. – after development)	25	25
Minimum width and length of a dwelling (ft.)	20	14
Minimum building setback for principal structure or nonresidential ACCESSORY STRUCTURE* (ft.):		
- Front yard	25	25

Type of Requirement (See definition of terms in Part 2)	**R3**	**R4 and R5 ***
- Side yard – except for single-family semidetached dwellings	Min. of 8 for each, with a min. of 24 for both side yards added together	Min. of 6 for each, with a min. of 18 feet both side yards added together *
- Side yard – single-family semidetached dwellings	12 for the 1 required side yard	12 for the 1 required side yard
- Rear yard	40	35 (*)
Minimum building setback for principal structure (ft.):		
- For any yard adjacent to a public street	25	25
- From a dwelling on a lot granted preliminary approval after the adoption of this chapter to the existing right-of-way of an expressway	60	60
- For any permitted nonresidential principal structure to a "residential lot line" (see Part 2)	50	25
Minimum building setback for residential ACCESSORY STRUCTUREs (ft.) (see also § 403 for pools and for residential ACCESSORY STRUCTUREs)		
- Within required front yard setback of a principal building – not permitted		
- Side yard (except 0 ft. at a lot line along which 2 single-family semidetached dwellings are attached)	6**	6**
- Rear yard	6**	6**
- For any side or rear yard abutting a public street	10	10
Maximum height (ft.; see exceptions in § 802)		
- Principal building	35	35
- ACCESSORY BUILDING	22	22
Maximum number of stories		
- Principal building	2 1/2	2 1/2
- ACCESSORY BUILDING (plus an additional non-habitable floor that shall be limited to storage and shall not have indoor plumbing)	1	1

Type of Requirement (See definition of terms in Part 2)	**R3**	**R4 and R5 ***
Maximum building coverage	30%	35%
Minimum "paved area" or stoned area setback for a buildings on a lot including a HOSPITAL or similar facility or care and treatment facilities for youth or a nursing home from a "residential lot line"	100 sq.ft.	100 sq.ft.
Maximum impervious coverage	50%	60%
Minimum setback for driveways from a lot line of an existing abutting single-family detached dwelling (ft.)	6	6

Notes:

(1) The number of lots and/or dwelling units shall also be restricted by the Site Capacity Analysis in § 308.

(2) See Part 10 of this Ordinance for a HOSPITAL and related uses.

(3) See also the Open Space Option in § 310, which may allow smaller lots.

(4) For all districts, see § 309.2 for exceptions, such as for decks.

* A building addition shall be allowed to an existing single family detached dwelling without meeting the 18 feet combined side yard, provided it: a) meets the 6 feet side yard on each side, and b) has a minimum rear yard of 20 feet. This reduction shall only be allowed for dwellings that existed prior to the enactment of this Ordinance.

** Except three feet for a storage shed of less than 200 square feet of floor area.

*** Except if a lot(s) in the R4 District has public sewage service, and the applicant proves to the satisfaction of the Zoning Officer, based upon review of the Township Engineer and the appropriate Township staff, that the lot cannot cost-effectively be served by central water service, then the lot may meet the requirements for "both public sewer and central water" instead of the requirements for "public sewer or central water but not both."

C. Table of Requirements for the C1, C2, C3 and I Districts, for uses other than manufactured/mobile home parks (which are regulated by § 402):

Type of Requirement (See definition of terms in Part 2)	**C1**	**C2***	**C3******	**I**
a) Minimum lot area with public water and sewer (sq. ft.)	10,000	7,000	20,000, with a min. of 10,000 per principal type of use	50,000

Type of Requirement (See definition of terms in Part 2)	**C1**	**C2***	**C3****	**I**
b) Minimum lot width at the minimum front yard building setback line (ft.)	100	75	100	100
c) Minimum lot width at the post-development street right-of-way line (ft.):				
- For a lot granted preliminary subdivision approval after the adoption of this chapter that will have direct vehicle access involving left-hand turns onto or off of an arterial street	200	200	200	N.A.
- For any other lot	50	35	50	50
d) Minimum building setback for principal and ACCESSORY STRUCTURE (ft.):				
- Front yard	30	40***	40***	40***
- Side yard	Min. of 5 for each, with a min. of 24 for both side yards added together	5	Min. of 15 for each, with a min. of 40 for both side yards added together	20
- Rear yard	30	15	30	20
- For any yard adjacent to a public street	35	40***	50***	40
e) Minimum building setback for principal structure or certain uses (ft.):				

Type of Requirement (See definition of terms in Part 2)	**C1**	**C2***	**C3**** **	**I**
- For a portion of a building used for manufacturing or an area routinely used for the parking, storage or loading/unloading of tractor-trailer trucks or refrigerated trucks to an abutting residential lot line (see definition in Part 2) other than a nature preserve	100	100	100	100
- For any newly constructed non-residential principal structure other than a portion of a building used for manufacturing to an abutting lot line of a residential lot line (see definition in Part 2)	50	25	50	50
f) Maximum height (ft.; see exceptions in § 802) for any building	36**	36	36	100
g) Maximum number of stories	3 **	2 1/2	3	3
h) Maximum building coverage	30%	45%	35%	50%
i) Maximum impervious coverage	65%*****	85%	85% except 80% if the lot includes more than 3 acres of lot area	80%

For a subdivision or land development that includes more than one acre of undeveloped land, the number of lots and/or dwelling units shall also be restricted by the Site Capacity Analysis in § 308.

* In the C-2 District, principal and accessory residential uses shall be permitted under the same regulations as in the R-4 District and not under the regulations of the C-2 District.

** In the C-1 district, a maximum of 6 habitable stories or 80 feet, whichever is more restrictive for a building or 8 floors or 80 feet for a parking structure is allowed, provided such area of taller height is located a minimum of 500 feet from a Residential District boundary or the lot line of a public park.

*** Except 20 feet if there will be no vehicle parking between the face of the building and the adjacent existing street right-of-way line.

**** See additional standards in § 402 for shopping centers.

***** Except within an approved office park of 15 or more acres: 80% per lot, with 70% for all lots in common ownership in the office park combined.

See § 803.1, regarding sight distance at an existing residential driveway onto an arterial street that is to serve a nonresidential use.

3. See also additional requirements in the following sections:

   A. Additional requirements for specific types of principal uses – § 402.
   B. Additional requirements for specific types of accessory uses – § 403
   C. Off-Street parking – Part 6 (including paved area setbacks in § 603)
   D. Signs – Part 7.
   E. Buffer yards – § 803.2
   F. Steeply sloped areas – § 505.
   G. Environmental protection – Part 5.
   H. Temporary structures – § 807.
   I. Site plan review for certain uses –§ 118.
   J. Outdoor storage and display as an accessory use – § 403.

§ 308. Site Capacity Analysis for Lots within a Subdivision or Land Development.

1. Each site is unique, because it has physical features that are rarely the same as other sites. Portions of some sites may not be usable. The purpose of this Section is to determine the appropriate intensity of use to which a specific tract may be put, by netting out certain features that are considered to be unbuildable from the total area of the site. This Section determines the maximum number of allowed lots and/or structures, based upon the land's specific characteristics. All applicants for preliminary plan approval or combined preliminary/final plan approval of a subdivision or land development shall include maps and a table that demonstrates compliance with this Section.

2. Exceptions. This Section shall not apply if any of the following situations apply:

   A. the application only involves an adjustment to the lot lines of one or more existing lots and does not create a new lot, or
   B. the application only involves revisions to a previously approved subdivision or land development that does not increase the number of approved lots or structures.

3. A map showing the locations of the natural resources and the following natural resource site capacity calculations shall be submitted by the applicant to determine the requirements for that lot or abutting lots. Portions of a site which have overlapping protection restrictions shall be subject to the highest protection ratio and shall be calculated only once. For example, if a 25% steep slope is also in a power line right-of-way, it shall be calculated as 25% slope and not double-counted as power line right-of-way.

A. Base Site Area. The total lot area of abutting lots in common ownership shall be considered the site area. The following acreage shall be deleted from the site area to determine the ability of the site to support the density/intensity of development to result in the net buildable site area.

(1) Site area as determined by actual property survey _____ Ac.

(2) Subtract land within any future right-of-way of an existing street where a future right-of-way is required under the Subdivision and Land Development Ordinance, or where a future right-of-way is not required, subtract rights-of-way of existing streets based upon the width that is proposed to exist after completion of the subdivision or land development. _____ Ac.

(3) Subtract 50% of land within easements or rights-of-ways for electric transmission lines with an intended capacity of 35 kilovolts or greater. _____ Ac.

(4) Subtract land which: is not abutting (lands that are only separated by an alley, railroad or waterway shall be considered abutting) or that is in a different zoning district, which shall be calculated separately _____ Ac.

(5) Subtract land located in another municipality _____ Ac.

(6) Subtract - land which in a previously approved development was dedicated as common open space or is protected by an existing conservation easement. _____ Ac

(7) Subtract land areas that are wetlands, within natural lakes or ponds, seeps, springs, vernal pools, or are within the 100 year floodplain. _____ Ac

(8) Subtract 85% of land with a steep slope of 25% or greater. _____ Ac

(9) Subtract 50% of land with a steep slope of 15% or greater,

but less than 25% _____ Ac

= **Net Buildable Site Area** _____ Ac.

4. Where a zoning district provides a standard minimum lot area in acres (such as the CR district) in § 307, the net buildable site area shall be divided by such minimum lot size to determine the maximum allowed number of lots or dwelling units (whichever is more restrictive) allowed on the site.

5. Where § 307 provides a standard minimum lot area in square feet for a zoning district (such as the R-1 district), the net buildable site area shall be converted into square feet (with each acre equal to 43,560 square feet) and then shall be divided by such minimum lot size to determine the maximum allowed number of lots or dwelling units (whichever is more restrictive) allowed on the site.

6. For townhouses and apartments, the maximum density shall be determined using the site capacity calculation in § 402 for such uses.

7, Where a zoning district or use establishes density through a maximum number of units per acre, the net buildable site area in acres shall be multiplied by that number of units per acre to determine the maximum allowed number of dwelling units allowed on the site.

8. This site capacity requirement shall apply in addition to other requirements of this Ordinance, such as steep slope regulations in § 505 based upon the building construction area.

Note: The applicant should be aware that the calculated maximum density/number of lots is the maximum allowable, and there is no guarantee that such density/number of lots will be possible on a particular site, after considering all other requirements. See also High Water Table Soil Regulations in § 504.

§ 309. Special Lot and Yard Requirements.

1. In General.

A. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, nonimpervious areas and off-street parking areas.

B. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.

C. Setbacks Not Applicable. See exemptions for certain structures in § 306.

D. Accuracy. The applicant is responsible to make sure that all measurements submitted to the Township are accurate.

E. Driveways on Corner Lots. Private driveways on corner lots serving a single family detached dwelling shall be located at least 40 feet from the point of intersection of the nearest public street right-of-way lines, unless the provisions of § 603.4.E impose a more restrictive standard.

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

A. Nonconforming Lots. See § 806.

B. Through Lots. Any lot having frontage on two approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.

C. Corner Lot Setback.

(1) A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except:

a. Where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback or a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street; or,

b. If the applicant proves to the satisfaction of the Zoning Officer that such requirement cannot reasonably be met within an existing lot, then the Zoning Officer may allow the front yard on one street to be reduced to 60% of what would otherwise be required, with the Zoning Officer choosing which street may have the smaller setback based upon the prevailing character in the area.

(2) A corner lot shall have one side yard and one rear yard.

D. Triangular Lots. A three sided lot shall have one front yard, one side yard and one rear yard.

E. Projections Into Required Yards. The following features may project into required yards and shall not be considered in the determination of building coverage:

(1) Patios, porches and decks that:

a. May or may not be covered by a structural roof.

b. Are not enclosed and do not have walls of mostly solid material, glass or plastic.

c. Are not closer than five feet to any side or rear lot line (except zero feet is allowed along a shared lot line of attached dwellings), and do not intrude more than 10 feet into a required front yard; and,

d. Are not raised more than 6 feet above the surrounding average ground level.

(2) Routinely projecting architectural features such as bay windows, cornices, eaves, fireplaces, chimneys, fire escapes or window sills which do not project more than five feet into any required yard, or closer than five feet to any adjacent lot line of a single-family detached dwelling, whichever is more restrictive.

(3) Stairs and landings that are not within enclosed walls provided such stairs or landings do not exceed 6 feet in height.

(4) Open balconies provided no supporting enclosed walls are located within the required yard and provided the balconies do not project more than five feet into any required yard nor closer than five feet to any adjacent lot line of a single-family detached dwelling, whichever is more restrictive.

(5) Patios and decks that do not meet the standards of Subsection (1), above, whether covered or uncovered, provided that they:

a. Are not enclosed and do not have walls mostly of solid material, glass or plastic; and,

b. Extend into a maximum of 1/3 of the required rear yard distance.

(6) See also Symbol * under the dimensional requirements for the R-4 and R-5 districts in § 307.2.B, which allows certain reduced setbacks for additions to existing single family detached dwellings.

F. Patios and decks may project up to one-third of the width of the yard of a corner lot abutting the second street.

G. Septic Systems. See § 507. Also, if impervious coverage is added to an existing residential lot, see § 403.4.N(10).

H. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this chapter and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this chapter.

I. Front Yard Exceptions. When an unimproved residential lot is situated between two or more lots with principal buildings with principal building front yard setbacks with less depth than required in that District, the minimum front yard shall be reduced to the depth of such abutting improved lot that has the largest depth.

J. Special Building Setback Lines Established. On the following streets, the depth of the required front yard shall be measured from the following additional setback from the centerline of the street right-of-way as specified below, instead of from the street right-of-way line, unless measurement from the required street right-of-way line would be more restrictive. However, the setback required by this § 309.2.J, may be reduced so that the principal building would not be required to maintain a front yard setback more than 10 feet greater than the setback permitted by § 309.2I, if such section is applicable.

Street	**"Additional Setback from the Centerline of the Right-of-Way" (in feet)**
Susquehanna St.	30
Chapel Avenue (south of Emmaus Ave.)	25
S. Albert St.	40
S. Pike Ave. / PA Rt. 145	50
Public Road	30
Cedar Crest Blvd. (south of I-78)	60
E. Texas Blvd.	40
Seidersville Rd.	30
Honeysuckle Rd.	30
Black River Rd.	30

Street	"Additional Setback from the Centerline of the Right-of-Way" (in feet)
Church Rd.	30
East and West Rock Roads	30
Oxford Dr.	30
Keystone Dr.	30
Fish Hatchery Rd.	30
Lindberg Ave.	30
Constitution Drive	30
Cardinal Road	30
Fairview Rd.	25
Second St.	30
Country Club Rd.	30
Devonshire Rd.	25

K. Alleys. If an existing unpaved private alley abuts an existing lawful lot of record, a required minimum building setback may be measured from the centerline of such alley. However, the land area within such right-of-way shall not be counted towards the required minimum lot area.

§ 310. Open Space Development Option For land that is at least Partly Within the CR District.

1. This Section allows an applicant the option to reduce the minimum lot areas on tracts that are at least partly within the CR district if the development would meet all of the following requirements:

A. Option for Tracts Entirely Within CR. The following requirements shall apply to a tract of more than 6 acres that is entirely within the CR District, in addition to the other requirements of this Subsection:

(1) The "Net Buildable Site Area" as provided in § 308 shall be divided by 1.5 acres to determine the number of allowed dwelling units. Each dwelling unit that has a construction area of less than 15 percent shall have a minimum lot area of 1.5 acres.

(2) A minimum of 45% of the total tract shall be dedicated as common open space within the requirements of this Subsection.

(3) No new construction area shall include slopes of greater than 15% slope, except for areas exempted by Subsection 505.4.

B. Option for a Tract That Includes Land in Both the CR District and an Abutting R-3 District With a Total Tract Area of 25 Acres or More.

(1) This Option provides certain modifications to requirements when a tract includes land in both the CR District and an abutting R-3 District and has a total area of all abutting lots in common ownership within the tract of 25 acres of more, and if the development proposes townhouses within the R-3 portion of the tract.

(2) See the R-3 district regulations in §§ 306, 307 and 402 which allows various housing types, including townhouses. If this option is utilized, the minimum net buildable site area per townhouse in § 402 shall be reduced to 6,000 square feet.

(3) A minimum of 75% of the total land area of the tract shall be dedicated for permanent common open space purposes.

(4) No buildings shall be located within the CR District or land greater than 25% slope, except for areas exempted by Subsection 505.4.

(5) Any permitted townhouses shall be setback a minimum of 100 feet from: a) the existing right-of-way of any arterial street and b) the lot lines of any existing single-family detached dwellings.

(6) Within a tract of land, the common open space may be dedicated by the owner of record at the same time as or prior to preliminary or final subdivision approval of the remaining area for development, while the remaining area for development may be sold to and developed by a different owner or equitable owner.

(7) All dwellings shall be served by both public water and public sewer service.

(8) The minimum tract area shall be 25 acres.

(9) Any townhouse or parking area for five or more vehicles that is within 200 feet of and visible from a pre-existing single-family detached dwelling shall be separated from such pre-existing dwelling by a variety of evergreen and deciduous plants that can reasonably be expected to form a solid visual screen within five years from planting.

C. Land that was previously protected by a conservation easement shall not be used to meet a requirement of this Section.

D. Tract Area. For the purposes of this Section, the term "total area of the tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets but including the right-of-way of any new streets proposed within the tract.

E. This open space option shall not apply to land within non-residential zoning Districts.

F. Common open space used to meet the requirements of this Subsection shall meet all of the following requirements:

(1) Such land shall be dedicated to one of the following: the County of Lehigh, Salisbury Township, a homeowner association or an established nature conservation organization acceptable to the Board of Commissioners. The Township shall be given right of first refusal.

(2) The County, Township or such nature organization, as applicable, shall agree in writing to accept such dedication and maintain such land as open space open to the general public. If no such entity agrees to accept such dedication, and if the Township Board of Commissioners does not accept ownership by a homeowner association, such open space option shall not be permitted.

(3) Such open space shall be permanently deed restricted to noncommercial public recreational and open space uses, except for lands permitted by this Section to be used for municipal uses.

(4) The applicant shall show that part of the required open space would also meet all of the requirements for recreation land under the Subdivision and Land Development Ordinance [Chapter 22].

(5) Stormwater detention basins shall not count towards this open space, unless the applicant proves to the satisfaction of the Board of Commissioners at the time of subdivision or land development approval that such area would clearly serve a recreation or scenic open space purpose.

(6) Such open space shall meet one of the following two requirements:

a. Have pedestrian access a minimum of 20 feet width to a public street or a private street to which the public is permanently granted access and be a minimum of three contiguous acres in area; or

b. Directly abut an existing common open space area such that the total abutting open space will be at least three acres in area.

(7) Any homeowner association agreement shall be subject to review by the Township Solicitor to ensure it includes proper procedures for maintenance of any land or facilities that is to be owned or maintained by such entity, The Board of Commissioners may require reasonable adjustments to such agreement based upon such review. The provisions of § 705. (f)-(1) and (2) of the Pennsylvania MPC, as amended, 53 P.S. §

10705(F) or such successor sections, shall serve as a general guide for such agreement.

Part 4

Additional Requirements for Specific Uses

§ 401. Applicability.

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

2. For uses allowed within a specific zoning District as special exception or conditional uses, see the procedures and general standards in §§ 119 and 120. These §§ 402 and 403 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

§ 402. Additional Requirements for Specific Principal Uses.

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

   A. ADULT USE. (This is limited to the following: Adult store, Adult movie theater, Massage parlor or Adult live entertainment use).

      (1) Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.

         a. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.

         b. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

c. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.

(2) An adult use and its parking area shall not be located in any of the following locations:

a. within 500 linear feet of the lot line of any primary or secondary school, place of worship, day care center, nursery school, library or existing dwelling or 200 linear feet from the lot line of a public park; and/or
b. within 1,000 linear feet of any existing adult use.

(3) A thirty-foot buffer yard shall be provided, regardless of Zoning District, along the side and rear lot lines in accordance with § 803.2, but with plantings of an initial minimum height of five feet.

(4) 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.

(5) The applicant shall describe measures that will be implemented to minimize adverse impacts upon the surrounding area.

(6) No such use shall be used for any purpose that violates any federal, State or Township law. Any violation of this zoning requirement involving a serious criminal offense that the proprietor has continuing knowledge of and allows to occur shall be sufficient reason for the Township to withdraw Township permits.

(7) See § 709, "Prohibited Signs."

(8) The applicant shall prove compliance with the State Liquor Code and licenses.

(9) The use shall not include the sale or display of obscene materials, as defined by State law, as may be amended by applicable Court decisions.

(10) These uses are specifically prohibited in all Districts except where specifically permitted by Part 3.

(11) A minimum lot area of two acres is required.

(12) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.

(13) The use shall not include: a) live actual or simulated sex acts or b) any contact involving the genital or anal areas of an employee, contractor or other entertainer with a customer or between customers.

(14) Only lawful massages as defined by State court decisions shall be performed in a massage parlor.

(15) Except for an Adult Live Entertainment Use, all persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola.

(16) The applicant shall provide a written affidavit stating that he/she has mailed or delivered a written notice of the proposed hearing date to all property owners of record within 500 feet of the subject property at least 10 days prior to the hearing date.

(17) Any application for such use shall state the legal name of, mailing address of, and daytime phone number(s) that provides access to an on-site manager responsible to ensure compliance with this chapter. Such information shall be updated immediately in writing to the Zoning Officer if the information changes.

(18) The use shall not operate between the hours of 12 midnight and 7 a.m. If a liquor license is lawfully issued, this midnight closing regulation shall not by itself require the tavern/restaurant business to be closed, but all adult use activities shall cease by midnight.

(19) As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).

B. ADULT DAY CARE CENTER.

(1) Shall be fully licensed by the State, if required by the State.

(2) Shall include constant supervision during all hours of operation.

(3) Shall not meet the definition of a treatment center.

C. AUDITORIUM, COMMERCIAL OR NIGHTCLUB.

(1) A forty-foot buffer yard shall completely separate the structure and all off-street parking areas from any lot line of any residential use or undeveloped residentially zoned lot.

(2) A commercial auditorium shall have a minimum lot size of one acre for each 150 seats.

(3) The structure of a commercial auditorium or nightclub with a capacity of 300 or more persons shall be setback a minimum of 300 feet from the lot line of any residential use or residential District.

D. AUTO REPAIR GARAGE.

(1) All major repair, welding and paint work shall be performed within a building, with a fume collection and ventilation system that is directs fumes away from any adjacent dwellings.

(2) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.

(3) Outdoor storage of autos and other vehicles shall not be within a paved area setback required by § 603 nor closer than 20 feet from a lot line of an existing dwelling.

(4) Overnight outdoor storage of junk, other than junk vehicles, shall be prohibited within view of a public street or a dwelling.

(5) An individual Junk Vehicle (as defined by Part 2) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. No Junk Vehicles shall be stored within 20 feet of an existing street right-of-way line. A maximum of six Junk Vehicles may be parked on a lot outside of an enclosed building at any one time.

(6) Service bay doors shall not face directly towards an abutting dwelling, not including a dwelling separated from the garage by a street.

E. AUTO, BOAT OR MANUFACTURED HOME SALES.

(1) No vehicle or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area or any paved area setback required by § 603.

(2) See light and glare standards in § 511.

F. AUTO SERVICE STATION.

(1) See definition in Part 2, and definition of auto repair garage.

(2) All activities except those to be performed at the fuel or air pumps shall be performed within a building.

(3) Fuel pumps shall be at least 25 feet from the existing street right-of-way.

(4) Overnight outdoor storage of junk other than permitted junk vehicles shall be prohibited within view of a public street or dwelling.

(5) An individual Junk Vehicle (as defined by Part 2) shall not be stored within view of a public street or a dwelling for more than a total of 20 days. No Junk Vehicles shall be stored within 20 feet of an existing street right-of-way. No more than three Junk Vehicles shall be stored on the lot outside of an enclosed building at any point in time.

(6) There shall be space for a minimum of four vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced, without obstruction of access into or out of the driveways from public streets.

G. BED AND BREAKFAST USE.

(1) Bed and Breakfast Uses shall have a minimum lot size of 12,000 square feet.

(2) In a non-commercial District, no more than five guest rooms shall be provided and no more than two adults and two children may occupy one guest room.

(3) One off-street parking space shall be provided for each guest room.

(4) At least one full bathroom separate from the host family's bathroom shall be provided for every three guest rooms.

(5) There shall be no use of show windows or any type of display or advertising visible from outside the premises.

(6) No external alterations or changes to the exterior structure shall be permitted that would reduce the residential and/or historic appearance of the building as viewed from a public street, except for improvements that the Zoning Officer determines to be necessary for fire safety and/or access for persons with disabilities.

(7) The use shall be owned and/or operated by a person(s) who resides on the premises.

(8) There shall be no separate kitchen or cooking facilities in any guest room. Meals shall not be served to customers who are not staying overnight.

(9) The use may not be established until there is compliance with all Township rules and regulations.

(10) The existing onsite sewage disposal system shall be reevaluated as being adequate, in accordance with local and State regulations.

(11) The facility shall be inspected for compliance with fire safety regulations.

(12) A floor plan and site plan of the property shall be submitted to the Zoning Officer for review and approval prior to operating a Bed and Breakfast Use.

(13) Shall be restricted to buildings that existed prior to January 1, 1950.

H. BETTING USE.

(1) Minimum lot area – two acres.

(2) Minimum building setback from the lot line of any place of worship or a residential lot line – 250 feet.

I. BOARDING HOUSE (or ROOMING HOUSE).

(1) Minimum lot area – 1 1/2 acres.

(2) Minimum setback from all lot lines – 50 feet.

(3) Minimum lot width – 200 feet.

(4) Maximum density – three bedrooms or six persons per acre.

(5) Each sleeping room shall be limited to two persons each.

(6) A twenty-foot-wide buffer yard with screening meeting § 803.2, shall be provided between any boarding house building and any abutting single-family detached dwelling that is within 100 feet of the proposed boarding house building.

(7) Interior Space. A minimum of 400 square feet of interior floor space per resident.

(8) Maximum number of residents – 20.

(9) See also standards for personal care homes, which is a separate use.

(10) Signs shall be limited to two wall signs with a maximum of two square feet each.

(11) Rooms shall be rented for a minimum period of five consecutive days.

J. BUS TERMINAL, INTER-CITY. For regular scheduled service between metropolitan areas; bus stations and bus stops for local bus service are not regulated by this chapter.

(1) Street access from the bus station to an arterial street or an expressway shall not require driving on a local street that is primarily residential.

(2) Shall provide an area for the loading and unloading of buses separate from required off-street parking areas, and a separate area for pick-up and drop-off of persons from private vehicles.

(3) May be an accessory use to a permitted shopping center or restaurant; provided, that the applicant proves to the Zoning Officer that there is adequate room for movements by the bus on the site or an adequate street shoulder for stops.

K. CAMPGROUND.

(1) Any sleeping quarters or tent sites shall not be within the one-hundred-year floodway and shall be setback a minimum of 75 feet from all exterior lot lines.

(2) For each acre of total lot area, there shall be a maximum average of: (a) two recreational vehicle sites; (b) five tent sites; or, (c) cabin sleeping capacity for six persons. Such sites may be clustered in portions of the tract.

(3) Maximum impervious coverage – 10%.

(4) Any store shall be limited to sales of common household and camping items to persons camping on the site.

(5) A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 16 feet.

(6) Minimum lot area – five acres.

(7) All campsites and recreational vehicle sites shall be setback a minimum of 100' feet from all residential lot lines.

L. CAR WASH.

(1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

(2) On-lot traffic circulation channels and parking areas shall be clearly marked.

(3) Adequate provisions shall be made for the proper and convenient disposal of refuse.

(4) Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways.

(5) Water from the car wash operation shall require installation of a grease trap and shall not flow onto sidewalks or streets, to prevent hazards from ice.

(6) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

(7) Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

M. CARE AND TREATMENT FACILITIES FOR YOUTH.

(1) Included Services. Care and treatment facilities for youth include care and treatment services for persons age 18 and younger, and their families when related to the treatment of youth. This use may include a general child care facility, diagnostic assessment of children and youth, day care and treatment of children and youth, residential group home care, community mental health services for children and youth, recreation for children and youth in care and educational services for children and youth in care. The use may also include services for persons of any age who were served as youth but have aged beyond age 21.

(2) Minimum Lot Requirements.

a. The use shall have a minimum lot area of eight acres and shall have frontage on an arterial street.

b. School buildings associated with care and treatment facilities primarily for children may be located upon a separate lot which shall have a minimum size of three acres, which is in addition to the eight-acre requirements of this Section and shall be subject to all zoning restrictions applicable to primary or secondary school buildings.

(3) Structural Limitations. To the extent possible consistent with the physical needs of the use for which a structure is intended, the exterior design shall be residential in character and subject to the height and setback provisions generally applicable to the zone.

(4) If by its terms, or otherwise, the Salisbury Township Subdivision and Land Development Ordinance [Chapter 22], as amended, is not applicable to any development proposed under this Section of this chapter, an applicant for any such development shall nonetheless comply with all procedural and substantive provisions of the Subdivision and Land Development Ordinance [Chapter 22].

(5) The use shall not include a parking structure of more than one level within 500 feet of a residential lot line.

N. CEMETERY.

(1) Minimum lot area – two acres.

(2) A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

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

(4) No gravesites shall be located within the one-hundred-year floodplain.

(5) The use shall include an appropriate system to ensure perpetual maintenance.

O. COMMERCIAL SWIMMING POOL. See "SWIMMING POOL, NONHOUSEHOLD."

P. COMMERCIAL COMMUNICATIONS TOWERS. This Subsection prescribes the standards which must be met prior to the erection of a new commercial communications tower (hereinafter referred to as "tower") within the Township:

(1) Definitions. For the purpose of this Subsection, the following definitions shall apply:

AMERICAN NATURAL STANDARDS INSTITUTE (ANSI) – a national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

ANTENNA – a system of electrical conductors that transmit or receive radio waves.

CELLULAR TELEPHONE – a system providing portable telephone service to specific subscribers. The system works on a line of sight principle. Each company must set up a "grid" system of antennas on hilltops to provide complete coverage.

COMMERCIAL COMMUNICATIONS TOWER – a structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals. Commercial communications towers include, but are not limited to, a radio common carrier tower or an

antenna used for transmitting commercial radio or television signals, microwave signals, cellular telephone communications and/or satellite communications. A commercial communications tower shall not include an amateur radio antenna or a satellite dish antenna (as defined by this Section) or an emergency services radio antenna if such are accessory to a permitted use.

CONSTRUCTION PERMIT – a document issued by the FCC to a broadcast applicant giving permission to construct a radio or TV broadcast station. It is not the same as a station license.

ELECTROMAGNETIC RADIATION (EMR) – a technical term for the nature of energy emitted by a transmitting antenna.

FM/TELEVISION BROADCASTING – transmission of radio and/or television programs intended for reception by the general public. An FM/television broadcasting tower shall mean a tower maintaining the primary or main transmitter of an FCC licensed broadcast station.

HEIGHT ABOVE AVERAGE TERRAIN (HAAT) – a technical term used by the FCC to determine the effective height of an antenna by considering the effects of terrain variations in the coverage area provided by the antenna.

HEIGHT OF TOWER – the overall height of the tower from the base of the tower to the highest point of the tower including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

INTERMODULATION – a technical term referring to the possible mixing of two signals which creates unwanted and potentially interfering signals.

LAND-MOBILE SYSTEMS – radio communication service for mobile or stationary units in which each user is assigned a particular frequency. It includes conventional two-way radio, special mobile radio service and one-way paging.

LEASE TOWER – a tower whose owner has as his principal business the leasing of tower space to other users.

POINT-TO-POINT MICROWAVE – communication between specific points using frequencies above 900 MHz; normally transmitted between two towers optimally located for line of sight transmission. Uses low power levels.

RF INTERFERENCE – disturbances in reception caused by intruding signals or electrical current.

STRUCTURAL CAPACITY – a term describing the physical ability of a tower and associated antennas to withstand design loading without collapsing.

(2) Principal Use. Except for cellular telephone towers, other types of Commercial Communications Towers are a principal use. No other principal use is permitted on a lot with such a tower. [See Subsection P(13)(C) for cellular telephone towers.]

(3) Tower Classifications. A tower and accessory facilities may be permitted for the following uses if they comply with all of the requirements of this Subsection:

a. FM/television broadcasting.
b. Land mobile systems.
c. Cellular telephone.
d. Fixed point-to-point microwave.
f. Any other communications use not specifically listed or covered in any of the above five categories.

(4) Setback Requirements.

a. The distance from the base of the proposed tower to the nearest point on the lot line shall not be less than the full height of the tower. [Refer to Subsection P(13)(C) for cellular telephone towers.]

b. Guy wire anchors, if used, shall be set back a minimum of 40 feet from any lot line.

c. If additional towers are present on the same lot, the distance from the base of the proposed tower to the base of the nearest tower, if it is self-supporting, or the nearest guy anchor of a non-self-supporting tower, shall not be less than the full height of the tallest tower.

(5) Accessory Facilities. Accessory facilities are permitted on the same lot as a tower, subject to the following conditions:

a. A single accessory facility containing equipment and control devices for the continuing operation of a tower may be located on the lot.
b. No building or facility may be used as an office or as a broadcast studio. No building or facility may be used for long-term vehicle storage or for other outdoor storage.

c. No onsite employees shall be permitted to utilize any accessory facility as an office. Employees are permitted to visit the site as often as necessary for maintenance and inspection of the tower and its accessory uses.

d. Accessory facilities may be lighted for security or for maintenance purposes. Any such lighting shall be shielded and no lights shall be emitted upward or spill over onto adjacent properties. Upward lighting will be permitted only on a temporary basis as may be required for emergency tower maintenance or repair.

e. Lighting of parking lot areas and accessory facilities must meet the requirements of the Subdivision and Land Development Ordinance [Chapter 22, § 509].

(6) Parking Requirements. Two off-street paved parking spaces per tower shall be required. The parking spaces shall conform to the parking standards of this chapter.

(7) RF Interference to Existing Facilities. The applicant shall demonstrate that the proposed transmitting facility will not cause RF interference to any existing communications services (included, but not limited to, other towers or transmitting facilities, communication services reception by other property owners, etc.) in accordance with the FCC requirements for the applicant's class of operation.

(8) EMR Compliance. The applicant shall demonstrate that the proposed RMS field intensity of EMR from applicant's antenna(s) measured at the nearest point on the boundary of applicant's site from the proposed antenna will not exceed the levels allowed under ANSI Standard C95.3.

(9) Environmental Impact. All new towers proposed in the Township shall conform to the following environmental impact guidelines:

a. Existing onsite vegetation shall be preserved to the maximum extent practicable.

b. If the proposed tower is less than 200 feet high, and is exempt from any special FAA marking requirements, the tower shall be painted silver above the tree line level and painted green below the tree line level.

c. Artificial lighting is prohibited on all proposed towers unless required by FAA. When artificial lighting is required, the use of strobe lighting is prohibited unless specifically required by the FAA.

d. Where the site abuts a public street or lot that is either zoned residential or used for a residential use, and where the base of the tower can be seen from the public street, or from a dwelling on the residential lot, the site perimeter shall be buffered by planting natural screening which blends in with existing

vegetation to provide an effective screen. Such screening shall meet the requirements of § 803.2. Existing vegetation, fences or walls may be used if the Zoning Hearing Board finds:

(1) They achieve about the same degree of screening as described in § 803.2.
(2) New plantings would have a detrimental effect on the stability, security or maintenance of the guy wires.
(3) They are needed for surveillance and security of structures to be erected on the lot.

(10) Observatory Telescope Line of Sight Clearance. There shall be maintained an unobstructed twenty-degree line-of-sight measured from the horizontal plane surrounding any observatory telescope where the observatory telescope has a greater than 25 centimeters aperture and the observatory facility is erected for the public use for research and/or educational purposes.

(11) FAA Lighting and Marking Requirements. Lighting shall be installed on a tower if it is required by FAA. If lighting is not required by the FAA or any other governmental agency having jurisdiction, then lighting shall not be installed on a tower. Only the minimum lighting necessary to meet governmental requirements shall be permitted. If strobe lights or flashing mechanisms are not required by such government agencies, then such lighting shall not be permitted.

(12) Tower Design and Installation.

a. All towers shall be built and certified in accordance with the Electronics Industries Alliance 22 standard or its successor standard.
b. If a non-self-supported tower is proposed, the applicant must use a guy wire configuration which is at least the minimum specified by the tower manufacturer.
c. All new towers permitted after the effective date of this Subsection must be engineered to accommodate additional new users.
d. The base of the tower shall be surrounded by a secure fence with a minimum height of eight feet.
e. The tower design and installation shall also comply with any additional federal, State and local regulations as may apply.

(13) Specific Additional Requirements for each tower Classification.

a. FM/Television Broadcasting Use. An applicant proposing to erect a new tower for an FM/television broadcasting use as defined herein shall also comply with the following standards:

(1) The applicant shall demonstrate that the requested location is necessary to satisfy the signal coverage requirements mandated by the FCC for the applicant's particular class of operation.

(2) The applicant shall request the minimum antenna height above ground level which will satisfy the HAAT requirements stipulated on the applicant's FCC construction permit provided the requested height of the tower does not exceed 400 feet above ground level.

b. Land Mobile Radio Use. An applicant proposing to erect a new tower for land mobile radio use as defined herein shall also comply with the following:

(1) Applicant shall demonstrate that the requested location can be reasonably expected to provide the signal coverage deemed necessary by the applicant.

(2) Applicant shall request the minimum antenna height above ground level which will satisfy the antenna height requirements stipulated on the applicant's FCC license; provided, the requested height of the tower does not exceed 199 feet above ground level.

c. Cellular Telephone Use. An applicant proposing to erect a new tower for cellular telephone use shall also comply with the following:

(1) Applicant shall demonstrate that the requested location is necessary to satisfy its function within the company grid system.

(2) Applicant shall demonstrate that existing tall structures within a one-quarter-mile radius of the proposed operation will not accommodate the applicant's proposed operation. The Zoning Hearing Board may deny the application to erect a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

(3) Applicant shall request the minimum tower height necessary to satisfy its function in the company's grid system; provided, the requested height of the tower does not exceed 199 feet above ground level.

(4) Notwithstanding any other provisions in this Subsection, the following shall also apply to cellular telephone use since each cellular telephone system is set up in a unique

system of antennas to create a network for complete and adequate service:

a. A cellular telephone tower may be located on a lot with additional principal uses or buildings.

b. Buffer yard requirements of § 803.2 shall be met if any cellular telephone tower is constructed within 100 feet of a "residential lot line" (as defined in Part 2 of this chapter). The buffer width shall be 20 feet. Existing vegetation, fences or walls may be used if the Zoning Hearing Board finds that the criteria of Subsection P(9)(d)(i), (ii) or (iii) of this Subsection is met.

c. If the cellular telephone towers will be located in the I or C-3 Districts, then the setbacks shall be reduced to 50% of the height of the tower (as defined earlier in this Subsection) unless the property on which the tower is proposed abuts a residential zone or residential use, the setback shall remain 100% of the height of the tower along those lot lines. Any setbacks between towers in the I or C-3 Districts and any other towers, structures or buildings shall be reduced to 50% of the height of the tower or the taller tower if there is more than one tower on the lot.

d. Point-To-Point Microwave Use. An applicant proposing to erect a new tower for point-to-point microwave use shall also comply with the following:

(1) Applicant shall demonstrate that the requested location is necessary to satisfy its function within the overall microwave system.

(2) Applicant shall request the minimum tower height necessary to satisfy line of sight requirements to the next relay links in the microwave system; provided that the requested height of the tower does not exceed 199 feet above ground level.

e. Lease Tower Use. An applicant proposing to erect a lease tower shall comply with the following:

(1) Applicant shall demonstrate that the requested location may be reasonably expected to provide the signal coverage required by prospective users.

(2) Applicant shall request the minimum antenna height above ground level which will reasonably accommodate the antenna height requirements of prospective users; provided that the requested height of the tower does not exceed 199 feet above ground.

f. Requirements for Any Other Use. An applicant proposing to erect a new tower for any other use shall also comply with the following:

(1) Applicant shall demonstrate that the requested location can be reasonably expected to provide the signal coverage deemed necessary by the applicant.

(2) Applicant must request the minimum antenna height above ground level which will satisfy the antenna height requirements stipulated on the applicant's FCC license; provided, the requested height of the tower does not exceed 199 feet.

(14) Shared Use Requirements.

a. Lease Tower. An applicant proposing to construct a lease tower shall first demonstrate that the existing tower(s) owned by the applicant, or any affiliate or subsidiary of the applicant, cannot reasonably accommodate the telecommunications equipment planned for the proposed tower. In addition, the applicant shall submit:

(1) A wind-loading analysis, certified by a licensed professional communications engineer or licensed professional civil/structural engineer, which demonstrates that the proposed telecommunications equipment will exceed the structural capacity of the existing tower, and the existing tower whose structural capacity would be exceeded by the applicant's proposed equipment cannot be structurally reinforced to accommodate the applicant's proposed equipment at reasonable cost.

(2) A study that "combining" existing equipment and/or "duplexing" existing equipment is not reasonable or reasonably suitable for the new proposed equipment.

(3) An intermodulation analysis, certified by a professional communications engineer, which demonstrates that the proposed new equipment will not cause undue RF interference to existing communications services on the existing tower. If applicant demonstrates Subsection P(14)(a)(1) and (2) to the satisfaction of the Zoning Hearing Board then the intermodulation analysis may be submitted, but shall not be mandatory.

The applicant shall also submit evidence that the combined total RMS field intensity of EMR from all emitters on the existing tower(s) and the proposed tower, including the applicant's proposed antenna, measured at the nearest point on the boundary of the tower site from the nearest tower will not exceed the levels allowed under ANSI Standard C95.3.

b. All Tower Uses With the Exception of Lease Tower Uses. All applicants requesting permission to erect a new tower in the Township must demonstrate that existing towers within a one-mile radius of the proposed tower cannot accommodate the applicant's proposed operation. Documentation must be provided to show that the applicant has contacted, by certified mail, return receipt requested, all tower owners within a one-mile radius of the proposed tower and that each of these towers cannot support the new proposed equipment. The Zoning Hearing Board may deny the application to erect a new tower if the applicant has not made a good faith effort to determine the suitability of existing towers.

(15) Application Contents For a New Tower. An application for permission to erect a new tower in the Township shall include:

a. A copy of applicant's FCC construction permit (for broadcast use) or FCC station license (for other uses).

b. A detailed site plan drawn to scale and identifying the site boundary; the proposed tower and any existing towers; guy wire anchors; existing and proposed structures; existing vegetation to be retained, removed or replaced; and uses, structures and land use designations on the site and abutting parcels.

c. A technical description of the facility to include:

(1) A description of the tower and the technical and other design factors of the tower.

(2) A description of the capacity of the tower, including the number and types of antennas that it can accommodate.

d. A Statement from the FCC, FAA and State aeronautics division that the proposed tower complies with applicable regulations or that the tower is exempt from those regulations.

e. An intermodulation analysis certified by a professional communications engineer, which demonstrates that the proposed new equipment will not cause undue RF interference to existing towers or transmitting facilities or communications service reception by other property owners. The applicant shall be responsible to resolve all instances of interference caused by the actual operation of the tower that occurs after its installation.

(16) Application Contents For Adding a New Antenna to an Existing Tower. Prior to the installation of an antenna on an existing tower, an applicant shall obtain a zoning permit from the Township. The application for such permit shall include:

a. A wind-loading analysis, certified by a licensed professional communications engineer, or licensed professional civil/structural engineer, which demonstrates that the proposed telecommunication equipment will not exceed the structural capacity of the existing tower.

b. An intermodulation analysis which demonstrates the proposed transmitting facility will not cause RF interference to any existing communications services (including, but not limited to, other towers or transmitting facilities, communications services reception by other property owners, etc.) in accordance with the FCC requirements for the applicant's class of operation. The applicant shall be responsible to resolve all instances of interference caused by the actual operation of the tower, and any additional antennas, after installation.

c. Information demonstrating that the RMS field intensity of EMR from the applicant's tower (with all existing and proposed antennas) measured at the nearest point on the boundary of applicant's site from the proposed antenna will not exceed the levels allowed under ANSI Standard C95.3.

Q. CONVERSION OF AN EXISTING BUILDING RESULTING IN AN INCREASED NUMBER OF DWELLING UNITS. (Not including development of one accessory apartment within a single-family detached dwelling.)

(1) Applicable State fire safety requirements shall be met.

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

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

a. The building shall maintain the appearance of a single-family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.

b. The conversion shall not be permitted if it would require the placement of an additional exterior stairway more than 10 feet high on the front of the building, or would require the placement of more than three off-street parking spaces in the required front yard.

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

(5) Separate cooking and sanitary facilities shall be provided for each dwelling unit.

(6) Off-street parking lots with four or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of § 803.2.

(7) Dumpster Screening. See § 513.

(8) See, if applicable, requirements for "accessory apartment within an existing single-family detached dwelling" within § 403.

(9) A site plan shall be submitted to the Zoning Officer.

(10) Each dwelling unit shall include a minimum of 500 square feet of habitable heated indoor floor area.

(11) The lot shall contain a minimum of 3,000 square feet of lot area per dwelling unit.

R. CULTURAL CENTER/COMMUNITY CENTER. No developed active outdoor recreation area shall be located closer than 25 feet to any lot line of an abutting dwelling.

S. DAY CARE CENTER (CHILD) or GROUP DAY CARE HOME.

(1) See also family day care home as an accessory use in § 403.

(2) The use shall comply with any applicable county, State and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare registration certificate or license.

(3) Convenient parking spaces within the requirements of Part 4 shall be provided for persons delivering and waiting for children.

(4) In residential Districts, where permitted as a principal use, a day care center shall have a minimum lot area of 20,000 square feet and a minimum setback of 15 feet from an abutting residential lot line. In the Health Care Overlay District the 20,000 SF lot area shall not apply.

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

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

(7) Outdoor play areas of a day care center involving the care of 25 to 99 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing occupied dwelling. Such areas, serving 100 or more children, shall be setback a minimum of 100 feet from any existing occupied dwelling.

(8) In residential Districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. In the Health Care Overlay District permitted day care centers shall be compatible with buildings within the Overlay District.

(9) See also the standards for a place of worship in this Section, which allows a day care center as an adjunct use.

(10) Buffer Zones. All day care centers as principal uses shall provide a buffer as stipulated in § 803.2.

(11) A group day care home shall only include a sign permitted by § 703 for a general home occupation.

T. DOG DAY CARE.

(1) The use shall not operate between 10 p.m. and 6 a.m., unless the requirements for a “Kennel” are also met.

(2) The use shall operate within an air conditioned and sound-proofed building. Any outdoor areas used by the dogs shall be accessory in nature and shall only be used between 8 a.m. and 8 p.m.

(3) The use shall be operated in a sanitary manner, with regular cleanup of waste several times a day. The facility shall be designed so that waste cannot be carried off the property by runoff.

U. ESSENTIAL SERVICES. (See standards in § 306, Subsection 5.)

V. FAMILY SUPPORT AND LODGING CENTER.

(1) See definition in Part 2.

(2) This use shall only include:

a. Temporary lodging facilities for relatives of persons undergoing significant medical treatment within Lehigh or Northampton Counties; and
b. Accompanying counseling, dining, recreation and support services for such families.

(3) The use shall be located on either the same lot as a permitted HOSPITAL or on a lot with a minimum lot area of two acres, except if a larger lot area would be required for a single-family detached dwelling in that location, then such larger lot area shall apply.

(4) The use shall include a minimum of one off-street parking space for each sleeping room plus one space for each nonresident employee.

(5) All buildings shall be setback a minimum of 75 feet from any lot line of an existing single-family detached dwelling.

(6) All buildings shall utilize a residential style of architecture, including a pitched roof.

(7) The use shall comply with any applicable State health and safety regulations.

W. FINANCIAL INSTITUTION. Any drive-in window(s) and waiting lanes shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use.

X. FORESTRY. (See § 516.)

Y. FUNERAL HOME. Shall be setback a minimum of 40 feet from any residential lot line unless a more restrictive requirement is established by another section of this chapter.

Z. GAS OR OIL WELL. (See § 403.)

AA. GARDEN APARTMENTS. (See "TOWNHOUSES AND GARDEN APARTMENTS.")

BB. GOLF COURSE.

(1) The course shall be designed so that golf balls are highly unlikely to enter public streets or property that is not part of the golf course.

(2) A clubhouse, retail sale of golf supplies and/or restaurant may be permitted as an accessory use if located a minimum of 250 feet from any exterior lot line.

(3) Minimum lot area – 35 acres in a residential District.

(4) Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.

(5) Maximum building coverage – 5%.

(6) Maximum impervious coverage – 10%.

(7) Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.

(8) Any building shall be setback a minimum of 100 feet from the lot line of an abutting dwelling.

CC. GROUP HOME. The regulations of this Section shall apply to a group home housing three to eight persons, in addition to supervisory staff. No additional regulations apply for only one or two persons, in addition to supervisory staff.

(1) See definition in Part 2 and provisions for accommodations in Section 112.5.I.

(2) Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

(3) Certification. The use shall be licensed or certified under an applicable State, county or federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within 14 days if there is a change in the type of clients, the sponsoring

agency, and the maximum number of residents or if an applicable certification/ license expires, is suspended or is withdrawn.

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

(5) Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.

(6) Parking. One off-street parking space shall be provided for each employee on duty at any one time, and every two residents of a type reasonably expected to be capable of driving a vehicle, unless residents are prohibited from having on-site vehicles. Off-street parking areas of more than four spaces shall be buffered from abutting existing single-family dwellings by a planting screen meeting the requirements of § 803.

(7) The use shall not meet the definition in Part 2 of a treatment center.

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

(9) The following maximum number of persons shall reside in a group home, in addition to bonfire paid professional employees:

a. Single-family detached dwelling with minimum lot area of 15,000 square feet and minimum building setbacks from all lot lines of 15 feet – six persons.

b. Single-family detached dwelling with minimum lot area of 30,000 square feet and minimum building setbacks from all lot lines of 25 feet – eight persons.

c. For more than eight persons, see "institutional group home."

d. Any other lawful dwelling unit – five persons.

(10) Septic. If a group home will use an on-lot septic system and will involve six or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Township Sewage Enforcement Officer to determine if it is adequate.

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

(12) If the use involves 6 or more residents, the use shall provide illuminated exit signs, emergency battery-powered lighting and a minimum of two "ABC" rated fire extinguishers.

(13) Signs. No exterior signs shall identify the fact that the dwelling is being used as a group home.

DD. HELIPORT.

(1) Minimum lot area for heliport – two acres in an Industrial District and 15 acres in any other District.

(2) The site and its design shall be approved by the Pennsylvania Bureau of Aviation.

(3) The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.

(4) The landing pad of a heliport shall be a minimum of 200 feet from the lot line of any existing dwelling which the applicant of the heliport does not own or have an agreement of sale. Any portion of a heliport shall be 75 feet from any other lot line.

(5) Conditions. The Zoning Hearing Board may place such necessary and reasonable conditions on the use to carry out the objectives of this chapter. These include limiting the types and sizes of aircraft, the hours of operations, the numbers of flights and the general direction of approach. However, such board shall not place any conditions on the use that will seriously interfere with the safety of the operations.

EE. HOSPITAL or Similar Facility. (See definition in Part 2.)

See Part 10 for HOSPITAL and related facilities that are allowed within an Overlay District. Additional requirements shall not apply in any other District where a HOSPITAL may be allowed.

FF. HOTEL/MOTEL.

(1) Recreational facilities limited to guests of the use and a standard restaurant may be permitted accessory uses to a hotel or motel.

(2) See definition in Part 2 which distinguishes between a hotel/motel and a boarding house.

(3) Minimum lot area – two acres.

GG. INSTITUTIONAL GROUP HOME. All of the requirements for a group home shall apply except the maximum number of residents shall be 40 and there shall be a 150 feet minimum building setback from all residential lot lines and a three-acre minimum lot area.

HH. JUNKYARD – (includes automobile salvage yard).

(1) Storage of biodegradable garbage is prohibited, other than what is customarily generated onsite and routinely awaiting pick-up.

(2) 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.

(3) The site shall contain a minimum of two 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.

(4) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a forty-foot-wide buffer yard which complies with § 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

(5) Burning or incineration of vehicles or junk is prohibited.

(6) See the noise and dust regulations of Part 5.

(7) All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.

(8) Lot area – three acres minimum; 20 acres maximum.

(9) Tires – see the "outdoor storage and display" standards in § 403.

II. JUVENILE DETENTION FACILITY. All of the requirements of a minimum security prison listed in this § 402 shall apply except as otherwise provided herein, for a juvenile detention facility. The following requirements shall also apply to a juvenile detention facility:

(1) Juvenile offenders housed in such facility shall be employed, attending job training, an institution of learning or engaged in activities otherwise deemed appropriate due to pertinent circumstances as

determined by the sentencing judge. Offenders of dangerous crimes, included on the list of "excludable offenses" (as defined under "Detention Facility" in § 202) shall not be placed in a juvenile detention facility.

(2) The ratio of land to residents shall not exceed 15 residents per acre.

(3) Maximum building coverage on the lot is 15%. Maximum impervious coverage is 45%.

JJ. KENNEL. (See also "DOG DAY CARE" in § 402 and "PETS AND ACCESSORY ANIMALS, KEEPING OF" in § 403.)

(1) Setbacks. All buildings in which animals are housed and all runs shall be located a minimum of:

a. Two hundred feet from any existing dwelling on an adjacent lot.
b. One hundred feet from a residential lot line.
c. Fifty feet from any other lot line.

(2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling that is not in common ownership.

(3) No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

(4) The applicant, as applicable, shall comply with the Dog Law, as amended, 3 P.S. § 459.101 et seq.

(5) A kennel may be used for breeding.

(6) Minimum lot area – 1 1/2 acres.

(7) Wastes. Every keeper of animals shall cause the animals' feces to be collected daily. Such waste shall be kept in a closed rat-proof and fly-tight container or receptacle. At least twice a week, every keeper of animals shall cause such waste to be disposed of in a manner as to not permit the presence of fly larvae.

(8) Every keeper of animals shall cause all feed for such animals to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

KK. LIFE CARE CENTER. (See definition.)

(1) This use shall provide living accommodations with oxygen available, emergency call service in each dwelling unit and onsite health care, meals, personal care, social services and activities for ambulatory and in-patient residents. Such accommodations shall range from residential living arrangements to a hospice for the terminally ill.

(2) Such use shall include and shall be operated in connection with a licensed skilled nursing facility on the same site.

(3) A life care center may include the following types of facilities, within the limits of Subsection KK (4), below: offices for medical doctors, dentists and nurses with treatment in such facilities limited to residents from such facility, administrative offices, facilities for clergy, activities areas, physical rehabilitation facilities, hospice, medical examination and treatment facilities for residents, food preparation, dining rooms, place of worship, lounges, auditorium and meeting rooms, gift shop, health facilities, swimming pool, pharmacy, hairstylist, skin care center, medical supply use, optician, banking, limited living accommodations for resident physicians, interns, and visiting guests and such other medical services directly related to the health and well-being of the residents.

(4) All of the permitted nonresidential services and facilities shall be routinely intended for the service of residents and their invited guests only and there shall be no separate outside entrances to any of the above service facilities and no exterior advertising of same.

(5) A life care center shall comply with the following further conditions and regulations. In the Health Care Overlay District the following standards of the lot area listed below shall not apply. :

a. The tract of land devoted to the facility shall contain at least 15 acres.

b. There shall be a minimum front yard of 200 feet, side yards of 100 feet each, and a rear yard of 50 feet, except that where a side or rear yard abuts a residential property the minimum setback from such residential property shall be 125 feet.

c. No parking area shall extend beyond the front building line or closer than 50 feet to any side or rear property line.

d. Maximum building coverage – 20%.

e. Maximum impervious coverage – 40%.

LL. LIGHT BUSINESS CONVERSION.

(1) Purpose. This use is intended to recognize that certain existing dwellings abutting major highways are not well-suited for continued residential use. This provision allows the conversion of such homes into a small business, with the intensity limited to ensure that nuisances are not created for neighboring residences.

(2) Shall only apply to single-family detached houses that existed prior to January 1, 2014, and that are at least partially within 60 feet of and abutting the existing right-of-way a major arterial street, but shall not be permitted abutting Broadway Avenue.

(3) The use shall have a maximum of 10 employees on the premises at any point in time. No more than one medical doctor and/or chiropractic doctor shall work on the premises at any point in time.

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

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

(6) The applicant shall prove that driveways will have adequate sight distance.

(7) The use shall only have a single exterior commercial sign, which may have a maximum sign area of six square feet on each of two sides.

(8) Shall not operate in a manner perceptible from outside of the lot between 9:00 p.m. and 7:30 a.m.

(9) See § 803, Subsection 1H, regarding sight distance at an existing residential driveway onto an arterial street that is to serve a nonresidential use.

(10) The parking requirements of the applicable use shall apply (such as a medical office).

MM. LIVESTOCK, RAISING OF, OR ANIMAL HUSBANDRY.

(1) Minimum lot area – seven acres.

(2) See requirements of the State Nutrient Management Regulations for setbacks for manure facilities. Any newly developed indoor area used for the keeping of animals or indoor feeding areas that are part of a raising of livestock use shall be located a minimum of 300 feet from the following: lot lines of existing dwellings (except the dwelling of the operator of the livestock use), undeveloped residentially zoned lots,

existing restaurants and existing office uses and a minimum of 150 feet from all other exterior lot lines.

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

(4) Any area used for the keeping of animals as part of a raising of livestock use that is not regulated by the standards in Subsection II(2) and (3), above, shall be separated by a fence or wall and setback 50 feet from any lot line of an existing dwelling or an undeveloped residentially zoned lot.

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

NN. MANUFACTURED/MOBILE HOME ON AN INDIVIDUAL LOT OR WITHIN A MANUFACTURED/MOBILE HOME PARK.

(1) Shall be constructed in accordance with the 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development.

(2) Shall have a site graded to provide a level, stable and well-drained area.

(3) Shall have wheels and hitch removed.

(4) Anchoring. Shall be securely attached to the ground in such a way as to prevent overturning, shifting or uneven settling of the home, in compliance with the Construction Codes and consistent with the recommendations of the manufacturer.

(5) Outside of a Manufactured Home Park, shall be surrounded with an enclosure that has the appearance of a perimeter foundation. Within a Manufactured Home Park, such enclosure may be used, or the home may be enclosed from the bottom of the home to the ground or stand using skirting material compatible with the home.

(6) Shall have a pitched instead of a flat roof.

(7) Outside of a Manufactured Home Park, shall be located with the longest side facing the public street when determined by the Zoning Officer to be possible.

OO. MANUFACTURED/MOBILE HOME PARK.

(1) Shall comply with all of the provisions of the Subdivision and Land Development Ordinance [Chapter 22] that apply to a land development, including the submission, approval and improvements provisions, other than specific provisions altered by this Section. The placement of each manufactured home unit shall require a construction permit.

(2) Minimum tract size of three contiguous acres, which shall be under single ownership.

(3) Maximum average overall density – four dwelling units per acre. To calculate this density, land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodway or that has slopes of 15% or greater shall not be included. This density requirement shall not prevent the replacement of an existing manufactured home with a newer manufactured home.

(4) Shall have a twenty-five-foot buffer yard around the perimeter of the site, meeting the requirements of § 803. This buffer yard shall be 50 feet wide abutting lots that include existing single-family detached dwellings.

(5) Minimum separation between dwelling units – 20 feet. This separation distance may be reduced to 15 feet where necessary to accommodate the replacement of an older with a newer manufactured home.

(6) Minimum principal and ACCESSORY BUILDING setbacks:

a. From the exterior lot lines of the development – 50 feet.

b. From the cart ways of streets within the development that serve 10 or more homes – 25 feet. This setback may be reduced to 10 feet where necessary to accommodate the replacement of an older with a newer manufactured home.

c. From the cart ways of parking courts or streets within the development that serves less than 10 homes – 10 feet.

d. From the lot lines of existing single-family detached dwellings – 100 feet.

(7) Recreation Area.

a. A minimum of 15% of the total lot area of the entire development shall be set aside as common open space for the residents. Because manufactured home parks are required to provide their own common open space, a manufactured home park shall not be subject to additional common open space or recreation fee requirements under the Township Subdivision and Land Development Ordinance [Chapter 22], as amended.

b. Areas within the required buffer yards may count towards the minimum common open space, except for areas that specifically are not permitted to be counted.

c. The following areas shall not be permitted to be counted towards the minimum required common open space:

(i) That would not be accessible to pedestrians.
(ii) That would be within a stormwater basin, unless the applicant proves to the satisfaction of the Zoning Officer that such area would clearly be routinely and safely usable for recreation.
(iii) That would be within 15 feet of any principal building, other than a recreation building.
(iv) That would have a minimum width of less than 20 feet.

d. A minimum of 25% of the required common open space shall include contiguous tracts of greater than one acre.

(8) Each unit shall comply with the requirements for manufactured /mobile homes in § 402.

(9) A manufactured/mobile home park may include a recreation center for residents, a rental/management office, and maintenance buildings for the park, a swimming_pool and the sale of manufactured/mobile homes that will be placed on the tract. The park shall not include the sale of homes for placement off the tract.

(10) If any of these requirements conflict with those of the manufactured/mobile home park regulations of the Subdivision and Land Development Ordinance [Chapter 22], as amended, then the regulations of this Section shall apply instead.

(11) A minimum of two conveniently located off-street parking spaces shall be provided per dwelling unit. An appropriate area shall be set aside for the parking of recreational vehicles of residents and for overflow guest parking.

(12) Streets. Access to individual manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development. Streets within the development that provide access to reach 20 or more dwellings shall have a minimum paved cart way of 28 feet, and other local private streets shall have a minimum paved cart way of 20 feet. Curbs and sidewalks are not required on the private streets, but the private streets that serve five or more dwellings shall meet all other Township construction standards.

(13) The park shall include a paved pedestrian pathway system to connect major parts of the park and to provide access towards major adjacent pedestrian destinations.

(14) The park shall provide a system with adequate water supplies and water pressure for firefighting, based upon reviews by the Township Engineer and the Township fire officials.

(15) Solid Waste Dumpsters. See § 513.

(16) All home spaces shall be wired underground for cable television and telephone lines.

(17) The operator of the development shall ensure that the park is properly and safely maintained and shall supervise the installation of all dwelling units and utility connections.

(18) The operator of the park shall monthly report all arrivals and departures of adult residents to the Township Tax Collector.

(19) The maximum impervious and building coverages may each be increased by 10 percent beyond the zoning district requirements where necessary to allow the replacement of older manufactured homes with newer manufactured homes, within a park that existed prior to the enactment of this Ordinance.

PP. MINIMUM SECURITY FACILITY. (See also "JUVENILE DETENTION FACILITY" listed separately.)

(1) The site shall contain a minimum area of six acres undivided by any highway, right-of-way of any type, stream, lake or any other natural or manmade feature.

(2) The relationship of the site to any existing residence shall be such that any required or proposed security fencing shall not be less than 750 feet to the nearest portion of the residence.

(3) The relationship of the site to any existing commercial or industrial building shall be such that any required or proposed security fencing shall be not less than 300 to the nearest portion of the commercial or industrial building.

(4) The site shall be improved in accordance with the following minimum requirements:

a. The building shall be set back a minimum of 150 feet from the right-of-way line of the abutting collector or arterial street.

b. The site layout shall be such that any required or proposed security fence shall not be visible from the nearest right-of-way line of the abutting collector or arterial street.

c. A landscaping and screening strip not less than 75 feet in width shall be established along lot lines. Evergreen trees shall be planted and maintained as described in § 803 of this chapter except that there shall be a minimum six feet height for all evergreen plantings when planted. Any required or proposed security fencing shall be totally obscured from any and all points along the site perimeter during all seasons of the year.

d. A perimeter security road not less than 15 feet in width shall be constructed approximately centered on a cleared and graded strip having a minimum width of 75 feet located immediately inside of the landscaping strip and immediately outside of any required or proposed security fencing. The grade and profile of the cleared area shall provide continuous, full and complete visibility of the security fencing from one bend to another and shall be constantly maintained without any visual obstructions.

e. Driveways serving the facility shall have a minimum width of 24 feet. Parking lots, spaces and aisles shall meet all the requirements of Part 4 of this chapter. Parking spaces shall be provided as follows: staff parking, six spaces plus one space for each seven cells; visitor parking, one space for each 16 cells; official parking, one space for each 40 cells. One loading or receiving space, for commercial deliveries, having a minimum dimension of 10 feet by 40 feet shall be provided for each 200 cells. Any new or expanded parking lot for such a facility shall also meet all requirements of the Subdivision and Land Ordinance [Chapter 22], as a condition of facility approval.

f. Adequate provisions shall be provided by either surface drainage facilities or storm sewer facilities to transport runoff from twenty-five-year-frequency storm without localized flooding of improved areas of the site. A stormwater management plan shall be reviewed and approved by the Township Engineer.

g. Exterior lighting shall be provided by luminaries mounted not over 30 feet in height to provide the following minimum levels of illumination:

(i) A strip 75 feet in width adjoining the cell block areas. Average five foot-candles maintained but not less than two foot-candles maintained.

(ii) Minimum Security Exercise Area. Average five foot-candles maintained but not less than two foot-candles maintained.

(iii) Security Fence. Average five foot-candles maintained but not less than two foot-candles maintained.

(5) Building Design Standards. The building shall be designed in conformance with the Department of Labor and Industry requirements and the building code requirements adopted by Salisbury Township.

(6) The maximum height of any minimum security prison facility is two stories and/or 30 feet in height.

(7) The plan and application for review of a minimum security prison facility shall include a map illustrating the land uses, zoning Districts, schools, libraries, public parks and recreation areas, and social service facilities located within a one-mile radius of the subject property, measured from property line to property line.

a. The lot or premises occupied by the facility shall be separated by a straight line radius of no less than 1,000 feet to any type of residential care facility, social service facility, social welfare institution or similar type of facility, measured from property line to property line.

b. The lot or premises occupied by a facility shall be separated by a straight line of no less than one mile from another minimum security prison facility or juvenile detention center measured from property line to property line.

c. The lot or premises occupied by the facility shall be separated by a straight-line radius of no less than 1,000 feet from a school, or library, measured from property line to property line.

d. The lot or premises occupied by the facility shall be separated by a straight-line radius of no less than 1,000 feet from any residential use or residentially zoned property, measured from property line to property line.

(8) The facility must maintain a list of all residents accommodated during the past six months along with their sentence/offense. This report must be submitted to the Salisbury Township Police Chief by the first of every month for his/her review.

(9) If the Township finds that any of the requirements of this chapter or other Township ordinances are violated, or if any of the conditions of approval are not complied with, then the Township will immediately proceed with appropriate enforcement procedures as outlined in §§ 616.1 and 617 of the State MPC.

(10) The ratio of land to residents shall not exceed 35 residents per acre for the first six acres and shall not exceed 10 residents per acre for any additional acreage above the six-acre minimum lot size.

(11) Any accessways or roadways leading to the site shall be maintained in good condition with a paved asphalt, concrete or other permanent surface free of potholes or other damage.

(12) Maximum building coverage of the lot is 20%. Maximum impervious coverage is 45%.

(13) An applicant for a minimum security prison facility or juvenile detention facility must demonstrate that the applicant will provide adequate supervision and security for the safe operation of the facility and the safety and welfare of the Township residents and surrounding community and that adequate security measures are taken and provided at the site. The burden of proof shall be upon the applicant to ensure that the proposed project does not threaten public safety or welfare in any way. Reasonable conditions may be attached to any approval for a minimum security prison facility or a juvenile detention facility to ensure the safety and welfare of the public. Review and approval of a final emergency plan, as described in the following subsection, is necessary to meet this requirement and demonstrate complete safety for the facility and the surrounding community.

(14) The applicant shall prepare and make available to the Township fire, police and ambulance corps an emergency plan for the site. The emergency plan shall include, among other things, training, equipment, staffing and procedures for emergency evacuations, fire, flooding, rioting or any other emergency situation which may arise at the site. A draft of the emergency plan shall be provided to the Township fire, police and ambulance corps as well as any adjacent or surrounding municipalities that would be impacted by the proposed use for their comment and input prior to the finalization of the plan. When the emergency plan is finalized, the aforementioned municipal entities and departments shall be copied on the plan. The final emergency plan shall be reviewed and approved as part of the conditional approval process and no conditional approval shall be granted until a complete and acceptable emergency plan has been submitted to the Township.

QQ. MINERAL EXTRACTION.

(1) The following regulations shall apply if mineral extraction involves more than 5,000 square feet of land area in any calendar year:

a. A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of surface excavation.

b. The Zoning Hearing Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence. New trees shall not be required where preserved trees will serve the same purpose.

(2) The following minimum setback shall apply for the surface excavated area of a mineral extraction use and mechanical processing facilities from property that is not owned by the owner or operator of the mineral extraction use, unless a stricter requirement is established under State regulations: 300 feet from the lot line of an occupied dwelling, unless the owner of such dwelling provides a written waiver of the setback.

(3) Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.

(4) A plan shall be submitted showing sequential phases of mining activities on the land.

(5) A plan shall be submitted showing how dust will be controlled.

RR. NIGHTCLUB – Shall meet the requirements for an auditorium, commercial.

SS. NURSERY SCHOOL – See "day care, child" in this § 402 and § 403.

TT. NURSING HOME –

(1) Licensing. See definition in Part 2. The use shall comply with applicable State regulations.

(2) A minimum of 15% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

(3) Setback. Principal and ACCESSORY BUILDINGs shall be set back a minimum of 50 feet from a residential lot line in a residential District.

(4) The use shall not include a parking structure of more than one level within 500 feet of a residential lot line.

UU. PERSONAL CARE HOME / ASSISTED LIVING FACILITY OR HOSPICE

The standards for Nursing Homes in this Section shall apply.

VV. PICNIC GROVE, COMMERCIAL

(1) No outdoor area within 250 feet of an existing dwelling shall be actively used by patrons between the hours of 9:00 p.m. and 7:00 a.m.

(2) See noise and glare standards in Part 5.

WW. Place of Worship.

(1) Minimum lot area – 1 1/2 acres in a non-commercial District.

(2) Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship as long as requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot.

(3) A maximum of two dwelling units may be accessory to a place of worship on the same lot, which shall be restricted to bona fide religious leaders and other employees of the place of worship and their families.

(4) The use of any building for worship by a maximum of six persons who are not related at any point in time is not regulated under this chapter, and is permitted by right in all Districts.

XX. PLANT NURSERY

(1) Evergreen screening and buffer yards are not required around the outdoor storage of trees or shrubs.

(2) The only retail sales that shall be permitted shall be of trees and plants that were primarily grown upon the lot and clearly customary and accessory sales of closely related items (such as mulch, topsoil and tools) unless retail sales or a retail store are specifically permitted in the District.

(3) Minimum lot area – 1 1/2 acres if there is any retail sales.

YY. RECYCLING COLLECTION CENTER

(1) This use shall not be bound by the requirements of a solid waste disposal facility.

(2) 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.

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

(4) A twenty-foot buffer yard with screening as described in § 803 shall be provided between this use and any abutting residential lot line.

(5) 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.

(6) 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 onsite and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

(7) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and 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.

(8) 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.

(9) The use shall include the storage of a maximum of 200 tons of materials on the site if the use is within a residential District and within 500 feet of an existing dwelling.

ZZ. RESTAURANT, FAST FOOD OR STANDARD

(1) Dumpster Screening and Waste Containers. See § 513.

(2) A maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-through service is provided, if the words on such signs are not readable from beyond the lot line.

(3) Traffic circulation onto, within and off of the lot shall be clearly marked. 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.

(4) A detached building, including a fast-food restaurant, shall be setback a minimum of 300 feet from any other detached building that exists or has been approved to include a fast-food restaurant.

AAA. SCHOOL, PUBLIC OR PRIVATE, PRIMARY OR SECONDARY

(1) Minimum lot area – two acres, unless a larger acreage is required by another section of this chapter.

(2) No children's play equipment, basketball courts, competition athletic field playing area, retaining wall of more than 10 feet in height, or illuminated recreation facilities shall be within 25 feet of a residential lot line.

(3) The use shall not include a dormitory unless specifically permitted in the District.

BBB. SELF-STORAGE DEVELOPMENT

(1) All storage units shall be fire-resistant and water-resistant.

(2) 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.

(3) 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.

(4) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.

(5) Major bodywork on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the District and the use meets those requirements.

(6) Adequate lighting shall be provided for security. See § 511 regarding control of lighting.

(7) Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under § 803.

(8) Maximum building length – 250 feet.

(9) Minimum separation between buildings – 20 feet.

CCC. SHOPPING CENTER

(1) The parking requirements of this use shall only be met by parking spaces located in the same District in which the shopping center is permitted.

(2) Parking areas for grocery stories shall include appropriate fenced enclosures for shopping carts.

DDD. SOLAR ENERGY COLLECTORS, other than as allowed as an accessory use.

(1) A landscaped area with a minimum width of 20 feet with a mix of various species of trees, shrubs and vegetated ground cover shall be required, outside of any fencing abutting any public street or residential lot line if the solar collectors cover more than one acre of ground area. This landscaped area is not required to be a complete visual screen and trees may be clustered to minimize solar obstructions.

EEE. SOLID WASTE FACILITY (Including a sanitary landfill, solid waste-to-energy facility or solid waste transfer facility). See definition in Part 2.

(1) All solid waste storage, disposal and incineration shall be at least 200 feet from the following: public street right-of-way, exterior lot line, and one-hundred-year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.

(2) All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any residential District or publicly owned park or any existing dwelling that the applicant does not have an agreement to purchase or the banks of any perennial creek or river.

(3) The use shall be served by a minimum of two paved access roads, each with a minimum cart way width of 24 feet. One of these roads may be restricted to use by emergency vehicles.

(4) Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the Department of Environmental Protection. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.

(5) 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 chapter.

(6) Open dumps and open burning of refuse are prohibited.

(7) The applicant shall prove to the satisfaction of the Board of Commissioners 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.

(8) In cooperation with Pennsylvania Department of Environmental Protection requirements, an appropriate double liner and a system to collect and treat leachate and methane is very strongly encouraged for any sanitary landfill.

(9) The applicant shall prove to the satisfaction of the Board of Commissioners that the use would not routinely create noxious odors off of the tract.

(10) A chain-link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Commissioners that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed which shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

(11) A minimum total lot size of 20 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot size of five acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 750 tons per day.

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

(13) Attendant. An attendant shall be present during all periods of operation or dumping.

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

(15) 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.

(16) Under the authority granted to the Township under the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.1-

01 et seq., the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.

(17) Tires. See "outdoor storage and display" in § 403.

(18) 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.

(19) 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.

(20) The applicant shall provide a professional analysis of the expected impacts of the facility on air quality, groundwater quality and surface water quality and expected health hazards to humans.

(21) The applicant shall provide sufficient information for the Township to determine that the requirements of this chapter will be met.

(22) State Requirements. Nothing in this chapter is intended to supersede any State requirements. It is the intent of this chapter 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 Pennsylvania Department of Environmental Protection at the same time as they are submitted to the Department of Environmental Protection.

(23) The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of three years after any landfill is closed.

(24) A leachate treatment system may be an accessory use to a landfill, and a recycling collection center and/or bulk recycling center are permitted in combination with any permitted solid waste disposal facility.

(25) For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.

(26) Any permitted solid waste facility shall be owned by the Township, the county or a lawful municipal or county authority.

FFF. STABLE, Nonhousehold.

(1) Minimum lot area – four acres for three to nine horses, plus one acre for every three additional horses beyond the first nine.

(2) Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any lot line and 200 feet from any residential lot line.

GGG. SWIMMING POOL, Nonhousehold.

(1) The water surface shall be setback at least 50 feet from any existing dwelling.

(2) Minimum lot area – two acres.

(3) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of § 803.

(4) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height and/or building walls.

(5) Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: (A) on-lot septic system; or, (B) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system. The Township Engineer shall certify that the proposed drainage of the pool is adequate and will not interfere with the public water or public sewer system or with public streets.

(6) Water Service. Any inlet from a central water system shall be above the overflow level of the pool.

(7) Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

HHH. TARGET RANGE

(1) All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.

(2) An outdoor firearms target range shall comply with National Rifle Association standards and other applicable federal, State and local regulations.

(3) An outdoor firearms target range shall be located a minimum of 250 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless within a completely enclosed sound-resistant building.

(4) An outdoor firearms target range shall be fenced and be properly posted.

(5) The applicant shall show that the noise limits of Part 5 will be met.

(6) An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

III. TOWNHOUSES AND GARDEN/LOW-RISE APARTMENTS

(1) Maximum Number of Dwelling Units within Any Building or Within Attached Buildings. 16 for any building including garden apartments, eight for any other building(s).

(2) Density. The permitted maximum density for townhouses and garden apartments shall be based upon the amount of net buildable site area as determined in § 308.

a. The following areas are not required to be deleted from the buildable site area, provided that they do not include areas that are specifically required to be deleted under § 308:

(i) Rights-of-way of streets that do not exist or that were not previously approved.
(ii) Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that are not necessary for providing internal access for the development may be included as buildable area.
(iii) Stormwater detention basins.
(iv) Areas that will be dedicated as common open space.

b. The buildable site area shall be divided by the following amount of square feet per dwelling unit to determine the maximum permitted number of dwelling units within the tract.

R-3 District	7,500 square feet
R-4 and R-5 Districts	5,500 square feet for townhouses; 4,500 square feet for garden apartments

(i) If every dwelling unit in a development of 10 or more dwelling units is permanently restricted by deed and by

any lease to occupancy by at least one person age 55 or older, and to prohibit occupancy by any person under age 18 for more than 60 days per calendar year, then the above square feet per dwelling unit may be reduced by 1,500 square feet.

c. The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this chapter are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.

d. If a townhouse or garden apartment development will clearly be permanently restricted to persons age 55 or older and/or the physically handicapped, then the permitted number of dwelling units on the tract may be increased by 15%.

e. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.

(3) Variety in Design. Developments of more than 50 dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Variation in rooflines of structures is strongly encouraged.

(4) Changes in Facade. For every attached grouping of townhouses, a minimum of two changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of four feet. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings or differing setbacks along the front of a dwelling setback further than attached private garage structures.

(5) Buffer Yard. A ten-foot-wide buffer yard with screening shall be provided by the developer of the townhouses or garden apartments, as described in § 803, Subsection 2, between any townhouse or garden apartment principal buildings, and:

a. Any abutting existing single-family detached dwelling within 150 feet; or
b. The right-of-way of an expressway within 100 feet; or
c. The right-of-way of an arterial street that abuts the rear of townhouse units and is within 100 feet.

(6) Lot/Building Requirements.

a. Maximum building length – 200 feet.

b. Maximum building height of 2 1/2 stories measured above grade not to exceed 35 feet for a principal townhouse building; 40 feet and three stories for a principal garden apartment building; 25 feet and one story for an ACCESSORY STRUCTURE.

c. Minimum tract width and depth – 100 feet each.

d. Floor area – see § 801.

e. Minimum tract area – see § 307.

f. Maximum building coverage of the tract – 40%.

g. Maximum impervious coverage of the tract – 65%.

(7) Building Setback and Separation.

a. Minimum Setback for townhouse and garden apartment buildings, whichever is most restrictive:

(i) For principal buildings from all exterior lot lines (other than that of a single-family detached dwelling) and from all existing street rights-of-ways (other than expressways) exterior to the tract – 40 feet.

(ii) For principal buildings from the lot line of an existing single-family detached dwelling or the existing right-of-way of an expressway – 60 feet.

(iii) For principal buildings from an existing right-of-way of a street constructed within the tract* – 20 feet.

(iv) For ACCESSORY STRUCTUREs from a side or rear yard along the existing right-of-way of a street constructed within the tract* – 20 feet.

(v) For ACCESSORY STRUCTUREs from all lot lines exterior to the tract other than rights-of-way of preexisting public streets – 20 feet.

(vi) For ACCESSORY STRUCTUREs from all rights-of-way of pre-existing public streets – 40 feet.

* = or from the cart way of a private street if a right-of-way does not exist.

b. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.

(8) See §§ 403 and 306 for regulations on specific accessory uses. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and ACCESSORY STRUCTUREs that may be added or constructed in the future.

(9) Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 26 feet for any townhouse that: (a) has two or more off-street parking spaces located within 20 feet of the front of the townhouse; or, (b) has garage door(s) for two or more motor vehicles facing onto the front of a townhouse.

(10) Minimum Private Area.

a. For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.

b. If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus this 200 square feet.

c. Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.

d. Storage. If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a small storage area suitable for storing lawn maintenance equipment should be provided with appropriate outside access.

(11) Additional Requirements. For construction of private streets – see § 801, "Frontage onto Improved Streets." For preservation of natural buffers – See § 803, Subsection 2. For dumpster screening – see § 513.

(12) Architectural Renderings. Preliminary architectural renderings, models or photos are requested for any garden apartment or townhouse development of more than 25 units.

(13) Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.

(14) Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.

(15) Mailboxes. Any mailboxes provided within the future street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of noncoordinated types at the curbside are specifically discouraged.

(16) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.

(17) Common Open Space.

a. For any garden apartment or townhouse development involving 25 or more dwelling units, a minimum of 10% of the total land area shall be dedicated as common open space. This common open space shall be in place of fees-in-lieu of open space requirements of the Subdivision and Land Development Ordinance [Chapter 22]. Common open spaces are encouraged to be used as a buffer against any abutting major roads.

b. For any development that will not be limited to residents 55 years and older (and their spouses), at least 50% of the required common open space shall: (i) be contiguous; (b) has slopes of less than 10%; and, (c) be planted in grass and trees. If such development includes over 100 dwelling units, then part of the required common open space shall include approved types of children's playground equipment located over an appropriate soft surface and an open "pick-up" recreation field of less than 6% slope forming a rectangle of at least 200 feet in length and 100 feet in width.

c. For any development limited to persons 55 years and older (and their spouses), the required common open space shall be suitable for passive recreation, with appropriate landscaping, benches and paths or trails.

d. The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Board of Commissioners, that there will be an adequate permanent method in place to maintain the common open space.

e. Areas within 20 feet of a principal building shall not be used to count towards the required amount of common open space.

(18) Resubdivision. No lots of less than one acre that have previously been granted preliminary or final subdivision or land development approval and were subdivided to meet the standards of single-family detached dwellings shall be combined or resubdivided to allow the construction of townhouses or garden apartments.

(19) Condominiums. The division of land into individual lots is not required, but instead condominium ownership may be used.

JJJ. TREATMENT CENTER or Treatment Center, Out-Patient.

(1) For a Treatment Center that is residential, the applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Board of Commissioners as a conditional use.

(2) The applicant shall prove to the satisfaction of the Board of Commissioners that such use will involve adequate supervision and security measures to protect public safety.

(3) The Board of Commissioners may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

(4) See also § 112.5.I.

(5) The use shall be setback a minimum of 200 feet from any lot line of an existing dwelling in a residential district.

KKK. TREE HARVESTING, (See § 516.)

LLL. TRUCKING COMPANY TERMINAL.

(1) Minimum lot area – five acres.

(2) All tractor-trailer truck parking, outdoor storage and/or loading/ unloading areas that are visible from a residential lot line or publicly owned recreation use or Perennial River shall be screened from such areas by a planting area with a minimum width of 30 feet. This planting area shall include an all-season vegetative ground cover and the planting of deciduous shade trees, which shall meet the following requirements:

a. Meet provisions of the Subdivision and Land Development Ordinance [Chapter 22] that concern types and sizes of shade trees.

b. An average of one such tree shall be planted for each 60 feet of length of the buffer yard, but the trees may be planted at irregular intervals and may be clustered.

c. Be in place of any street tree requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].

d. Be of types selected to be resistant to diesel exhaust.

e. May be planted within the future street right-of-way.

(3) The use shall not be required to meet any Township requirements requiring landscaped areas to be placed in the center of paved areas.

(4) Any entrance for trucks, loading/unloading area, outdoor storage or truck parking area shall be a minimum of 250 feet from any dwelling.

(5) The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired or maintained.

MMM. VETERINARIAN OFFICE – (Includes ANIMAL HOSPITAL).

(1) A minimum lot size of at least 1 1/2 acres shall be required for those animal HOSPITALs treating small animals (such as cats, dogs, birds or snakes). A minimum lot size of at least three acres shall be required for those offices routinely treating large animals (such as cattle, horses or pigs).

(2) Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

(3) Outdoor animal runs may be provided for small animals for use between 8:00 a.m. and 8:00 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 four feet in height, to minimize dog barking.

(4) A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that District and the applicable requirements are met.

NNN. WAREHOUSE OR WHOLESALE SALES.

(1) See off-street loading requirements in § 605.

(2) No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses or similar items shall be permitted.

(3) Uses that would involve the entrance to the use of an average of more than 200 tractor-trailers per weekday shall be required to meet the additional standards in this Section for a truck terminal.

(4) See requirements in § 403 for outdoor storage or display.

OOO. WIND TURBINE(S), other than the one wind turbine per lot that is allowed as an accessory use by § 306.

(1) The wind turbine shall be setback from the nearest existing dwelling on another lot a distance not less than three times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.

(2) The audible sound from the wind turbine(s) shall not exceed 45 A-weighted decibels, as measured at the exterior of an existing dwelling on another lot, unless a written waiver is provided by the owner of such building.

(3) The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.

(4) Wind turbines shall not be climbable for at least the first 12 feet above the ground level.

(5) All wind turbines shall be set back from all public street rights-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.

(6) All wind turbines shall be set back from each lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot. Such waiver shall be recorded with the deed and be in a format acceptable to the Township Solicitor.

(7) The turbine shall include automatic devices to address high speed winds.

(8) Accessory electrical facilities are allowed, such as a transformer, provided that any building of more than 100 square feet shall meet setbacks for a principal building.

(9) The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.

(10) Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and have a setback from all street rights-of-ways and lot lines equal to the maximum total height.

(11) The applicant shall provide mapping of projected sound levels at various distances around the turbines.

(12) If a turbine is located within 200 feet from the adjacent topographic peak of South Mountain, it shall be setback a minimum of 500 feet from the nearest existing or approved wind turbine.

(13) If any information is available from the wind turbine manufacturing concerning average noise levels of the proposed turbine, such information shall be provided to the Zoning Officer.

§ 403. Additional Requirements for Accessory Uses.

1. 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 chapter.

2. 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 Part for a particular accessory use.

3. 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 chapter. See the list of essential services in § 306.

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

   A. ACCESSORY APARTMENT, One. Within an existing single-family detached dwelling or within an existing single-family semidetached dwelling (half of a twin dwelling).

(1) Any on-lot septic system shall be recertified if the sewage flows will increase.

(2) The building shall maintain the appearance of a single-family detached dwelling or a single-family semi-detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.

(3) The conversion shall not be permitted if it would require the placement of an exterior stairway greater than 10 feet in height on the front of the building, or would require the placement of four or more off-street parking spaces in the required front yard.

(4) Separate cooking and sanitary facilities shall be provided for each dwelling unit, except as provided for in Subsection 4A(9) below.

(5) Any off-street parking lot including four or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of § 803.

(6) One of the dwelling units shall be owner-occupied for a minimum period of 12 months following the conversion.

(7) The dwelling as it pre-exists shall have a total minimum floor area of 1,500 square feet and the principal dwelling unit shall retain a minimum floor area of 800 square feet, except for a building for a unit for care of a relative.

(8) A maximum of two total dwelling units are permitted.

(9) In addition to the requirements above, the following shall apply to a "UNIT FOR CARE OF A RELATIVE" (as defined in Part 2):

a. Shall mean a living unit especially created for and limited to occupancy by a close relative of the permanent residents of the principal dwelling unit. Shall involve accommodations that are needed to provide care and supervision to such relative because of old age, disability, handicap or illness.

b. Shall be restricted to occupancy by a relative (as defined in Part 2) of the principal dwelling unit.

c. Such dwelling unit shall be designed and installed in such a way that it can be easily reconverted into part of the principal dwelling unit after such relative no longer lives within it. Once such dwelling unit is no longer occupied by such relative, the dwelling shall be reconverted into an integrated part of the

principal dwelling unit or be completely removed within eight months.

d. The Zoning Office may require the occupants of the principal dwelling unit to periodically report the name, relationship and the general reason why such unit is needed to the Zoning Officer. Such information is required to ensure that the unit is being used as intended.

e. Once an apartment under this Subsection is no longer used for the authorized purpose, it shall be changed to no longer be a separate unit, and there shall be no physical evidence visible from the exterior lot lines that a separate apartment existed.

f. Such unit shall not have its own: (i) new exterior separate entrance; (ii) water meter; (iii) electric meter; (iv) payment of cash rent (other than a share of expenses) for the living space; or, (v) mailing address. Such unit shall also maintain an interior connection to the principal dwelling unit.

B. AMATEUR RADIO ANTENNA.

(1) Height. No amateur radio antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 65 feet in a residential District or 75 feet in any other District.

(2) Anchoring. See the Township Construction Codes.

C. COMPOSTING

(1) Shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste. The composting shall not include animal wastes or fats.

(2) Shall be conducted in such a way that a fire, rodent or disease-carrying insect hazard or noxious odors are not created.

(3) Composting areas of greater than one acre shall be setback 75 feet from lot lines of abutting lots. Areas of grass clippings composting of less than one acre shall be set back a minimum of 30 feet from any adjacent dwelling.

D. DAY CARE HOME, FAMILY. (See also "DAY CARE" for seven or more children in § 402).

(1) The lot must contain at least the minimum lot size required for the specific zoning District in which the day care is located.

(2) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.

(3) Any day care center involving seven or more children shall be considered a principal use and meet the standards of § 402 for such use, if permitted.

(4) The use shall be actively operated by a permanent resident of the dwelling.

(5) If four to six children who are not related to a permanent resident of the dwelling are cared for, then the following requirements shall be met:

a. Smoke detectors shall be provided throughout the building, an ABC-rated fire extinguisher shall be provided, exit lights shall be provided at outdoor exits and at least one exit/window shall be provided with an opening within six feet of the adjacent exterior grade level.

b. A minimum of 100 square feet of safe exterior play area shall be available.

(6) All family day care homes shall be licensed if required by the Pennsylvania Department of Public Welfare or its successor agency and verification of such licensing shall be submitted to the Township within six months of the issuance of a Township permit for a family day care. Failure to submit such verification within six months shall be grounds for revocation of Township permits.

(7) Family day cares shall resubmit an application annually so that the Township may verify that all requirements for family day care centers continue to be met.

(8) Any proposed exterior play area shall be buffered with either:

a. A six-foot solid fence meeting the requirements of § 403, Subsection 4E.

b. A four-foot fence with a landscape buffer meeting the requirements of § 803, Subsection 2. The buffer should be located along any portion of the play area that abuts another residential property.

E. FENCES and WALLS.

(1) Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A zoning permit is

required for all fences and walls (other than seasonal temporary snow fences designed to keep snow off of roads and that are not intended to push snow onto the property of another person, and temporary fences around active construction sites). Such temporary fences may have a maximum height of eight feet in a Residential District.

(2) Sight Distance, Stormwater and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of § 803, Subsection 1, nor obstruct safe sight distance within an alley. No fence or wall shall obstruct the flow of stormwater, except as part of a Township-approved stormwater system. No fence or wall shall be constructed within an easement in such a way that it would prevent use of the easement for its intended purpose.

(3) FENCES.

a. Front Yard. Any fence located in the required front yard of a residential lot in a Residential district shall have a minimum ratio of 2:1 ratio of open to structural areas, shall not exceed four feet in height and shall be constructed entirely of wood or a type of material such as fiberglass that the applicant proves to the satisfaction of the Zoning Officer has the appearance of wood (plus any required fasteners and any wire mesh attached on the inside of the fence). The front yard fence could also be ornamental wrought iron or aluminum decorative fencing and cannot exceed 3 feet in height.

b. A fence shall not be required to comply with minimum setbacks for ACCESSORY STRUCTUREs.

c. Height. A fence located in a Residential district in a location other than a required front yard shall have a maximum height of six feet, except; (i) a maximum of height of 10 feet is permitted to enclose a tennis or racquet sport court or a nonhousehold swimming pool or an electric substation provided that such fence is setback a minimum of 10 feet from all lot lines; or, (ii) if an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard.

d. Setbacks. No fence shall be built within the existing right-of-way of a street or within 10 feet of such right-of-way in a Commercial or Industrial district. A fence for a nonresidential use shall be setback a minimum of five feet from any abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. No fence shall be located within the paved area setback required under § 603.

e. Any fence that has one side that is smoother and/or more finished than the second side shall place that smoother and/or more finished side so that it faces away from the area that is enclosed, unless the fence abuts a business use.

f. 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.

g. Any green barrier (such as trees, shrubs, hedge and vines) shall have no height restriction. The Township Shade Tree Ordinance does require that a minimum clearance be maintained over streets and sidewalks.

h. The height of a fence shall be measured from the ground to the top of the main segment of a fence. The height of fence support posts may be a few inches higher than the maximum allowable fence height.

i. Barbed wire may be placed along the top of fences utilized for commercial or industrial use, but can only be placed starting at six feet above the ground.

j. Barbed wire fencing from the ground level upward is permitted only for the following land uses: agriculture, horticulture and the raising and keeping of farm animals.

k. All fences and walls shall be erected a minimum of six inches from side and rear property lines which abut neighboring lots. Fences and walls may be erected directly on these lot lines if the abutting property owner signs a consent form provided by the Zoning Officer. Said consent form shall bind all successors in title. Fences and walls may be erected directly on front and side lot lines abutting the existing legal rights-of-ways of streets and private alleys.

l. If a fence is located in a rear yard and has a height of 6 feet or less and is located 10 or more feet from any lot line, then a Township zoning permit is not required.

(4) WALLS.

a. 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. See structural regulations in the Construction Codes.

b. No wall of greater than three feet shall be located in the required front yard in a Residential district, except as a backing for a permitted sign at an entrance to a development.

c. A wall in a Residential district outside of a required front yard shall have a maximum height of three feet if it is within the minimum ACCESSORY STRUCTURE setback and six feet if it is not.

d. Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.

(5) GATES. All fences, walls or continuous hedges more than four feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

F. GARAGE SALE.

(1) See definition in Part 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.

(2) No garage sales shall be held on a lot during more than four days total in any three consecutive months.

(3) The use shall be clearly accessory to the principal use.

(4) Signs. See § 703.

(5) If more than one garage sale is being held per dwelling unit in a calendar year, then each additional garage sale shall require a permit from the Zoning Officer in advance.

(6) Such sale shall be limited to common household goods, furniture, items of a similar character or the property itself in the case of an auction.

G. GAS AND OIL WELLS as a Principal or Accessory Use.

(1) Gas and Oil Wells shall only be allowed where provided under § 306, (except where superseded by State or Federal regulations).

(2) A minimum setback of 300 feet shall be required from a Gas or Oil Well pad from any existing building on another lot. A minimum setback of 500 feet shall apply from a gas well head, gas storage tank or waste impoundment from any building on another lot. See other setbacks in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and

all related above-ground equipment to any street right-of-way or any lot line.

(3) A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.

(4) A minimum 4 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well.

(5) If any Gas or Oil Well or related mechanical equipment will be within 500 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks onto and off of the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures where a situation occurs unexpectedly and demands immediate action.

(6) A Zoning Permit shall be required for a Gas or Oil Well. Prior to receiving a Zoning Permit, the applicant shall also provide written notification to all adjacent landowners of record.

H. HOME OCCUPATION. (See definitions in Part 2.) The following standards shall apply to both light and general home occupations:

(1) The burden of proof shall be upon the applicant to prove that the standards of this Section will be met, especially regarding possible nuisances and truck traffic. Based upon the potential nuisances of a proposed general home occupation, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.

(2) The home occupation shall be conducted completely indoors, and may be within a principal or accessory residential building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 20% of the total heated, habitable floor area of the principal dwelling unit. A maximum of one home occupation shall be permitted per dwelling unit.

(3) There shall be no outdoor operations or outdoor storage of materials, products or equipment.

(4) Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except as is specifically permitted for a single sign for a home occupation in § 703.

(5) Truck Traffic. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds gross registered vehicle weight, except for deliveries a maximum of two times per week. The use shall not involve the parking of more than two trucks of any type on the lot

or on adjacent streets at any period of time. The use shall not need servicing by, deliveries by or parking of tractor-trailer trucks.

(6) Prohibited Uses. See the list in the definitions section of uses that do not qualify under the term "home occupation." A residential lot in a residential District shall not be used to repair or maintain a motor vehicle that is not registered to a resident of such lot or a person who is related to such a resident.

(7) Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.

(8) The use shall also comply with all environmental and nuisance control regulations of this chapter, including Part 5.

(9) Parking and Loading. In any case, a home occupation shall include an absolute minimum of one off-street parking space (which may include a space for the dwelling) and shall be determined by the zoning officer based upon the closest Use. The applicant shall prove to the satisfaction of the Zoning Hearing Board in the case of a general home occupation and the Zoning Officer in the case of a light home occupation that the use will include adequate off-street parking and loading spaces. The amount of parking in the front yard should be held to a minimum to maintain a residential character. Therefore, the Township may allow appropriate, safe on-street areas to be used to meet a portion of parking needs. If additional parking is needed beyond what can be accommodated using appropriate on-street spaces and a residential-style driveway, then the Township may require that such parking be provided in the rear of the home if practical and may deny the use of such rear parking cannot be accommodated.

(10) Building Appearance. The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.

(11) Hours. A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9:00 p.m. and 8:00 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.

(12) Hazardous Substances. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and

amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.

(13) Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.

(14) Law or Medical Office. The main office of a medical doctor, chiropractor, dentist or attorney shall only be allowed as a home occupation if the property abuts an arterial street and has a minimum lot area of 9,000 square feet.

(15) Number of Employees. A total maximum of one person shall work on the premises who are not a permanent resident of the dwelling, except a barber or beauty shop may not include any nonresident employees.

(16) Instruction. Any instruction or tutoring shall be limited to a maximum of: one student on the property at any one time and six students on the property on any day.

(17) Barber/Beautician. Any barber, beautician, hair stylist or similar personal service use shall only be permitted as a home occupation if: (a) only one person works on the premises, who must be a permanent resident of the dwelling; and, (b) if the property is within the R-4 District or a commercial District.

(18) If the home occupation involves work occurring on a vehicle(s), such vehicle(s) shall not be parked on the lot or on abutting streets overnight.

(19) Traffic. The use shall not routinely involve the arrival at the property for business purposes of more than 10 vehicles per day or the parking of more than four vehicles of nonresidents at any one time.

I. HOME PET CARE. This accessory business use shall apply to the care or keeping on a residential lot of up to 6 total dogs, cats or other domesticated pets. However, a maximum of 10 shall apply if such animals are regularly kept at least 200 feet from any residential lot line. On-site pets of the operator that are older than 4 months shall also count towards that maximum number.

(1) See the Township Ordinance that regulates excessive barking by dogs.

(2) This use shall only be allowed as an accessory use to a single family detached dwelling that is on a lot of greater than 20,000 square feet.

(3) Animals shall be kept indoors except for periods of less than 5 minutes at a time, or when they are being actively exercised during daylight hours under the supervision of the operator. Any outdoor area where

the pets are allowed to go without a leash shall be enclosed by a secure fence with a minimum height of 6 feet.

(4) Animal waste shall be promptly cleaned up and stored in a sanitary enclosed container that does not generate odors off of the lot.

J. OUTDOOR STORAGE AND DISPLAY. Commercial or industrial as a principal or accessory use.

(1) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use, required parking area or required paved area setback (see § 703).

(2) No such storage or display shall occur on areas with a slope in excess of 15% or within the one-hundred-year floodway.

(3) Screening. See § 803, Subsection 2, "Buffer Yards."

(4) TIRES. No more than 10 used tires shall be stored on a residential lot and shall be covered. Waste tires shall regularly be disposed of off-site in a manner consistent with state regulations and shall not be kept on-site for more than 6 months. Storage of more than 10 used tires shall only occur where it is a legitimate and necessary accessory use to a principal commercial or industrial use. If more than 100 tires are stored outdoors on a lot, each stack shall be a maximum of 15 feet high, and shall cover a maximum of 200 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet, shall be covered and shall be setback a minimum of 75 feet from all lot lines. See also PA. DEP regulations for waste tire storage, including setbacks from water features.

(5) No commercial or industrial outdoor storage or display shall occur within a required front yard, except: (a) vehicles for sale or rent; and, (b) trees, shrubs and plants for sale.

(6) See also this use listed under the "accessory use" portion of § 307.

K. PETS and ACCESSORY ANIMALS, KEEPING OF. (NOTE: This does not apply to raising of livestock which is regulated by § 402 nor to keeping of animals permitted as an accessory use under the definition of crop farming in Part 2).

(1) This is a permitted by right accessory use in all Districts.

(2) 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, an inhumane condition or a public

safety hazard. No dangerous animals shall be kept outdoors in a residential District, except within a secure, completely enclosed cage.

(3) The total number of dogs and cats shall be a combined maximum of six, except a maximum of 10 shall apply if such animals are regularly kept at least 200 feet from any residential lot line. No numerical restriction shall apply to cats and dogs of less than four months age, although commercial breeding shall only be permitted as a general home occupation.

(4) No more than 6 total pigeons, chickens, ducks, geese or similar poultry or fowl shall be kept on a residential lot of between 1/4 and 2 acres. A maximum of 12 such fowl shall be permitted under this Section on lots of two acres or more under this accessory use section. Such animals shall be kept away from the ground of property not owned or leased by the applicant. The shelter and pen shall be kept a minimum of 50 feet away from a lot line of a dwelling (other than a dwelling owned or occupied by the owner of the animals). The keeping of roosters is prohibited within a residential district. Animals shall not be slaughtered on the lot for food. The shelter or pen shall be maintained in a clean and sanitary manner that does not generate odors off of the lot. Animal feed and animal waste shall each be stored in rodent and insect-proof containers.

(5) A maximum of six rabbits over the age of three months may be kept, unless such animals would be kept completely indoors or a minimum of 75 feet from any dwelling other than that of the owner of the animals.

(6) In any zoning District it is permitted to maintain up to two horses on a lot of two acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any abutting lot line (other than a street right-of-way) and 175 feet from any existing dwelling other than that of the owner of the horses.

(7) Keeping of more than the specified number of cats or dogs shall be considered a kennel, except within a permitted retail pet shop.

(8) Keeping of more than the specified number of pigeons or fowl shall be considered raising of livestock, except within a permitted retail pet shop.

(9) Keeping of more than the specified number of horses shall be considered a stable.

(10) Only those animals that are domesticated and are compatible with a residential character shall be permitted under this § 403. Examples of permitted animals include dogs, cats, rabbits, gerbils and fish but do not include bears, goats, cows, venomous snakes, pigs (other than

miniature breeds) or sheep. A maximum of one pig, which shall be of a clearly miniature breed, may be kept under this § 403.

(11) Any area used for the keeping of bees shall be setback a minimum of 30 feet from all lot lines, from any dwelling (other than the residence of the keeper of the bees), and from any street right-of-way. If the bees are kept within 60 feet from such lot line, dwelling or right-of-way, a solid 6 feet high fence shall be placed between the bee-keeping area and such features. Such fence is not intended to be a complete enclosure.

(12) An unlimited number of fish may be kept, except if the fish are being raised in bulk quantities for resale as food, it shall be considered to be food processing.

(13) Animals, other than domestic cats, shall be kept within confined areas using an enclosure, chain or other humane method such that they do not run at large onto property of others.

(14) Wastes. Every keeper of animals shall cause the animals' feces to be collected daily. Such waste shall be kept in a closed rat-proof and fly-tight container or receptacle. At least twice a week, every keeper of animals shall cause such waste to be disposed of in a manner as to not permit the presence of fly larvae.

(15) Every keeper of animals shall cause all feed for such animals to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

L. RECREATIONAL VEHICLES, BOATS, CAMPERS AND PERSONAL CARGO TRAILERS STORAGE.

Within the CR, R1, R2, R3, R4 and R5 Zones or upon any property used principally for Residential purposes, the exterior storage of recreational vehicles, boats, campers and personal cargo trailers longer than 20 feet (excluding a Trailer hitch) is permitted only according to the following requirements:

(1) The parking of one recreational vehicle, travel trailer, boat or personal cargo trailer shall be permitted per lot in a driveway or atop any impervious surface in the front yard, so long as the vehicle is set back no less than ten (10) feet from any street right-of-way and five (5) feet from adjoining property lines throughout the months of June 1st through September 30th.

(2) The storage of one recreational vehicle, travel trailer, boat or personal cargo trailer shall be permitted per lot behind the existing front building line, so long as the recreational vehicle, travel trailer, boat or personal cargo trailer is set back no less than fifteen (15) feet from any adjoining lot line. Any area used for the storage of a recreational vehicle, travel trailer, boat or personal cargo trailer shall be

maintained so as to keep vegetation properly trimmed, debris or litter disposed of regularly and provide some means to prevent the leakage of fuels and/or lubricants into the ground. All vehicles shall maintain required licensure;

(3) Any recreational vehicle, travel trailer, boat or personal cargo trailer that is required to be registered or licensed under State law to be operated and is not registered or licensed or is not in transportable condition shall be kept out of view from any public street and any existing dwelling (other than that of the owner).

(4) If the recreational vehicle, travel trailer, boat or personal cargo trailer is kept within an existing garage the regulations referenced above do not apply.

M. Residential ACCESSORY STRUCTURE or USE. (See definition in Part 2).

(1) ACCESSORY STRUCTURE and uses (other than fences) shall not be within the required accessory use setback as stated in Part 3, unless specifically exempted by this chapter. See exemptions in § 306.

(2) ACCESSORY BUILDING on a lot with a lot area of one acre or less in a Residential district shall meet the following requirements:

a. Maximum total floor area of all Accessory buildings not to exceed 1,000 square feet.

b. Maximum of two Accessory buildings per lot.

(3) Any ramp constructed for skateboarding, in-line skating or bicycling shall be clearly intended for use by permanent residents of the dwelling and their occasional guests. Any such ramp shall be a maximum of five feet high (not including a top rail for safety) and 25 feet in total length (including the landing area) and no more than eight feet wide. The ramp shall not be used before 8:00 a.m. or after dusk and shall not be in use for more than three hours per day. Only one such ramp is permitted per lot. The ramp shall meet all setback requirements for an Accessory structure in that zoning district. The ramp shall be dismantled when not used for a period of nine months as a skateboard, in-line or bicycle ramp. Construction and position shall be completed to minimize the objectionable noise affects to surrounding properties.

(4) A residential lot in a Residential district shall not be used to repair or maintain a motor vehicle that is not registered to a current resident of such lot or a person who is related to a resident of such lot. See definition of related in Part 2.

(5) No residential lot in a Residential District shall include the use of spotlights or floodlights that shine directly onto dwellings or otherwise causes a nuisance.

(6) See also "tennis or racquetball court" in this Section.

(7) See also "swimming pools, household" in this Section.

(8) VEHICLE REPAIRS. No residential lot of less than one acre in a Residential district shall be used outside of an enclosed building for the following work upon a motor vehicle or a recreational vehicle that is not currently registered to a permanent resident of such lot if such work:

a. Involves spray-painting.
b. Involves structural body or frame work.
c. Involves substantial disassembly of a transmission.
d. Is perceptible from a lot line of a dwelling between the hours of 9:00 p.m. and 8:00 a.m.
e. Involves the payment of compensation for work, other than for actual expenses.

(9) A Residential Accessory structure may include a toilet and sink, but shall not include a shower, bathtub or a kitchen.

(10) ALTERNATIVE SEPTIC SYSTEM Location if impervious coverage is increased.

a. If an existing principal use meets all of the following conditions, then Subsection (b)(ii) below shall apply:

(i) The use is on a lot of less than one acre or is on a lot with three or more dwelling units.
(ii) The use is served by one on-lot septic system and does not have a preserved alternate septic system location that has been tested and found to meet applicable Department of Environmental Protection (DEP) septic regulations.
(iii) The applicant proposes to add 300 square feet or more of additional impervious coverage (considering total increases in such coverage from the date of adoption of this chapter).

b. If Subsection (10)(a) above applies, then prior to the granting of a permit, the applicant shall:

(i) Designate in writing and preserve an area of the lot for an alternate septic system location; and
(ii) Provide a written and signed letter from a State-certified Sewage Enforcement Officer (SEO) stating that such site, to the best of the SEO's knowledge, would meet applicable DEP septic regulations. Such letter shall be based upon a soil probe and consideration of DEP setback and slope requirements, but shall not require a percolation test.

N. RETAIL SALES OF AGRICULTURAL PRODUCTS GROWN ON THE PREMISES.

(1) The use shall be an accessory use incidental to a crop farming or raising of livestock use.

(2) The only retail sales shall be of agricultural products. A minimum of 50% of the products sold shall have been grown or raised by the operator of the retail sales use, or a member of his/her immediate family or a lessee of their land.

(3) Off-street parking shall be provided in compliance with the provisions of Part 6. No parking shall be permitted in such a way that it creates a safety hazard.

(4) All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.

(5) Signs. See § 709.

(6) 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-way at an intersection.

(7) A maximum of 800 square feet of building floor area may be used for such use.

(8) The use may occur as an accessory use within an existing dwelling or barn. Any stand shall be maintained in good condition.

O. SATELLITE DISH ANTENNAS.

(1) Intent. To provide for reception of satellite communications, while assuring that such uses will not detract from the character of any area or adversely affect property values. To recognize that the solidness and visibility of satellite antennas can create a very strong visual impact on a neighborhood compared to most other noncommercial antenna.

(2) Satellite antenna shall be a permitted by right accessory use in all Districts for all uses subject to the restrictions in this Subsection.

(3) A ground-mounted, roof-mounted or tower-mounted satellite dish antenna shall not exceed 12 feet in diameter for principal nonresidential properties and 4 feet in diameter for residential properties.

(4) For a principal non-residential use, no ground-mounted satellite dish antenna with supports shall exceed 18 feet in height and no roof-mounted or tower-mounted antenna shall exceed an overall height of 10 feet above the highest point of the roof. For a residential use, a satellite dish antenna shall be attached to a building and not exceed the height of the roof by more than 5 feet.

(5) The following criteria shall apply to ground-mounted satellite dish antennas that are visible from a residential lot or a public street:

a. Such antennas shall be a minimum of 15 feet from side and rear lot lines.

b. Such antennas shall be erected or maintained behind the rear wall of the principal building, except where the subject property is on a cul-de-sac or corner lot where the side yard is larger than the rear yard, in which case the antenna may be located in said side yard as long as the required side yard setback is retained. No portion of an antenna array shall extend beyond the front wall of the principal building on a lot. Guy wires shall not be anchored within any front yard area, but may be attached to the building.

c. Materials and colors that blend with the surroundings to the maximum extent possible shall be used for such antenna.

(6) A building permit shall be secured from the Township prior to installation of any satellite dish antenna with a diameter greater than 3 feet. Such application shall be reviewed by the Township Zoning Officer, Building Inspector and Electrical Inspector prior to issuance of the permit.

(7) The standards of this Section shall only apply to a satellite dish antenna as an accessory use, and shall not apply to antenna or towers regulated under “Commercial Communications Towers” in § 402.

P. SOLAR ENERGY COLLECTORS as an accessory use.

(1) Solar energy collectors may be attached to any building roof and may extend up to 10 feet above the maximum building height.

(2) Solar energy collectors as an accessory use that are not attached to a building roof may cover a maximum of 5 percent of the lot area, shall have a maximum total height of 15 feet and shall meet setback requirements for an ACCESSORY BUILDING.

Q. STORAGE CONTAINERS, Temporary. See § 807.

R. SWIMMING POOL, Household. (Referred hereafter as "pool.")

(1) The pool shall not involve any commercial use.

(2) Fencing/ Enclosure of a Pool. The requirements of the Construction Codes shall apply.

(3) Location. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. Where practical, a pool shall be located to the rear of a dwelling. A pool is not permitted within a required front yard. The water surface of any swimming pool, as well as any deck or shelter that is elevated above the average surrounding ground level, shall meet the following minimum setbacks:

a. Ten feet from the lot line of an abutting dwelling in the R-3, R-4 and R-5 Districts.
b. Fifteen feet from the lot line of any other abutting dwelling.
c. Six feet from any other lot line.

(4) Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: (a) on-lot septic system; or, (b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

(5) The Township does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.

(6) Water Service. Any inlet from a central water system shall be above the overflow level of the pool. If the water for a pool is supplied by a private water system, there shall be no crossed connection with the central water system.

(7) Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

(8) No pool shall be located under any overhead electric power line.

S. TENNIS OR RACQUETBALL COURT.

(1) A tennis or racquetball court shall not be located in the front of a dwelling and shall not be located within any required accessory yard areas. A tennis or racquetball court shall not be located within 15 feet of an abutting lot line of an existing dwelling. See also the requirements for fences and walls in this Subsection.

(2) No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.

(3) A tennis or racquetball court shall not be located over a drainage field of an on-lot sewage disposal system.

T. UNIT FOR CARE OF RELATIVE. See under "ACCESSORY APARTMENT, ONE" in this § 403.4.A.(9).

U. WIND TURBINES, Maximum of One per Lot, as Accessory Use.

(1) All wind turbines shall be set back from each lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.

(2) The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.

(3) The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity.

(4) A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.

(5) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.

(6) The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and over speed controls.

(7) In a residential District, the maximum total height above the ground level to the tip of the extended blade shall be 90 feet. In any other District, the maximum height for a wind turbine approved under this Section shall be 150 feet.

(8) New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

(9) Contiguous property owners may construct one wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners.

Part 5

Environmental Protection

§ 501. Performance Standards.

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

§ 502. Nuisances and Hazards to Public Safety.

1. No landowner, tenant nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:

   A. Activities that encourage the breeding of disease-prone insects or rodents.

   B. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards. (See § 506 "Storage of Hazardous and Explosive Substances.")

   C. Activity that causes serious pollution to ground waters or surface waters.

2. See the provisions of the Property Maintenance Code regarding proper maintenance of buildings.

3. Township Removal of Hazards. If the Zoning Officer becomes aware of a serious threat to the public health and safety, the Zoning Officer may, but is not required to, order the property owner to resolve the hazard. If the hazard is not resolved within a reasonable specified period of time after such notice, the Township may, at the option of the Board of Commissioners, remove the hazard or contract for its removal. In such case, the property owner shall be required to compensate the Township for all such expenses for such work and any reasonable accompanying legal and administrative costs. However, the Township does not take responsibility for identifying or removing all hazards.

§ 503. Wetlands, Seeps, Vernal Pools and Springs.

1. If the Zoning Officer or the Township Engineer has reason to believe that a portion of a site proposed to be altered may meet the State or federal definitions of a wetland, the Zoning Officer may require the applicant to provide an on-site study by a qualified professional delineating the locations of wetlands. However, the Township accepts no responsibility to identify all wetlands or to warn parties of such possibilities. The presence of hydric soils, hydric vegetation typically found in wetlands or other hydrological indicators may be indicators of an area needing more detailed study. Sufficient information shall be provided to the Township for a thorough review.

2. All permits of the Township are issued on the condition that the applicant comply with federal and State wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for noncompliance with such regulations.

3. Seeps, Vernal Pools and Springs. In any area suspected of possibly including a spring, vernal pools or seep, the applicant shall have field research conducted on the property to identify and map any seeps or springs.

4. Setbacks. A minimum setback of 50 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any identified seep, vernal pool or spring and any delineated "wetland." A minimum 50 feet setback shall also apply between the cart way of a proposed street and any seep, vernal pool, spring or wetland.

§ 504. Floodplain Areas; Setbacks from Surface Waterway; High Water Table Soils.

1. FLOODPLAINS. All uses and structures shall comply with the Township Floodplain Ordinance [Chapter 8] as a condition of this chapter.

   A. A building shall not be constructed, placed or otherwise newly located within the 100 year floodplain. A swimming pool that has sides that extend more than 3 feet above the ground shall not be constructed, placed or otherwise located within the 100 year floodplain.
   B. After requesting a review by the Township Engineer, the Zoning Officer may require an applicant to perform a study of the extent of the 100 year floodplain along an alluvial soil area, intermittent stream, channel or swale that where the 100 year floodplain was not officially delineated previously. In areas determined to be subject to a 100 year flood, the same Township regulations shall apply as if the area had been previously officially delineated as being within the 100 year floodplain.

2. PURPOSE OF SETBACKS. To protect the water quality of surface waterways, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants and provide for setbacks that can be used as required yard areas for a use.

3. SETBACKS FROM SURFACE WATERWAYS. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of the primary bank of a major surface waterway and 75 feet of the top edge of a minor surface waterway. See the Township floodplain map in case a wider area is regulated under the Floodplain Ordinance [Chapter 8]. The exact location of the top edge of the primary bank shall be determined by the Township Engineer. Major surface waters are defined as the Lehigh River. Minor surface waters are defined as the Little Lehigh Creek, Trout Run Creek and Cedar Creek.

4. EXEMPTION. The setbacks of this Section shall not apply to public utility facilities or publicly owned recreational facilities.

5. SETBACK AREAS AND CONSTRUCTION. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this Section undisturbed, except at approved approximately perpendicular crossings.

6. VEGETATION. Within a setback required under Subsection "3.", the applicant shall describe natural vegetation and trees that will be removed or replaced. Where trees and natural vegetation are removed within such setback, the applicant shall plant new trees and other vegetation that will serve the same or better environmental effect to avoid erosion and to filter pollutants from runoff.

7. HIGH WATER TABLE SOILS.

   A. At the time of review of a proposed subdivision or land development, the Zoning Officer may require that an on-site investigation be conducted for the purpose of determining the location of a high water table if any of the following conditions exist:

      (1) Soil mapping of the US Natural Resource and Conservation Service or a more reliable source indicates that the area includes soils with a seasonal depth to water table of less than 3 feet below the surface,
      (2) Wetlands are present on the property or
      (3) There are other visual indicators of the presence of a high water table.

   B. The Township may require that test excavations be subject to observation by a representative from the Township. The determination of areas with high water table shall be made by a qualified soil scientist or other professional who is acceptable to the Township.

   C. Areas that are to be permanently restricted against use for any buildings or parking through an easement or deed restriction are not required to be tested.

   D. The lowest enclosed floor of a new principal building, including any basement, shall be built a minimum of 6 inches above the seasonal high water table elevation. Any new principal building shall be constructed to limit the need for ground water pumping.

§ 505. Steep Slopes.

1. PURPOSES. This Section is intended to serve the following purposes, to avoid problems that typically accompany development of steeply sloped and adjacent areas:

   A. To avoid severe soil erosion and sedimentation, especially considering that most of the areas affected by this Section have a severe vulnerability to erosion based upon information provided by the U.S. Natural Resources Conservation Service.

B. To avoid severely increased stormwater flows and speeds, especially recognizing the existing severe stormwater problems and overloaded sanitary sewer systems from stormwater infiltration downhill from most of the areas affected by this Section, and especially recognizing the difficulty of regulating stormwater control on small developments and single lot construction, and the severe aggregate stormwater impact of numerous such small developments.

C. To recognize the recommendations of the Lehigh Valley Planning Commission's Comprehensive Plan for Lehigh and Northampton Counties regarding natural feature conservation.

D. To steer development to those areas that are more physically suited for it.

E. To avoid construction of steep roads that is difficult, time-consuming and expensive for maintenance and snow removal.

F. To avoid increased use of steep roads and driveways that is dangerous to drive upon in snow and ice and in wet conditions.

G. To recognize that although there are areas that are not steep within the C-R District, it usually is necessary to develop adjacent steep areas in order to develop the non-steep areas.

H. To seek to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats.

I. To recognize that many of the areas affected by this Section include natural springs, wetlands and major drainage channels that are very important parts of the hydrological cycle, to protect water quality, water quantity, aquatic habitats and public water supplies (including the Little Lehigh Creek and Allentown's Crystal Spring).

J. To allow each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land.

K. To recognize that the Township has allowed and continues to allow and direct a reasonable amount of intense growth in more physically suitable portions of the Township. This especially includes areas where public sewer service is efficiently available, thereby using less total land to accommodate the same number of dwelling units than if such development occurred in areas without public water service.

L. To base the permitted intensity of development upon the physical characteristics of a parcel to support development, especially the steepness of slopes.

M. To recognize that development of many of the less steep areas affected by this Section would require increased use of existing steep roads that are not

suitable for intense traffic because of slope, limited sight distance, horizontal and vertical alignment problems and limited width, and that it would be difficult to improve these roads to an acceptable level because of the cost, presence of wetlands, limited right-of-way and steep slopes.

N. To recognize that many of the areas affected by this Section are difficult to efficiently serve with community facilities and services because of distances involved, steepness of roads and inaccessibility, including the following services: fire truck access, emergency medical response, police response, active recreation facilities, school busing, street maintenance, snow plowing and public water supply.

O. To recognize that most of the areas affected by this Section are not served by a public water system, this limits amounts of water available for firefighting.

P. To minimize the necessity for State, municipal and private expenditures to correct soil erosion, subsidence and sedimentation problems.

Q. To recognize that the Trout Creek and Little Lehigh Creek already suffer from severe silting problems after heavy rains.

R. To recognize that the open space option in § 310 that provides an opportunity for economical development of a tract by clustering the units on the less steep areas, thereby lowering construction, grading, road and improvement costs.

S. To recognize that central sewage service is not expected to be available in the majority of the C-R District, and that on-lot septic systems frequently have a higher rate of failure on steep areas than less steep areas.

2. DEFINITION OF CONSTRUCTION AREA. For the purposes of this Section, construction area shall mean the total land areas proposed to be used for and/or within any and all of the following:

A. Areas within the proposed lot that are within 15 feet of any or all of the following existing or proposed features:

(1) Principal buildings or principal structures (other than the required rear yard in Subsection 2C below).

(2) ACCESSORY STRUCTURE or uses existing or proposed at the time of development of the principal building or structure.

(3) An ACCESSORY BUILDING of more than 500 square feet building coverage.

B. Areas within the proposed lot that are within 10 feet of any existing or proposed gravel or paved areas (including driveways) serving nonresidential uses, other than walkways.

C. Areas within the proposed lot that are within 40 feet of the rear of a principal building.

D. Areas within a directly abutting portion of a proposed public or private street, from the centerline inward to the closest lot line of the abutting lot.

E. Gravel or paved areas (including driveways) serving residential uses other than walkways.

F. Areas proposed to be graded.

3. SLOPE OF CONSTRUCTION AREA. The slope of the construction area shall be defined as the highest slope that is present within the construction area prior to disturbance. See the exceptions subsection of this Section. The contours of land regulated by this Section shall not be altered prior to documentation, submission and regulation under this Section. The slope shall be based upon two-foot or five-foot contours within areas proposed to be disturbed, unless the Township Engineer pre-approves a different contour interval.

4. EXCEPTIONS TO SLOPE REQUIREMENTS.

A. Small Areas of Slope.

(1) If the areas of over 8% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 8% slope to apply.

(2) If the areas of over 12% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 12% slope to apply.

(3) If the areas of over 15% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 15% slope to apply.

(4) If the areas of over 25% slope within the construction area total less than 400 square feet, that by itself shall not cause the requirements related to over 25% slope to apply.

B. Existing Roads. The disturbance of sloped areas for widening, alignment improvement or sight distance improvement of an existing street for public safety reasons or that is required by, approved by or accomplished by the Township or PennDOT shall not by itself cause the requirements of this Section to apply.

C. ACCESSORY STRUCTUREs. The construction or placement of a customary ACCESSORY STRUCTURE or use of up to 600 square feet building coverage on a lot after the issuance of the original occupancy permit for a principal

building or structure shall not by itself cause the requirements of this Section to apply provided that no earthmoving shall occur on areas of over 25% slope.

D. Man-made Slopes. The alteration of slopes that were clearly lawfully manmade (such as walls of a detention basin or quarry or excavated banks along a street) shall be regulated by a reasonable estimate of the natural slope of such land and not by the degree of such manmade slope.

E. Building Expansion. The expansion of the building coverage of an existing permitted residential building up to 50% beyond the total building coverage that existed at the time of adoption of this Section shall not by itself cause the requirements of this Section to apply. This 50% maximum shall apply to the cumulative total of all expansions over the life of the building. This exemption shall only apply if there is no earthmoving on areas with a natural slope of over 25% slope.

F. Recreation. The development of non-commercial open space recreation uses are by a governmental agency or an established nature conservation organization including, but not limited to, parking to serve common open space or the development of public recreational facilities shall not by itself cause the requirements of this Section to apply.

5. LOT AREA IN CR OR WITHOUT PUBLIC SEWER SERVICE. The following shall apply: (A) in the CR Zoning District; or, (B) in other zoning Districts when the dwelling or principal uses will not be served by public sewer service: Whichever of the following is most restrictive shall apply:

If the maximum slope within the construction site area is:	**The minimum lot area shall be:**
8% or less	2 acres
Over 8% and up to 12%	2.5 acres
Over 12% and up to 15%	4 acres
Over 15% and up to 25%	5 acres
Over 25%	Earthmoving prohibited except as permitted by special exception by this Section.

6. SLOPED AREAS WITH SEWAGE SERVICE. The following, whichever is most restrictive, shall apply for dwellings or principal uses using public sewer service in districts other than the CR district:

If the maximum slope of the construction area is:	**The minimum lot area shall be:**
15% or less	No additional requirements under this Subsection

If the maximum slope of the construction area is:	The minimum lot area shall be:
Over 15% and up to 25%	2 acres with a 125 feet minimum lot width
Over 25%	Earthmoving prohibited except as permitted by special exception by this Section

7. EARTHMOVING ON SLOPES. No earthmoving activities shall occur within areas of a construction area or in preparation for or related to construction or development, on slopes of over 25% in any zoning District, except:

   A. As provided for by the exceptions subsection of this Section; and

   B. If the applicant proves to the satisfaction of the Zoning Hearing Board under the special exception procedures that all of the following conditions would be met:

      (1) That disturbance of such slopes is necessary to allow development of a single permitted principal use or single principal building on an undeveloped existing lot of record of at least six acres. This shall not permit disturbance of slopes of greater than 25% for expansion of an existing use or building.

      (2) That slopes of over 30% will not be altered or disturbed.

      (3) That there are no areas of less than 25% slope on the lot that are reasonably physically suitable for the construction area.

8. INCREASE OF SLOPE.

   A. If more than 5,000 square feet of land area is increased in slope so that the average resulting slope is greater than 15% and more than 6% above the pre-existing slope, the applicant must prove to the satisfaction of the Township Engineer that stormwater will be adequately managed to prevent increased flooding or erosion to other properties.

   B. The maximum slope resulting from excavation or earth fill shall be three feet horizontal to one foot vertical, unless the applicant provides professional engineering certification acceptable to the Township Engineer that the finished slopes will be safe and stable.

9. MAXIMUM SLOPE OF STREETS. See the "streets" section of the "design standards" part of the Township Subdivision and Land Development Ordinance [Chapter 22].

10. EROSION CONTROL. If slopes of greater than 15% are to be disturbed, the applicant shall submit to the Township and carry out an acceptable sedimentation

and erosion control plan. The Township may then require that such plan be submitted to and found acceptable by the County Conservation District. There shall be compliance with all State sedimentation and erosion control regulations that are in effect at the time of the approval of the erosion and sedimentation control plan, and compliance with such regulations shall be a condition of all permits issued under this chapter.

11. SLOPE SUBMITTAL REQUIREMENTS. Applicants proposing uses affected by this Section shall provide the following information to the Township as part of preliminary subdivision or land development plans or on a separate site plan where a SALDO plan is not required. Such designated construction area shall be binding upon future owners of each lot unless such applicant provides a revised site plan that proves to the satisfaction of the Zoning Officer that a revised construction area location would not cause a larger lot area to be required and would meet all other requirements of this chapter.

    A. Mapping of slopes, with identification of the following intervals:

        (1) Eight percent or less.
        (2) Over 8% and up to 12%.
        (3) Over 12% and up to 15%.
        (4) Over 15% and up to 25%.
        (5) Over 25%.

    B. Location, width and maximum slope (if greater than 12%) of proposed driveways.

    C. Location of proposed construction area.

12. See also the Site Capacity Analysis Regulations in § 308.

§ 506. Storage of Explosive and Hazardous Substances.

1. See the requirements of the State Fire Code, as amended.

2. FENCING. (See § 513.)

3. WATERWAYS.

    A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or seriously harm aquatic life of a waterway.

    B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded, if needed, by a berm that would drain any spilled substance to an engineered collection area, or other method approved under Subsection 4 below.

4. CONTINGENCY PLANS. An industrial use that will involve the manufacture, storage or handling of a total of 200 or more gallons or equivalent volume of hazardous substances (as defined in Part 2) over the course of a calendar year or that will involve the use of toxic substances shall only be developed if the applicant files a copy of a current preparedness, prevention and contingency plan (PPC) with the Township Zoning Officer or Emergency Management Coordinator.

5. All hazardous substances shall be properly labeled.

§ 507. Sewage Disposal.

1. All methods of wastewater disposal shall meet requirements of the Department of Environmental Protection, Township construction standards and the Official Township Sewage Facilities Plan, as amended, as applicable.

2. RECERTIFICATION OF ON-LOT SYSTEMS. Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.

3. BACK-UP/ALTERNATE SEPTIC DRAIN FIELD. See the Township ordinance regulating individual and community sewage systems, which requires a lot served by an on-lot septic system to include an alternate drain-field location meeting Department of Environmental Protection requirements.

   A. See § 403, Subsection 4K, concerning requirement for an alternative septic location for the additional impervious coverage on a lot of less than one acre or on a lot with three or more dwelling units.

4. ON-LOT SYSTEMS AND LOT AREA. A more restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon Department of Environmental Protection regulations.

5. NONRESIDENTIAL SEPTIC SYSTEMS. A nonresidential use served by an on-lot septic absorption field shall not generate more average wastewater flow into such system than would be equal in flow to an average of one equivalent dwelling unit per acre of lot area.

6. If impervious coverage is added to an existing residential lot, see also § 403.4.N(10).

§ 508. Noise.

1. No use 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 the lot line of a dwelling in a residential district	1) 7:00 a.m. to 9:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July, Labor Day and Memorial Day	65 dBA
	2) 9:00 p.m. to 7:00 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, 4th of July, Labor Day and Memorial Day	55 dBA
10 feet inside an industrially zoned lot	All times and days	75 dBA
10 feet inside any lot line not listed above	All times and days	70 dBA

Note – dBA means "A" weighted decibel.

2. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five dBA.

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

   A. Sound needed to alert people about an emergency.

   B. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 9:00 p.m., except for clearly emergency repairs which are not restricted by time.

   C. Household power tools and lawnmowers between the hours of 7:00 a.m. and 9:00 p.m.

   D. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.

   E. Railroads and aircraft.

   F. Public celebrations specifically authorized by the Board of Commissioners or a county, State or federal government agency or body.

   G. Unamplified human voices.

H. Routine ringing of bells and chimes by a place of worship or municipal clock.

§ 509. Vibration.

No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional nonroutine blasting or the use of construction equipment that may be necessary during construction of streets, structures, utilities, excavation and grading.

§ 510. Odors, Dust and Air and Water Pollution.

1. ODORS AND DUST. No use shall generate odors or dust that is significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using normal farming practices within: (A) Act 133 of 1982, as amended, the State "Right to Farm Act, 3 P.S. § 951 et seq.;" or, (B) an official agricultural security area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

2. AIR AND WATER POLLUTION. All uses shall comply with federal and State air and water pollution regulations as a condition of any Township permit.

§ 511. Light, Glare and Heat Control.

1. STREET LIGHTING EXEMPTED. This Section shall not apply to street lighting that is owned, financed or maintained by the Township or the State.

2. All streets, off-street parking areas and driveways, except a driveway and off-street parking area accessory to a single-family detached dwelling, a semidetached dwelling (twin) or a single-family attached dwelling (townhouse) shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Such minimum lighting on all parking spaces shall be one foot-candle. A higher level of illumination may be required by the Township, based upon the most current I.E.S. Lighting Handbook.

3. Adequate shielding on the luminaire or buffer planting shall be provided to protect adjacent residential properties from the glare of such illumination and from that of automobile headlights using such streets, off-street parking areas and driveways.

4. Parking lot and street lighting standards luminaires that are within 300 feet of a residential lot line shall have a mounting height of 20 feet or less above finished grade. Elsewhere, lighting standards shall have a mounting height of 30 feet or less above finished grade.

5. DEFINITIONS. Mounting height is hereby defined as the distance that the bottom of the luminaire is above the finished grade. Luminaire is defined as the light unit on a lighting standard. The vertical dimension of the luminaire shall not exceed 36 inches.

6. At any property boundary which abuts a residential lot line, the illumination level from the luminaire shall not exceed 1/2 foot-candle. No light source shall be visible at the point 50 feet from the lot line at a height of more than four feet above grade.

7. It shall be noted that additional approval by PPL is required for PPL installation, but Township approval shall not be contingent upon approval by PPL.

8. Spotlights shall not be directed from one property into an abutting dwelling or onto the porches of an abutting dwelling.

§ 512. Filling, Excavating and Grading.

1. EROSION. All Township permits are granted on the condition that State erosion and sedimentation regulations and any officially submitted erosion and sedimentation plan are in compliance. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.

2. DRAINAGE. The ground adjacent to a building shall be graded so that surface water will be drained away from such building.

3. No grading shall be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.

4. FILL. Materials used for fill as a future base for construction shall be nonbiodegradable, well compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt in the opinion of the Township Engineer that the subsurface is suitable and secure for the proposed use.

5. DUMPING. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.

§ 513. Placement and Screening of Waste Containers and Outdoor Machinery and Fencing of Storage.

1. PLACEMENT. Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school or other noise sensitive use.

2. SAFETY. General types of toxic, biological, electrical and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.

3. SOLID WASTE CONTAINERS.

   A. Screening. All trash dumpsters shall be screened on at least three of four sides (not necessarily including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

   B. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from a dwelling unit on an abutting lot.

   C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain adequate outdoor solid waste receptacles at convenient locations on the property for customer use.

4. FENCING OF OUTDOOR STORAGE AND MACHINERY. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of nine to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer that such fencing or walls are not needed:

   A. Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land.

   B. Stationary hazardous machinery and equipment that are outdoors.

   C. Outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases or substances.

§ 514. Radioactivity and Electrical Disturbances.

1. No use shall routinely cause electrical, radio or electromagnetic disturbances to equipment on other lots, except for overhead electric lines that comply with Pennsylvania Public Utility Commission standards.

2. No radioactive wastes shall be disposed of in any District, and no radioactive wastes shall be stored on a lot for longer than 90 days after their active use is completed. See also Pennsylvania Department of Environmental Protection regulations.

§ 515. Stripping of Topsoil.

The permanent stripping and removal of more than 50 percent of the topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This Section shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop farming practices. This 50 percent restriction shall apply to any individual action, as well as to the total removal of topsoil from the lot over any length of time (such as 25 percent one year, and 25 percent the next year).

§ 516. Tree Harvesting, Woodland Preservation, and Cutting of Trees (includes but is not limited to "Forestry" as defined by the MPC).

1. PURPOSE. The presence of living trees in our surroundings is important and desirable from an ecological, environmental and aesthetic standpoint, to manage stormwater runoff and minimize flooding, to protect water quality, improve air quality, and to control erosion. Trees also help to regenerate groundwater supplies. Tree harvesting is allowed but should be regulated to ensure that environmental, forest management and aesthetic goals are realized.

2. Except as otherwise herein provided, it shall be unlawful for any person to cut down any tree in any zone in Salisbury Township which is 6 inches or more in diameter. For the purposes of this § 516, diameter shall be measured at a point 4 1/2 feet above the surrounding ground level prior to any earth disturbance.

3. It shall be lawful as a by-right use in any calendar year for a person to cut down, on each lot a maximum of 3 trees of 6 inches or more in diameter. If a lot includes more than one acre of forested land, then in any calendar year, up to 3 trees of 6 inches or more diameter may be cut per forested acre. In addition, trees may be cut as provided in § 516.4, or within an approved Tree Harvesting operation, or as provided below within a construction site.

4. CUTTING OF TREES. It shall be lawful to cut down such trees six inches or more in diameter only if:

   A. The tree is significantly diseased, infested with carpenter ants or a similar destructive pest, damaged beyond recovery, or is dead. See Subsection 5 below.

   B. The tree is in such position or condition that it constitutes a danger to neighboring property, the property on which it is located, to public utility lines or to the public generally.

   C. The tree is located within an area that needs to be re-graded and/or paved for a proposed street or curbing or sidewalk or utility, or is within 5 feet of the existing or proposed cart way of an uncurbed street.

   D. The tree meets the standards of § 516.6 "Cutting of Trees for Construction."

   E. In case of emergency, the tree is removed within the following procedures:

(1) No more than one such tree shall be cut down unless and until a permit to do so has been obtained from the Zoning Officer.

(2) In an emergency where time does not allow the prior obtaining of such permit, a permit shall be applied for within 72 hours after the cutting down of any tree.

F. This § 516 shall not regulate removal of invasive, poisonous or noxious species of vegetation. The Zoning Officer may approve the replacement of existing non-native trees or other trees that the applicant shows to have low environmental value with newly planted trees with a higher environmental value.

5. DAMAGED AND DISEASED TREES. In non-emergency cases, unless otherwise stipulated by the Zoning Officer, site evaluations to determine or identify significantly diseased, infected, damaged or dead trees shall be made during a particular tree's growth period of the year; evaluations shall not be made while trees are in their dormant state. Trees so evaluated and marked during growth periods may subsequently be cut during dormant periods with the approval of the Zoning Officer.

6. CUTTING TREES PRIOR TO CONSTRUCTION.

A. When a Zoning Permit is issued for a building, structure or use it shall be lawful to cut down any trees which exists in the space to be occupied by such building, structure or use, any space within 15 feet of any such building or structure, any space to be occupied by, and all space within 10 feet of all sides of any driveway, parking areas, water system or sewage disposal system, utilities, basins, berms or other areas of earthwork including areas for erosion and sedimentation control or post construction stormwater management.

B. In such case, the construction area of all buildings or structures, driveways, parking areas, water systems and sewage disposal systems shall be properly surveyed and staked, and that no such trees shall be cut down until the Zoning Officer has issued a permit for the marked trees to be cut down in such a manner that it can be determined after the cutting that only those trees for which the permit was issued have been cut down.

C. If trees are cut down as stated in Subsection 6B above, either the permitted construction or the replanting of the same density of trees must be completed within four years of the issuance date of the permit.

7. KILLING OR DAMAGING OF TREES.

A. During the construction or installation of any structure, driveways, parking area, water systems or sewage disposal systems, or in the process of landscaping or grading the lot, the fill generated by such construction, installation, landscaping or grading shall not be temporarily placed or stored

in a manner which, as determined by the Zoning Officer, will potentially kill or seriously damage trees on the tract of land.

B. It shall be unlawful to purposefully kill a tree by artificial means including, but not limited to, girdling, smothering or the application of poisonous chemicals.

C. Temporary fencing shall be required by the Township to be placed by the applicant in an area 5 feet beyond the drip line of any trees intended to be preserved, during activities that may result in damage to the trees or compaction of the root system. Vehicles shall not drive under the drip line and materials shall not be stored under the drip line during construction or tree harvesting operations.

8. TREE HARVESTING. Tree harvesting shall be permitted in all zones indicated in accordance with the provisions of § 306, and all other provisions of this chapter.

A. Plan Required. Tree harvesting shall be done only in accordance with a forest management plan prepared by a forester with a degree from a program accredited by the Society of American Foresters and after a permit has been issued by the Zoning Officer. A copy of such plan shall be filed with the Zoning Officer along with a permit application at least 30 days prior to the proposed start date of such tree harvesting. Before such a permit is issued, the Zoning Officer shall have had the plan reviewed by a forester with a degree from a program accredited by the Society of American Foresters. If the Zoning Officer deems it necessary, the plan shall be submitted to the Pennsylvania Department of Conservation and Natural Resources to request their review.

B. All forest management plans, and the tree harvesting operation itself, shall comply with the following requirements:

(1) All tree harvesting methods shall be by an accepted silvicultural method. Clear-cutting is prohibited. Clear-cutting shall mean any procedure by which 70 percent or more of the merchantable timber is cut on any acre. A minimum of 30 percent of trees of 6 inches or greater trunk diameter shall remain and shall be distributed across each acre and such remaining trees shall include some trees of higher value species.

(2) A listing shall be provided of current stocking levels, species composition and tree quality and condition, as well as a descriptive narrative of the subject property. In addition, estimates must be provided as to the type and quantity of timber to be harvested and what the residual stocking levels should be. Where it appears that timber harvesting operations will result in lower or understocked stand density levels, justifications for such a harvesting must be included.

(3) Reforestation. The plan shall identify the reforestation process(es) to be employed and specifically identify, with respect to each principal

variety of tree to be reforested, the method or methods of reforestation to be employed, and the recommended reforestation period shall be deemed to be an essential part of any forest management plan and, as such, will be deemed to be a continuing use until said period is completed. No other use may occur on the site until the reforestation period is complete, with the sole exception of the maintenance or construction of a single-family residential dwelling.

(4) Harvesting Operations.

a. Multiple lot tree harvesting is not allowed on lots which have been subdivided within five years of the submission date of a tree harvesting permit or application.

b. Before a permit is issued to conduct a tree harvesting operation as part of a forest management plan, the applicant/owner(s) shall submit to the Zoning Officer and the Township Solicitor, fully executed and acknowledged in duly recordable form, a restrictive covenant (along with a deposit for the cost of recording said restrictive covenant and required attachments in the county office for the recording of such instruments) wherein the landowner(s) acknowledge(s) covenant(s) and agree(s), on behalf of himself, herself or themselves and his/her/their respective heirs, assigns, grantees, vendees and successors, that:

(i) All tree harvesting operations will be conducted only in accordance with this Part and the approved forest management plan. Such plan that was accepted by the Township shall be binding upon the applicant unless a revised plan that complies with this Ordinance is accepted by the Township.

(ii) As soon as practical and consistent with sound forest management practices, after the conclusion of the tree harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the reforestation portion of the approved forest management plan.

(iii) Until the completion of the reforestation portion of the forest management plan, including the reforestation period set forth therein, the tract(s) or parcel(s) of land which was / were the subject of the tree harvesting operation shall be put to no other use except the maintenance or construction of a single-family dwelling, including but not limited to any use which would otherwise be a permitted use for said land in the Zoning District in question.

(iv) In the event an unexpected or evasive or harmful situation arises which threatens the reforestation, then limited management activities may be allowed with the approval of the Zoning Officer.

c. An erosion and sedimentation control plan designed to prevent erosion and sedimentation during and after the tree harvesting operation shall be submitted at the same time the forest management plan is filed. The Zoning Officer may require that the plan also be submitted to the County Conservation District and that the applicant pay the District for the costs of any review they wish to provide.

d. If the tree harvesting involves 10 or more acres of land, a property boundary survey shall be required to be submitted to the Township, and the boundaries of the property shall be marked in the field during tree harvesting operations.

e. The Landowner and Operator shall be jointly responsible to ensure compliance with this Section. The Zoning Officer may issue a Stop Work Order if there is not compliance with this Section.

(5) Tree Harvesting Operations.

a. All cutting, removing, skidding, and transportation of trees shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.

b. Roads and trails shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and permanent damage to soil and waterways.

c. Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.

d. A crossing of any waterway shall be avoided, unless no alternative exists. Where a waterway crossing is necessary, the number of crossings shall be minimized. Any crossing shall be made at a right angle across suitable culverts or bridges or other approved surfaces for crossing, and all State and federal permits shall be obtained where required.

e. Skidding across live or intermittent streams is prohibited, except over bridges or culverts.

f. All limbs and stubs shall be removed from felled trees prior to skidding.

g. All trees bent or held down by felled trees shall be released promptly.

h. No trees shall be left lodged in the processes of falling.

i. Felling or skidding on or across the property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or PennDOT in the case of State highways.

j. No tops or slash shall be left within:

(i) Fifty feet (50) of any public street or adjoining property;

(ii) Seventy-five feet (75) of any waterway or historic or scenic trail; or

(iii) Ten feet of any drainage ditch.

k. The stumps of all felled trees shall remain in the soil for stabilization purposes, unless the site is actively planned for development or replanting. The stumps shall not be higher than 2 feet above ground level.

l. Wild grapevines may be cut or removed, but only to the extent that such cutting or removal does not qualitatively affect wildlife food supply.

m. Slash piles shall not be higher than 4 feet.

n. Any damage to a public street that occurs as a result of the timbering operation shall be repaired and/or funded by the entity completing the timbering.

o. Timbering shall not occur between the hours of 8 pm and 7 am.

(6) Buffer Zones. See definition in Part 2. Tree harvesting shall not occur within 75 feet from street rights-of-way and abutting lot lines that are not in common ownership. Tree harvesting shall not occur within 100 feet from the top of the primary bank of any perennial rivers, creeks or other watercourses.

(7) All practical actions shall be accomplished to prevent damage or injury to young growth and trees not designated for cutting.

(8) Fire Hazards. During periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Salisbury Township, the Township shall have the right to order a suspension of tree harvesting operations until the danger subsides.

(9) Littering is prohibited; and during and upon completion of a tree harvesting operation, all cans, bottles, paper, garbage, and other litter of any type shall be removed from the property.

(10) Upon completion of a tree harvesting operation, all roads shall be graded to eliminate any wheel ruts. With the exception of easements, access to all such roads from any public street by motor vehicles of any kind shall be effectively blocked, by such means as the building of a mound or the installation of a gate; no cables shall be used for this purpose. As deemed necessary by the Zoning Officer, haul roads and landing areas must be stabilized and seeded.

(11) Tree harvesting shall not occur within wetlands.

C. Marking of Trees. Before the tree harvesting operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk 4 1/2 feet above the ground and marked numerically with either paint or tags on the stump so that the same may be easily identified both before and after a tree has been felled. In addition, a tally of all marked trees and, if necessary as determined by the Zoning Officer, a sketch of the affected area will be required. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Zoning Hearing Board.

D. Notification of Beginning, Suspension or Completion of Tree Harvesting.

(1) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees is to begin in connection with the construction of roads or trails.

(2) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours before the cutting of trees for removal from the site is to begin.

(3) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least 48 hours in advance of the expected suspension of the tree harvesting operation for more than five successive working days for reasons other than weather conditions.

(4) The holder of a permit to conduct a tree harvesting operation shall notify the Township at least one week in advance of the completion date of the tree harvesting operation, and shall notify the Township immediately upon said operation's completion.

(5) The applicant for a tree harvesting permit shall mail deliver or provide written notice to the last known owner of record of all abutting lots that the application has been submitted, within 5 calendar days after such submittal. Such owners shall also be given at least 48 hours advance written notice of when the initial tree harvesting will begin.

E. Insurance. The holder of a permit to conduct a tree harvesting operation shall secure appropriate and acceptable levels of liability and worker's compensation insurance for all employees working in the tree harvesting operation.

F. Township Inspections.

(1) The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed tree harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.

(2) After a permit for a tree harvesting operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the tree harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this chapter.

9. TREE CUTTING ENFORCEMENT. If trees are cut, harvested or killed in violation of any of the provisions of this Section, or are wantonly or negligently injured, a fine shall be levied not in excess of $500 per tree so affected, plus all court costs including reasonable attorney's fees incurred by the Township, in addition to a requirement to replant a new tree of 3 inches minimum caliper for each tree that was removed without approval.

10. WOODLAND PROTECTION.

A. Applicability. The additional regulations in this Section shall apply to tree cutting (other than approved "timber harvesting") when a lot or tract includes 20,000 square feet or more of woodland which is proposed to be disturbed, based upon the land area of an existing lot before any subdivision.

B. Disturbance Limits. Clearcutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this Section. All woodland disturbance shall be subject to both maximum disturbance limitations and disturbance thresholds, beyond which woodland replacement shall be required, as set forth herein.

C. Measurement of Woodland Disturbance. Disturbance limitations shall be measured based on the extent of the woodland at the time of the effective date of this Ordinance, and shall be indicated on applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations and thresholds set forth in this Section, regardless of intervening disturbance which may have occurred.

D. Maximum Disturbance Limits. Permitted woodland disturbance for any purpose (other than Timber Harvesting) on any lot or tract shall not exceed 30 percent of the total Woodland areas on a lot. If a lot is proposed to be subdivided, the regulation shall apply to all of the total woodland areas prior to subdivision. Tree removal within the Hospital Overlay Zone referenced in Chapter 10 shall be in accordance with the approved and coordinated Open Land Plan.

E. Protection During Construction. In areas of woodland disturbance and immediately adjacent areas, remaining trees shall be protected from damage using the following procedures during construction:

(1) Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees. Appropriate fencing 4 feet in height shall be placed at the drip line of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the drip line of any trees to remain.

(2) Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

(3) No boards or other material shall be nailed or otherwise attached to trees during construction.

(4) Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the drip lines of trees to remain.

(5) Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

(6) Trees which die during or within 24 months after completion of construction because of failure to adhere to this Section shall be replaced by a new tree of a similar species within 9 months afterwards.

§ 517. Maximum Slope and Width of Driveways.

1. No portion of a driveway or accessway other than a street shall have a maximum finished slope greater than 15%. No driveway shall be developed that does not have sufficient leveling area as it enters into a street, as determined by the Zoning Officer, upon the advice of the Township Engineer.

2. See also the regulations of the Subdivision and Land Development Ordinance [Chapter 22] governing slope of driveways at approaches to streets.

3. The Zoning Hearing Board by special exception may allow a driveway or accessway other than a street to have a slope greater than 15% but less than 20% if the applicant proves one of the following to the satisfaction of the Zoning Hearing Board:

   A. That there is no reasonably physically suitable alternative for the development of an existing lot; or

   B. That the development of a driveway with less than 15% slope would unavoidably result in a substantially more extensive and more severe total disturbance of slopes over 15% than if a steeper driveway would be permitted.

4. No driveway of greater than 100 feet in length in a CR District that was approved to serve a dwelling unit shall have a paved or stoned width of greater than 15 feet for more than 50 feet.

§ 518. Clearance Height of Tree Limbs.

For any tree within or extending within the existing right-of-way of a public street, the owner of such tree (or the abutting property if such tree is within the right-of-way) shall keep the limbs of such tree trimmed so that the growth does not obstruct light from any street light and so that there shall be a clear minimum height of 10 feet above the cart way of a street and eight feet above a sidewalk.

§ 519. Groundwater or Spring Water Withdrawal.

1. This § 519 shall regulate new or increased groundwater or spring water withdrawals averaging more than 10,000 gallons per day from a lot for off-site consumption.

2. The regulations of this § 519 shall not apply to any of the following: a) water used by a principal agricultural use within the Township or to on-site consumption, or b) water is being utilized for uses on adjacent lots or as part of a public water system,.

3. If the water will be trucked off-site, 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.

4. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.

5. 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 § 306.

6. Any zoning permit is conditioned upon receiving approval, as applicable, from the Delaware River Basin Commission.

Part 6

Off-Street Parking and Loading

§ 601. Required Number of Parking Spaces.

1. Overall Requirements.

   A. 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 Part.

   B. 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.

   C. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under § 601, Subsection 2.

   D. Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

2. Reduction of Parking Requirements by Conditional Use.

   A. Purposes. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.

   B. The Board of Commissioners may permit a reduction, through the conditional use process of § 120, of the number of parking spaces required to be developed if the applicant proves to the satisfaction of the Board that less parking spaces are needed.

      (1) Proof. To prove that less parking spaces are needed, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.

      (2) Shared Parking. Under this Section, an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.

(3) Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board of Commissioners may require as a condition of the conditional use that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.

a. Such reservation shall be provided in a legal form acceptable to the Board of Commissioners' Solicitor. A legally binding deed restriction is recommended.

b. In such case, the applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall be designed to meet all Township requirements, including stormwater runoff. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.

c. Such additional parking shall be required to be provided within one year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's onsite review on at least three different days.

TABLE 6.1
OFF-STREET PARKING REQUIREMENTS

(See definition of employee in Part 2)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
A. AGRICULTURAL USES		
1. Crop farming or raising of livestock	- – - – -	Employee
2. Kennel (min. of 4)	1 per employee	15 animals of capacity
3. Plant nursery	1 per employee	250 sq. ft. of indoor sales floor area and 10,000 sq. ft. of outdoor sales area
4. Stable, nonhouse-hold (min. of 2)	1 per employee	8 animals of capacity
5. Seasonal sale of agricultural products (min. of 5)	1 per employee	250 sq. ft. of sales floor area
B. RESIDENTIAL USES:		
1. Dwelling unit	2 per dwelling unit, except 1 per 1 bedroom/efficiency conversion apartment	An additional 0.5 per dwelling unit for a development of 10 or more dwelling units that does not abut a street with space for on-street parking on at least 1 side in addition to 2 travel lanes (this parking may be in overflow lots)
2. Home occupation, general	The closest use to be determined by the zoning officer	Nonresident employee
3. Home occupation, light	None additional required	Nonresident employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
4. Housing permanently restricted to persons 62 years and older and/or the physically handi-capped	0.75 per dwelling/rental unit, except 0.4 per dwelling/rental unit if evidence is presented that the nonphysically handicapped persons will clearly primarily be over 70 years old	Nonresident employee
5. Boardinghouse	1 per rental unit or bed, whichever is greater, except for a college fraternity or sorority: 1 per 2 beds plus 1 per 10 nonresident members	Nonresident employee
6. Group home	See § 402	
C. INSTITUTIONAL USES		
1. Place of worship or church	1 per 4 seats in room of largest capacity	Employee
2. Care and treatment facilities for youth	1 per staff doctor, plus 1 per 3 employees on the maximum shift, plus 1 per 1,000 sq. ft. of total habitable floor area for visitor and resident parking	Plus such additional spaces required by this table for any supplementary activities that generate additional parking needs
3. HOSPITAL	2.5 per bed	
4. Nursing home	1 per 4 beds	
5. Personal care home	1 per 3 beds	
6. Day care home, family	1 space designed for safe and convenient drop-off and pick-up	Nonresident employee
7. Day care center, child or group day care home	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	Nonresident employee
8. School, primary or secondary	1 per 4 students aged 16 or older	Employee

USE		NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
9.	Utility facility	2 Vehicles routinely needed to service facility	
10.	Dormitory	1 space per two residents	1 per Nonresident employee
11.	College, university or trade school	1 space per 1.5 students not living on campus who attend class at peak times (plus required spaces for on campus housing)	1 space/Nonresident Employee
12.	Library, community center or cultural center or Museum	1 per 4 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
13.	Treatment Center, Regular or Out-Patient	1 per 2 residents aged 16 years or older plus 1 per nonresident intended to be treated onsite at peak times	Nonresident employee
14.	Swimming pool, non-household	1 per 40 sq. ft. of water surface, other than wading pools	Employee
D.	**COMMERCIAL USES**		
1.	Auditorium, commercial	1 per 4 seats	Employee
2.	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
3.	Auto, boat, recreational vehicle or manufactured home sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
4.	Automatic transaction machine	3 per machine, conveniently located	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
5. Adult use (including adult store, adult live entertainment use or massage parlor) (min. of 10)	1 per 30 sq. ft. of total floor area	Employee
6. Bed and breakfast use	1 per rental unit plus the 2 per dwelling unit	Nonresident employee
7. Betting use	1 per 3 persons of maximum capacity of buildings, as rated by fire regulations	1.1 employee
8. Bowling alley	2 per lane plus 2 per pool table	1.2 employee
9. Bus station, inter-city	5 per loading/ unloading stall for buses	Employee
10. Car wash	2 per washing lane or stall, which may be located in drying or vacuuming areas	1.2 employee
11. Financial institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine	Employee
12. Funeral home	1 per 5 seats in rooms intended to be in use at one time for visitors	Employee
13. Golf driving range	1 per tee	1.2 employee
14. Miniature golf	2 per hole	1.2 employee
15. Golf Course	3 per hole (plus spaces required for any membership club building or restaurant)	2 Employees
16. Ice skating/roller skating	200 sq. ft. of floor area accessible to users	1.2 employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
17. Haircutting / hairstyling	2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 employee
18. Hotel or motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 employee
19. Kennel or Dog Day Care	1 per 15 animals kept on-site at peak times	Employee
20. Laundromat	1 per 3 washing machines	Onsite employee
21. Offices or clinic, medical/dental	1 per 250 sq.ft. of net leasable floor area	
22. Office building primarily intended to include medical / dental offices	1 per 300 sq.ft. of net leasable floor area	
23. Offices, other than No. 22 above (min. of 3 per establishment)	1 per 350 sq. ft. of net leasable floor area	
24. Personal service use, other than hair-cutting / hairstyling (min. of 2 per establishment)	1 per 150 sq. ft. of floor area accessible to customers	Employee
25. Indoor recreation (other than bowling alley), membership club or exercise club	1 per 200 sq. ft. of floor area other than racquetball courts accessible to customers/ members plus parking required by any additional use (such as restaurant) plus 2 spaces per racquetball court	Employee
26. 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 employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
27. Restaurant, standard	1 per 3 seats	2 employees
28. Retail sales (other than types separately listed) or shopping center (min. of 5 per establishment, except 10 per video rental store)	1 per 175 sq. ft. of floor area accessible to customers, except 1 per 225 sq. ft. of total leasable floor area if such is greater than 20,000 sq.ft.	
29. Retail sales of only furniture, lumber, carpeting, bedding or floor covering	1 per 400 sq. ft. of floor area accessible to customer	
30. Tavern or nightclub	1 per 30 sq. ft. of total floor area	
31. Restaurant, fast food (minimum of 20 minutes)	1 per 3 seats	2 employees
32. Theater or auditorium	1 per 4 seats, 1/2 of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:30 p.m.	1.2 employee
33. Veterinarian office	5 per veterinarian	Employee
E. INDUSTRIAL 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 chapter.	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH
All industrial uses (including warehousing, distribution and manufacturing)	1 per employee working onsite per shift	1 visitor space for every manager on the site
Self-storage development	1 per 15 storage units	Employee

§ 602. General Regulations for Off-Street Parking.

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

2. EXISTING PARKING. Structures and uses in existence at the effective date of this chapter shall not be required to add additional parking spaces to meet the requirements of this Part unless: (A) the general type of use is significantly changed; or, (B) the use is expanded a total aggregate over time of more than 5% or 2,000 square feet in floor area, whichever is more restrictive. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this chapter shall not in the future be reduced in number below the number required by this chapter.

3. CHANGE IN USE OR EXPANSION. If a building or use: (A) significantly changes in type of principal use or expands by a measure used in this Part to determine parking need (such as floor area, maximum number of employees, number of dwellings units or seating capacity); and, (B) if such expansion or change would increase the number of required parking spaces by at least 10% or 20 spaces, whichever is less, then the use shall provide the total number of parking spaces that would be required if the entire existing and proposed uses would be newly developed under this Part, instead of only being required to provide the additional uses for the change or expansion.

4. 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 exists, and such spaces shall not be reduced in number below the minimum required by this chapter. 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 to serve a use.

5. LOCATION OF PARKING. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a permanent method of providing the spaces is

available using area of a lot within 250 feet of the entrance of the principal use being served.

6. BICYCLE RACK. If a lot is required to provide 15 or more parking spaces, and if the owner provides a suitable bicycle rack that can be used to secure 3 or more bicycles, then one less off-street parking space shall be required. The bicycle rack shall be located where it will be visible to and convenient for customers or employees, but where it will not interfere with access for pedestrians or persons with disabilities or emergency access.

§ 603. Design Standards for Off-Street Parking.

1. GENERAL REQUIREMENTS.

A. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court.

B. 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.

C. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.

D. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.

E. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this chapter shall be separated from the street by a grass or landscaped strip of land. See § 603, Subsection 7.

G. Subdivision Ordinance Requirements. Any new or expanded parking lot that is 5,000 square feet or greater in area shall be required to meet the landscaping, stormwater management and illumination requirements of the Subdivision and Land Development Ordinance [Chapter 22], as a condition of this chapter.

2. SIZE AND MARKING OF PARKING SPACES. Each parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet, except:

   A. The minimum length shall be 22 feet for parallel parking.

   B. If a lot includes more than 100 parking spaces, a maximum of 15% of the required spaces may be a rectangle with a minimum width of eight feet and a minimum length of 16 feet; provided, that those spaces are marked as "compact cars only" and provided that those spaces are distributed in different portions of the lot and do not include the most desirable spaces in the lot.

   C. All spaces shall be marked to indicate their location, except those of a single-family or two-family dwelling.

   D. If a parking area is permitted to not be paved, then a minimum width of 10 feet per space shall be used.

3. AISLES.

   A. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

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

   B. Each aisle providing access to parking stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for: (1) areas of parking that are clearly primarily for employees; or, (2) parking areas with spaces that are parallel or involve an angle of parking of 45° or less. Aisles that only provide access to vehicles offered for sale are not regulated by this Section.

4. ACCESS DRIVES AND DRIVEWAYS.

   A. Width of Driveway/Accessway at Entrance onto Public Street (at the edge of the cart way)[1]

[1] **Unless a different standard is required by PennDOT for an entrance to a State road.**

	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

B. Maximum Grades of Driveway. See § 517.

C. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.

D. Separation between Driveways. At least 80 feet shall be provided between the centerlines of any two accessways or driveways along one street within one lot.

E. Separation from Intersection [1]. Where a driveway or accessway that enters onto a local road or collector street, the centerline of the driveway or accessway shall be offset a minimum of 75 feet from the centerline of any other driveway or accessway on either side of the road or street. Where a driveway or accessway that enters onto an arterial road, the centerline of the driveway or accessway shall be offset a minimum of 150 feet from the centerline of any other driveway, accessway or public street located on either side of the street. If the above separation distances cannot be achieved on the property, the driveway shall be located the greatest possible distance from the intersecting roadway. In such cases, a right turn in/right turn out access/egress may be required based upon the recommendation of the Township Engineer.

F. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State highway occupancy permit shall be obtained, as applicable.

G. Sight Distance for Driveways. See § 803, Subsection 1B.

5. PAVING, GRADING AND DRAINAGE.

A. 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.

B. Except for landscaped areas, for uses developed after the adoption of this chapter, all portions of parking, loading facilities and driveways shall be surfaced with asphalt, concrete or decorative paving block, except that portions or all of driveways or parking areas may be left in grass or stoned where the applicant proves to the full satisfaction of the Zoning Officer that:

(1) The parking or driveway is clearly intended for use for a maximum of one year or for a maximum of 14 days in a calendar year; or,

(2) The facilities serves a principal agricultural use; or,

(3) A residential driveway and parking will have a length over 100 feet.

6. LIGHTING OF PARKING AREAS. (See § 511 "LIGHT, GLARE AND HEAT CONTROL.")

7. PAVED AREA SETBACKS – (including Off-Street Parking Setbacks).

A. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in stormwater management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.

B. Uses within the Paved Area Setback. The paved area setback required by this Section, together with any existing street right-of-way area that is not used as a cart way, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following: (1) paving, except for approved driveway/access drive entrances and except any concrete sidewalks or asphalt bike paths of eight feet wide or less; (2) fences; or, (3) parking, storage or display of vehicles or items for sale or rent. A paved area setback may include the following: (1) permitted freestanding signs; (2) stormwater facilities that are not impervious; (3) concrete sidewalks or asphalt bike paths of eight feet wide or less; or, (4) approved driveway crossings.

C. Any commercial, industrial, institutional, townhouse or garden apartment use shall provide a paved area setback measured from the required (ultimate) right of way line, as follows:

(1) If a paved area abuts an expressway or expressway ramp or arterial street or collector street, a 10 feet wide paved area setback shall be required.

(2) If a paved area abuts a local street, a 5 feet wide paved area setback shall be required.

D. Buffer Areas between Uses. See § 803.

E. Paved Setback from Commercial and Industrial Buildings. All paved areas, shall be setback a minimum of five feet from the exterior structural walls of any commercial or industrial building. This setback shall not apply to the following: (1) concrete sidewalks; (2) paved walkways to reach doors; (3) driveways entering a garage, interior parking, loading/unloading area, vehicle service bay or carport; or, (4) drive-through pick-up windows. Note – This setback is primarily intended to provide room for firefighting, foundation landscaping, sidewalks and to minimize hazards of vehicles hitting buildings.

8. PAVED AREA LANDSCAPING (Parking Lot Trees).

A. Intent. This Section is intended to reduce the thermal pollution created by pavement surfaces and the thermal pollution of surface waters from surface parking lot runoff. This Section does not apply to multi-story parking structures.

B. Any parking area that would include more than 25 parking spaces shall be required to provide landscaped areas within the paved area. Paved area landscape areas shall meet the following requirements:

(1) A maximum of 15 consecutive and contiguous parking spaces in a row shall be separated by a landscape area a minimum of 9 feet wide and 18 feet long. Each island shall contain one parking lot tree (included in paved area landscaping requirements). Trees required for this option shall meet the standards noted in § 603.8.D, or:

(1) A maximum of 31 consecutive and contiguous parking spaces in a row shall be separated by a landscape area a minimum of 16 feet wide and 18 feet long. Each island shall contain one parking lot tree (included in paved area landscaping requirements). Trees required for this option shall meet the Parking Lot Tree standards noted in § 603.8.D except that trees noted in § 603.8.D(1)(b) shall be required and the tree size shall be a minimum of three inches in diameter. Sidewalk or impervious walking paths may be included in the landscape area.

(2) A maximum parking area width of 180 feet shall be separated by a minimum 12 feet wide landscape area. Trees required for this option shall meet the standards noted in § 603.8.D. Sidewalk or impervious walking paths may be included in the landscape area.

(3) The maximum length of a parking lot aisle shall be 280 feet, measured from end of parking space to end of parking space. There shall be no length restriction in parking structures of two or more levels.

C. One deciduous tree shall be required for every 3,000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this chapter or by the Subdivision and Land Development Ordinance [Chapter 22].

D. Trees required by this Section shall meet the following standards:

(1) Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant provides adequate reference material or a signed letter from a registered landscape architect that proves to the satisfaction of the Township Shade Tree Official that another specific type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

a. Trees recommended for planting strips at minimum spacing of 30 feet between trees. All trees should be of single-stemmed tree-form:

Hedge Maple – Acer campestre
Kwanzan Cherry – Prunus serrulata Kwanzan
Rancho Columnar Sargent Cherry – Prunus sargentii Rancho
Tschonoskii Crabapple – Malus tschonoskii
Upright European Hornbeam – Carpinus betulus fastigiata

b. Trees recommended for planting strips at a minimum spacing of 40 feet between trees:

American Sycamore – Platanus occidentalis
European Hornbeam – Carpinus betulus
Fraxinus Pennsylvania lanceolata
Ginkgo – Ginkgo biloba fastigiata
Green Ash (Marshall's seedless type)
Green Mt. Sugar Maple – Acer Saccharum Green Mt.
Greenspire Linden – Tilia cordata Greenspire
Hop Hornbeam – Ostrya Virginiana
Katsura Tree – Cercidiphyllum Japonicum
Korean Mountain Ash – Sorbus alnifolia
Littleleaf Linden – Tilia cordata
Pin Oak – Quercus palustris
Red Maple – Acer rubrum
Red Oak – Quercus rubra
Scarlet Oak – Quercus coccinea
Shademaster Thornless Honeylocust – Gleditsia triacanthos inermis Shademaster
Shingle Oak – Quercus imbricaria
Skyline Locust – Gleditsia triacanthos inermus Skyline
Sour Gum (Black Tupelo, Black Gum) – Nussa sylvatica
Sugar Maple – Acer saccharum
White Ash – Fraxinus Americana
Zelkova – Zelkova serrata

c. PROHIBITED TREES - In no case shall the following species be utilized as street trees:

Boxelder – Acer negundo
Norway Maple – Acer platanoides
Silver Maple – Acer saccharum
Horsechestnut – Aesculus species
Tree of Heaven – Tilanthus
Silk Tree or Mimosa – Albizia julibrissin
Catalpa speciosa
Ginko (female) – Ginko biloba
Ihorned Honeylocust – Gleditsia triacanthos

Black Walnut – Juglans nigra
Hopa, Eley, Almey and Crabapple – Malus hopa, Eley, Aley
Mulberry
Morus species
Plane Tree or Sycamore – Plantanus species
Black Locust – Robinia pseudoacaia
Willows – Salix species
Regent Scholartree – Sophora japonica
European Mountain Ash – Sorbus aucuparia
American Elm – Ulmus Americana
Birch – Betula species
Lussian Olive – Elaeagnus species
Osage Orange – Macluna pomifera
Apple – Malus pumila
Poplar, Aspen – Poplus species
Coniferous Order – Coniferates ord.
Fruit Trees
Dogwood
Thorned Trees
Crimson Cloud Hawthorn – Crataegus osyacantha Crimson Cloud
Bradford Callery Pear – Pyrus calleryana Bradford
Chinese Elm
Sawtooth Oak – Quercus acutissima

Note: This chapter 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, unless they are within the Township right-of-way.

(2) Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.

(3) Minimum Size. The trunk diameter (measured at a height of one foot above the finished grade level) shall be a minimum of two inches or greater.

(4) Planting and Maintenance. Required trees shall be:

a. Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air.

b. Properly protected by raised curbs at islands. Where vegetative swales are proposed between parking rows within a parking area, vehicle tire stops in lieu of curbing or breaks in the curbing can be provided for drainage purposes.

c. Surrounded by a minimum of 96 square feet of pervious ground area, all trees should be planted with a minimum of two feet of

suitable and mechanically un-compacted soil beneath and around the root ball.

d. Properly maintained.

(5) A required tree shall not be removed without being replaced by another tree that meets the requirements of this Section. Trees which have died or have become diseased or pest ridden within 18 months from the time of planting shall be replaced by the developer.

E. A substantial proportion of the trees required by this Section should be planted within the parking lot within protected islands. These protected islands should be used to direct the flow of traffic through the parking lot in a smooth and safe manner to prevent cross-taxiing. Required trees are also encouraged to be planted in highly visible locations, especially at the edge of parking areas abutting arterial streets.

F. Existing Trees. For every existing tree on the lot that is healthy and is protected, preserved and maintained and is located within 10 feet of the parking area after the completion of all construction and that would generally meet the requirements of this Section:

(1) One less deciduous tree shall be required to be planted for every such preserved tree with a minimum trunk diameter of between four and 18 inches (measured one foot above the natural ground level); and,

(2) Two less deciduous trees shall be required to be planted for every such preserved tree with a minimum trunk diameter of 18 inches or greater (measured one foot above the natural ground level).

(3) Parking lot island trees required in § 603.8.B are in excess of the existing tree allowances and shall be provided in the parking lot islands.

9. PARKING LOT SCREENING. To prevent vehicle headlights from shining directly into a dwelling located within 150 feet of a parking area of five or more spaces, such parking area shall be required, as needed, to use one or more of the following methods: wooden fencing, decorative masonry walls or evergreen screening. Such barriers shall have a minimum height of four feet, except that a barrier of up to eight feet shall be required by the Zoning Officer as needed because of the topography or because the parked vehicles would be trucks or buses.

10. ADA PARKING.

A. Number of Spaces. Any lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans with Disabilities Act (ADA):

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA ACCESSIBLE 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 required number of spaces
1,001 or more	20 plus 1% of spaces over 1,000 spaces

B. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

C. Minimum Size. See the requirements under the ADA. As of the adoption date of this Ordinance, Federal regulations require that for every six required accessible parking spaces or fraction of six such spaces, one of the spaces shall meet the Federal requirements for a van parking space.

D. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings. Signs should state that a fine is possible for unauthorized use.

§ 604. Parking and Storage of Junk and Unregistered Vehicles.

1. PURPOSE. To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential Districts.

2. STORAGE OF UNREGISTERED OR COMMERCIAL OR JUNK VEHICLES.

A. Within a Residential District, no junk vehicle (as defined by Part 2, which includes unregistered vehicles) shall be parked or stored in any way except within an enclosed building.

B. In a Nonresidential District, a maximum of one junk vehicle shall be parked or stored in such a way that the vehicles are visible from a public street. This Section shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.

C. Definitions. For the purposes of this Section, the following terms shall have the following meanings:

(1) Commercial Vehicle. A motor vehicle that is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material) and which has a loading capacity of greater than one ton.

(2) Tractor. A truck that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

(3) Commercial Trailer. A vehicle used for commercial purposes with a length of 20 feet or more (not including the hitch) that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a recreational vehicle.

D. Exceptions. This Section does not apply to the following, provided they are in an operational condition:

(1) Municipally-owned vehicles.

(2) Ambulance, fire and rescue vehicles.

(3) Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship.

(4) Recreational vehicles (see definition in Part and regulations in § 403).

(5) Vehicles operated by the U.S. Postal Service or a level of government or a municipal authority.

(6) Vehicles actively engaged in the construction or repair of streets, curbs, sidewalks or utilities in the immediate area.

(7) Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.

(8) Equipment and vehicles clearly primarily intended for agricultural use.

(9) Parking of vehicles that are customarily accessory to a lawful nonconforming principal business use.

E. Storage of Commercial Vehicles in Residential District. The following shall apply within any Residential District:

(1) No commercial vehicle (as defined above) may be parked for more than eight hours in any forty-eight-hour period on private property, except for the following:

a. A maximum of two vehicles are permitted per lot, each with a maximum loading capacity of one ton which are utilized by residents of the property as a means of transportation between their home and work. This provision shall only allow vehicles with a gross vehicle weight of less than 14,000 pounds.

(2) The engine of a tractor intended to be part of a tractor-trailer truck shall not be idled for more than 10 minutes on the property between the hours of 10:00 p.m. and 7:00 a.m. or be repaired, except for clearly emergency repairs.

(3) No commercial trailer (as defined above) shall be parked, stored, maintained or kept outside of an enclosed building, except that a trailer of less than 6 feet height above the ground and less than 30 feet length (not including the hitch) may be kept outside if is buffered from view from any dwelling and public street by evergreen trees with a minimum height of 5 feet or a building wall.

§ 605. Off-Street Loading.

1. GENERAL REQUIREMENTS.

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.

B. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Commission, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

2. DESIGN AND LAYOUT OF LOADING FACILITIES. Off-street loading facilities shall meet the following requirements:

A. Each off-street loading space shall be at least (in feet):

Largest Type of Truck Intended	Minimum Width	Minimum Depth
Tractor-trailer	12 (except 11 if more than 10 such spaces on a lot)	50
Trucks Other than tractor-trailers, pick-ups or vans	10	25
Pick-Up truck or van	9	18

B. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.

C. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street rights-of-way.

D. An appropriate means of access to a street shall be provided.

E. Paving, Grading and Drainage. See § 603, Subsection 5.

F. All such facilities shall comply with the lighting requirements of Part 6, the landscaping requirements of the Subdivision and Land Development Ordinance [Chapter 22] and the noise limitations of Part 8.

3. FIRE LANES. Fire lanes shall be provided where required by State or federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Township fire officials.

Part 7

Signs

§ 701. Applicability.

1. PURPOSES. This Part is intended to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure capability with the character of neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended, 36 P.S. § 2718.101 et seq.

2. PERMIT REQUIRED. A permit under this chapter shall be required for all signs except for: (A) signs meeting the requirements of § 703; and (B) window signs that are not internally illuminated and are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this chapter within the applicable District shall be allowed.

3. CHANGES ON SIGNS. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in message or sign face without a new permit under this chapter provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this chapter. See exceptions in § 702. However, a conversion of sign area to electronic changeable messages shall need a new permit, and such conversion shall not be allowed for a non-conforming off-premises sign.

§ 702. Nonconforming Signs.

1. Signs legally existing at the time of enactment of this chapter and which do not conform to the requirements of this chapter shall be considered nonconforming signs. Any nonconforming sign which is removed, destroyed or damaged to an extent of 25% or more of its cost of replacement shall be replaced only with a conforming sign, except as provided below.

2. The Zoning Officer may allow the voluntary replacement of an existing lawful nonconforming signs with a new nonconforming sign, provided that the applicant proves to the satisfaction of the Zoning Officer that the new sign is not more non-conforming in any manner than the existing nonconforming sign. This Section does not regulate a simple change in message or sign face under § 701.3 above.

§ 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 Part:

Type and Definition of Signs Not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres	Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres	Other Requirements
Agricultural Products Sign – Advertises the sale of agricultural or livestock products clearly primarily produced or raised on the premises of a principal agricultural use, or the seasonal sale of Christmas trees	2	8	15	Shall only be posted during seasons when such products are actively offered for sale
Charitable Event Sign – Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization	2	4	15 for each of 2, or 30 if only a single sign is used	Shall be placed a max. of 30 days prior to event and removed a max. of 10 days after event
Contractor's Sign – Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business or the financing sources of a project	2	8	15, except 40 for a project with a construction cost of more than $1 million.	Shall only be permitted while such work is actively and clearly under-way and a max of 30 days after-ward. 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

Type and Definition of Signs Not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres	Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres	Other Requirements
Directional Sign – Provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or similar information regarding the same lot as the sign is on, and that does not include advertising	No max.	3, other than signs painted on pavement	3, other than signs painted on pavement which are not limited in size	Directional signs within a residential development shall not be illuminated
Flag – A banner or pennant made of fabric or fabric-like polymers that is hung in such a way to flow in the wind and that includes some type of commercial message	2	20	20	In addition, flags of any nation or level of government or that only include colors and no commercial message are not regulated by this chapter
Garage Sale Sign – 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 in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres	Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres	Other Requirements
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				Not regulated by this chapter
Holiday Decorations – Commemorates a holiday recognized by the Township, county, State or federal government and that does not include advertising				Not regulated by this chapter
Home Occupation Sign – Advertises a permitted home occupation or family day care home	1	2	2	Shall not be illuminated, except for a sign of a medical doctor. Shall have a maximum height of 5 feet. Shall be freestanding or attached flat on a building wall
Identification Sign – Only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising	1	1, except 2 for a principal nonresidential use	6	Maximum height of 8 feet

Type and Definition of Signs Not Requiring Permits	**Max. No. of Signs Per Lot**	**Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres**	**Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres**	**Other Requirements**
Not Visible Sign – Not visible from any public street or any exterior lot line			Not regulated by this chapter	
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			Not regulated by this chapter	
Open House Sign – advertises the temporary 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 for more than 6 consecutive days
Physically Carried Sign – Physically carried by a person				Not regulated by this chapter

Type and Definition of Signs Not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres	Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres	Other Requirements
Political Sign – Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern.		Not regulated		All signs shall be placed in a manner that does not cause a safety hazard to either vehicular or pedestrian traffic and shall be placed a minimum of 4 feet from either the edge of roadway or edge of shoulder, or 2 feet behind the face of curb, as appropriate. No signs in excess of 24 inches in height shall be placed within the traffic safe site area of intersections. The safe site area shall be considered the triangular area defined as 10 feet from the edge of road or curb line (extended) at the intersection and measured along the intersecting road centerline, to a point 150 feet from the intersection of the road centerlines and measured along the centerline of the through road, and all the area within the included triangle.

Type and Definition of Signs Not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres	Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres	Other Requirements
Proposed Development Sign – Announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Township, and which would involve a minimum of 10 dwelling units or a nonresidential principal building	1	8	20	Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the Township, and shall be removed when any of the following occur: 1) if such plan is rejected or withdrawn, 2) for a residential development, when all of the approved units are sold or 3) for a nonresidential development, when a permanent sign is placed
Public Services Sign – Advertises the availability of restrooms, telephone or other similar public convenience	No max.	2	2	

Type and Definition of Signs Not Requiring Permits	Max. No. of Signs Per Lot	Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres	Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres	Other Requirements
Real Estate Sign – Advertises the availability of property on which the sign is located for sale, rent or lease	1 per street the lot abuts	6	12	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
Required Sign – Only includes information required to be posted outdoors by a government agency or the Township				Not regulated by this chapter
Right-of-Way Sign – Posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT				Not regulated by this chapter
Service Organization / Place of Worship Sign – An off-premises sign stating name of a recognized incorporated service organization or place of worship and that States the place and times of meetings or services, logos and/or an arrow directing persons to such location	2	2	2	Maximum of 2 such signs per such organization or place of worship

Type and Definition of Signs Not Requiring Permits	**Max. No. of Signs Per Lot**	**Max. Sign* Area in Sq. Ft. Per Sign on Residential Lots of Less Than 2 Acres**	**Max. Sign Area in Sq. Ft. Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres**	**Other Requirements**
Time and Temperature Sign – With a sole-purpose to announce the current time and temperature and any nonprofit public service messages	1	Not permitted	40	
Trespassing Sign – Indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot	No max.	4	4	
Very Small Sign – Has an area of less than 1 sq. ft. and that cannot be read by a person of normal eyesight from a public street or exterior lot line				Not regulated by this chapter

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

§ 704. Freestanding, Wall and Window Signs.

1. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to exempt signs permitted by other provisions of this Part 7. See definitions of the types of signs in § 711:

Zoning District or Type of Use	**Maximum Height of Free-standing Signs****	**Max. Sign Area of Wall Signs (Permitted on a Max, of 3 Building Faces)**	**Max. Sign Area of Window Signs (Max. of 1 Side Per Sign)**	**Max. Sign Area (Each of 2 Sides) and Number of Freestanding Signs**
In a residential District for: a) permitted non-residential principal buildings (such as places of worship & golf courses) or b) for developments of more than 25 rental dwelling units	6 feet	Max. of 20 sq. ft. per principal building face	Max. of 20 sq. ft. on up to 2 faces of each principal building	Max. of 1 sign per street which the use abuts upon, with a max. sign area of 12 sq. ft. per side. Such signs shall not be internally illuminated
In a residential District – other than uses listed above (Other than signs allowed by § 703)	Not permitted	Not permitted	Not permitted	Not permitted
HCO and TO Overlay Districts - § 1007 shall apply.				

Zoning District or Type of Use	Maximum Height of Free-standing Signs**	Max. Sign Area of Wall Signs (Permitted on a Max, of 3 Building Faces)	Max. Sign Area of Window Signs (Max. of 1 Side Per Sign)	Max. Sign Area (Each of 2 Sides) and Number of Freestanding Signs
In a commercial District (other than the C-1 District)	15 feet, except 25 feet in C-3	Max. total of 2.5 sq. feet of wall sign area for each foot of building length along that building face.	Window signs may be used in place of allowed wall sign area.	Max. of 1 sign per abutting public street, each with a max. area of 32 sq. ft. per side. See notes * and *** below. If a lot includes more than one principal use per lot, the maximum area per side shall be 50 sq. ft.
In C-1 – Office-Laboratory District	10 feet	Max. total of 2.5 sq. feet of wall sign area for each foot of building length along that building face.	Window signs may be used in place of allowed wall sign area.	Maximum of 1 sign per vehicle entrance from an abutting public street, with a maximum of 30 sq. ft. per side on a lot with one principal building, and 60 square feet for a lot with 2 or more principal buildings. In addition, directional signs of up to 30 sq. ft. per sign side shall be allowed within the interior of the site provided the text is not readable from a public street or residential lot.

Zoning District or Type of Use	Maximum Height of Free-standing Signs**	Max. Sign Area of Wall Signs (Permitted on a Max, of 3 Building Faces)	Max. Sign Area of Window Signs (Max. of 1 Side Per Sign)	Max. Sign Area (Each of 2 Sides) and Number of Freestanding Signs
In the Industrial District	10 feet	Max. of 2.5 feet of wall sign area for each foot of building length along that building face.	Window signs may be used in place of allowed wall sign area.	Maximum of 1 sign per abutting public street, with a maximum of 30 sq. ft. per side

Notes:

* In addition, up to 2 signs may direct persons to temporary shows, exhibits or events, with each sign having a maximum area of 6 sq. ft. per side, provided such sign is not posted earlier than 14 days before such event and is removed within 5 days after such event

** See definition of sign height in § 711.

*** A total of up to three freestanding signs shall be permitted with all freestanding signs together having a total combined maximum sign area of 150 square feet on each of 2 sides if the lot meets any of the following standards:

A. It includes more than 10 establishments.

B. It involves more than 2 new motor vehicle sales franchises.

C. It has more than 400 feet of frontage on one public street.

2. MAXIMUM HEIGHT OF WALL SIGNS. The top part of a wall sign shall not be placed at a maximum height greater than the total height of the building to which it is attached, up to a maximum height of 35 feet, whichever is more restrictive.

3. SPECIAL SALE DISPLAYS. These displays shall include promotional banners, balloons, floodlights, lasers or flags (other than provided for in § 703) that are used by a business to attract special attention. Such displays may be placed on a commercially zoned lot, for a maximum total of 21 days for each permit. The permit shall cost $10 and shall require a deposit of $100, which shall only be refunded if the displays are removed within the specified time period. A minimum of 90 days shall elapse between uses of such displays. Such displays shall only be allowed on lots including a principal commercial use.

4. SIGNS ON MOBILE STANDS.

A. Purpose. These standards recognize signs on mobile stands 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 chapter.

B. Definition of a "Sign on a Mobile Stand." A freestanding sign that is not permanently attached to the ground or permanently attached to a building, and that can be carried on the back of a flat-bed truck or towed from one location to another.

C. A sign on a mobile stand, including any such sign that may have been displayed prior to the adoption of this chapter and which does not have a lawful permit as a permanent sign, shall only be permitted if it meets all of the following requirements:

(1) Shall be permitted only in the C-3 District.

(2) Shall have a maximum sign area of 40 square feet on each of a maximum of two sides.

(3) Shall only include one such sign per principal use or per lot, whichever is more restrictive.

(4) Shall need a ten-dollar sign permit, which shall state the dates during which the sign may be displayed. The applicant shall submit to the Township a check for a deposit of $100, which shall be returned only if the sign is removed within the stated time period. Otherwise, such funds shall be the property of the Township.

(5) Shall only be displayed on a lot for one period per year, which shall not exceed 30 days only a calendar year. Failure to remove the sign after the 30 days shall constitute a zoning violation.

(6) Shall not obstruct safe sight distance to vehicles within or off the lot. Shall not be placed within the existing street right-of-way.

(7) Shall not include flashing or blinking lights.

§ 705. Abandoned or Outdated Signs.

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

§ 706. Location of Signs.

The following shall regulate the location of signs:

A. Setback from Streets. No sign except official signs, nameplate signs, public service signs and directional signs shall be erected within five feet of or project over any existing street right-of-way.

B. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of § 803 or safe sight distances for vehicles within a lot.

C. Off-Premises. No signs except permitted off-premises, official, political or public service signs shall be erected on a property to which it does not relate.

D. Setbacks. No sign for a commercial or industrial business shall be located within 25 feet of the lot line of an existing principally residential use or undeveloped residentially zoned land. A sign is not required to meet setback requirements for ACCESSORY STRUCTUREs.

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

F. Utility Poles. No sign shall be stapled or nailed to a utility pole, except by an authorized utility.

§ 707. Illumination of Signs.

1. See § 511, "LIGHT, GLARE AND HEAT CONTROL."

2. TIMES OF ILLUMINATION. It is strongly encouraged that signs within 200 feet of a dwelling or a residential District not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

§ 708. Vehicles Functioning as Signs.

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the District in which such vehicle or structure is located.

§ 709. Prohibited Signs.

The following signs are prohibited in all zoning Districts:

A. Spinners, pennants or any moving object used to attract attention to a commercial use. Flags and banners that contain a commercial message, except as is permitted by § 703.

B. Flashing, electronically changing message, blinking, twinkling, animated or moving signs of any type, except time and temperature signs. This restriction specifically includes window signs, but does not prohibit Holiday season lighting or displays, within § 703. This provision shall not prohibit electronically changing message signs: (1) where specifically allowed otherwise by another section of this Ordinance, or (2) in a C-2 or C-3 district if the electronically changing message area is less than 25 square feet and if the messages are static and do not change more than once every 10 seconds.

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

D. Signs which contain information that States or implies that a lot may be used for any purpose not permitted under the applicable provisions of this chapter.

E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "danger" or "stop").

F. Signs that use reflective materials to give the appearance of flashing, blinking, twinkling or electronically changing messages.

G. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.

H. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes, except as provided as a special sale sign.

I. Floodlights and lasers, except as is permitted as a special sale display under § 703.

§ 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. Any sign which becomes dilapidated or unsafe may be repaired or removed by the Township at the expense of the owner or lessee of the property on which it is located, after providing written notice to such owner or lessee.

§ 711. Measurement and Major Types of Signs.

1. SIGN DEFINITIONS. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Part:

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

FREESTANDING SIGN – a sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

HEIGHT OF SIGN – the vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. If the grade of an immediately adjacent street or highway is higher than the grade of land where the sign is located, the height of the sign may be measured from the height of the adjacent street or highway. Religious symbols shall not be restricted by the sign heights of this Part when attached to a tower or spire of a place of worship.

ILLUMINATED SIGN, EXTERNALLY – a sign illuminated by light outside of the sign instead of within the sign.

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.

OFF-PREMISES SIGN – see Part 2.

SIGN – see Part 2.

WALL SIGN – a sign primarily supported by or painted on a wall of a building and which does not project more than 18 inches from such wall.

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 and which is not internally illuminated and that is constructed of paper or similar nonpermanent material or is painted on the window. Signs within windows that do not meet this definition shall be regulated as a wall sign.

2. MEASUREMENT OF SIGN AREA.

A. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One freestanding sign may include several signs that are all attached to one structure, with the total sign area being the total area of all signs on the structure.

B. The sign area shall not include any structurally supporting framework, solid base, or bracing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.

C. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle or circle, or two or three smallest rectangles or circles that include all of the letters and symbols.

D. In computing the permitted sign area of a sign with two sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ). If the interior angle formed at the inside of the two sides of a two-sided sign is greater than 60°, then the total area of both sides shall not be greater than the permitted total sign area. No sign shall have more than two sides or faces.

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

§ 712. Off-Premises Signs (Including Billboards).

1. PURPOSES. Off-premises signs are controlled by this chapter for the following purposes, to ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the Township planned to remain agricultural or as conservation areas; avoid the creation of additional visual distractions to motorists, especially along the high-speed expressways and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media; recognize that this chapter allows every landowner a reasonable use for their land; avoid off-premises signs that would have an unfair advantage over on-premises signs in the competition for attention, because off-premises signs typically are higher and larger than on-premises signs; carry out the purposes listed in § 701.

2. NONCONFORMING OFF-PREMISES SIGNS. This Section is not intended to require the removal of an existing lawfully placed off-premises sign that is in structurally sound condition.

3. COMMERCIAL AND NONCOMMERCIAL. This Section applies to both commercial and noncommercial off-premises signs except as may be specifically provided for elsewhere in this chapter.

4. PENNDOT SIGN. Signs erected and maintained by the PennDOT or their designee are permitted by right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.

5. POLITICAL SIGNS. See § 703.

6. PERMITTED OFF-PREMISES SIGNS. Based directly on the intent Statements within this chapter, off-premises signs are only permitted if they meet the following requirements, except for exempt signs under § 703:

   A. District. An off-premises sign is only permitted in the C-3 District, except for types and sizes of other signs specifically authorized by this Part.

   B. Location. An off-premises sign is only permitted within a maximum of 200 feet of existing right-of-way of an arterial street and a minimum of 10 feet from any nonresidential lot line.

   C. Maximum Sign Area. Three hundred square feet.

   D. Spacing. Any off-premises sign shall be separated by a minimum of 1,000 feet from any other off-premises sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premises sign.

   E. Maximum Height. 60 feet. See definition in § 711.

   F. Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign. Off-premises signs shall have a maximum of one sign face.

   G. Lighting and Glare. See standards in § 511.

   H. Residences. No off-premises sign shall be located within 400 feet of an existing dwelling or undeveloped residentially zoned land.

Part 8

General Regulations

§ 801. Frontage onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings.

1. FRONTAGE REQUIRED ONTO IMPROVED STREET.

   A. A principal building shall only be built upon a lot with frontage on a public street, except:

      (1) A single lot that existed as a lawful recorded lot of record prior to the adoption of this chapter and that is not proposed to be subdivided and that is to be used for a single-family detached dwelling shall be permitted to have access onto a public street by means of a legally-permanent access easement or private street if such easement or private street provides safe and convenient access and egress, including acceptable access for emergency vehicles; or,

      (2) A townhouse or condominium development may have access to individual dwellings or buildings using a parking court and a shared accessway/private street within the tract, provided that such shared access/private street guarantees permanent access (with a method for funding perpetual maintenance approved by the Board of Commissioners under the Subdivision and Land Development Ordinance [Chapter 22]) from such dwellings or buildings to reach a public street.

      (3) New lots may have access onto a private street if the private street meets all of the requirements for a public street and if there is an acceptable system in place to fund and complete perpetual maintenance and repair of the street.

   B. Any new lot that is granted subdivision approval shall have frontage and direct access onto a public street, without traversing through or over another lot, except as permitted above for a townhouse or condominium development.

2. MULTIPLE USES IN A BUILDING. Occupancy of a principal commercial, institutional or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this chapter are satisfied.

3. MULTIPLE BUILDINGS ON A LOT. An approved commercial, institutional, industrial, townhouse or garden apartment lot may include more than one principal building. In such case, the minimum front, side and rear yard requirements shall only apply at lot lines of the property. Individual buildings or portions of such

buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity. In cases not meeting this Subsection, only one principal building shall be permitted per lot.

4. MINIMUM SIZE OF DWELLINGS. Each dwelling unit shall include a minimum of 700 square feet of habitable, indoor, heated floor area, except such minimum for apartment units shall be 500 square feet.

5. For shopping center and office developments under the same ownership and consolidated for the purposes of development or phased development comprised of more than one building site, the development shall be served by an internal circulation network. All access to outparcels shall utilize the internal circulation network rather than separate connections to arterial roads. The required documentation pursuant to § 1004.3B of the SALDO shall also be required for outparcels.

§ 802. Height Exceptions; Airport Approaches.

1. HEIGHT EXCEPTIONS.

   A. The maximum structure height specified for each District shall not apply to: farm silos and associated agricultural structures, communications towers, amateur radio antenna (see § 403), water towers, clock or bell towers, steeples of places of worship, mechanical equipment areas, skylights, electrical transmission lines, elevator shafts, wind turbines, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

   B. For the above exempted structures, the maximum height shall be 250 feet above the average surrounding ground level, unless a different maximum is established for a use elsewhere in this chapter.

2. HEIGHT AND AIRPORT APPROACHES. At a minimum, any structure proposed to have a height of 75 feet or more above average surrounding ground level shall present sufficient information to the Zoning Officer to prove that the structure would comply with all applicable federal, State and Township requirements regarding airport approaches and warning lights. See Appendix A regarding airport approaches.

§ 803. Sight Distance and Buffer Yards.

1. SIGHT DISTANCE AT INTERSECTIONS.

   A. Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.

B. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of two and eight feet, including structures, non-transparent fences, vegetation and signs (but not including sign posts or utility posts of less than one foot in width or the trunks of deciduous trees).

C. This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.

D. If a driveway, accessway or street would enter onto a State street, the required sight triangle to be included on the development plan shall be that necessary to achieve the minimum sight distance required by PennDOT regulations.

E. Where a driveway, accessway or street would enter onto a street that is not State-owned, the required sight triangle to be included on the development plan shall be that necessary to achieve the minimum sight distance that would have been needed to meet PennDOT regulations if a State street was involved.

F. These sight distance requirements shall apply to all intersections involving a public street and another street, accessway or driveway, except these requirements shall not apply to an individual driveway serving only one or two dwelling units that enters onto a local or collector street.

G. A sight distance triangle shall be apply for each direction of approach to an intersection.

H. For any existing residential driveway entrance to an arterial street that is proposed to be used for a new nonresidential principal use, the applicant shall prove to the satisfaction of the Township Engineer that such entrance will meet PennDOT sight distance requirements in both directions as would apply to a new driveway on such street. If such sight distance cannot be met, then the use shall be denied.

2. BUFFER YARDS. Buffer yards and screening complying with the following standards shall be required under the following situations:

A. Buffer Yard Width, When Required. Buffer yards with evergreen screening shall be required in the following situations:

Buffer Yard to be Provided by the Following:	**When the Use Providing the Screening and Buffer Is:**	**Width of Required Buffer Yard (in feet):**
1. Any newly developed or expanded: a) industrial use; b) industrial storage or loading area; or, c) HOSPITAL	Within 500 feet of a residential lot line (as defined in Part 2)	50 (plus see also berm requirement in § 307 berms within the buffer yard for hospitals, and health care uses; refer to Part 10 Health Care Overlay District for additional berm requirements for Health Care Campus
2. Any newly developed or expanded commercial use	Within 500 feet of a residential lot line (as defined in Part 2)	30, except along a front lot line along a street
3. Any newly developed or expanded industrial outdoor storage use or area routinely used for the parking of 4 or more tractor-trailers	Abutting the existing right-of-way of an expressway, arterial or collector street	20, unless such area would be completely screened from view of such streets by buildings
4. Any use other than above	Required to provide a buffer yard under another section of this chapter	20, unless stated otherwise

B. Location of Buffer Yards.

(1) The buffer yard shall be measured from the District boundary line, future street right-of-way line or lot line, whichever is applicable.

(2) Plants needed for the visual screen shall not be placed within a future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.

(3) 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.

(4) A business use shall not be required to provide a buffer yard for an adjacent residential use or District if the uses/Districts are separated by an expressway. However, outdoor storage or tractor-trailer parking adjacent to an expressway shall still provide any required buffer yard and screening.

C. Characteristics of Buffer Yards.

(1) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except at points of approved crossings for ingress or egress.

(2) Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than eight inches.

(3) Preservation of Existing Vegetation/Slopes. If an applicant proves to the satisfaction of the Zoning Officer, after a review by the Planning Commission, that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or steep slopes will be preserved and serve the same buffer purposes as plant screening that would otherwise be required, then such preserved existing buffer shall be permitted to be used in place of planting new plants. In such case, the width of the buffer yard required by § 803, Subsection 2A, shall still apply. If this existing buffer requirement is removed, the applicant shall be required to plant a buffer yard that will meet the planting requirements of this Section.

(4) Fence. Any fence in a buffer yard shall be placed on the inside of any required evergreen screening.

D. Planting Screen.

(1) Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.

(2) Each planting screen shall meet the following requirements:

a. Plant materials needed to form the visual screen shall have a minimum height when planted of four feet.

b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three years a solid year-round visual screen at least six feet in height.

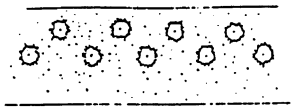
c. The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual

screen that die or are removed shall be replaced within 120 days.

d. The plant screen shall be placed so that at maturity the plants will be at least five feet from any cartway and will not grow over an exterior lot line.

e. The plant visual screen shall be interrupted only at: (i) approved points of vehicle or pedestrian ingress and egress to the lot; (ii) locations necessary to comply with the sight distance requirements of § 804; and (iii) locations needed to meet other specific State and Township requirements.

f. Evergreen trees likely to grow substantially in diameter should be planted in two or more rows or off-sets if needed to allow space for future growth, as seen in the sketch below.



E. Buffer Yard Plans.

(1) Prior to the issuance of a permit under this chapter where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:

a. The location and arrangement of each buffer yard.

b. The placement, general selection of species and initial size of all plant materials.

c. The placement, size, materials and type of all fences to be placed in such buffer yard.

(2) The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this chapter.

F. Species of Plants in Screening. Trees and shrubs needed to form a required visual screen shall be of the following or closely related species, unless the applicant uses standard reference material or a letter from a registered landscape architect to prove to the satisfaction of the Zoning Officer that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the winter. If more than 25 plants are needed to form a visual screen, then a maximum of 50% of such plants shall be of one species.

Buxus – all varieties of Boxwood
Cragana arborescens – Siberian Pea Shrub
Cephalanthus Occidentalis – Button Bush
Chaenomeles Japonica – Flowering Quince
Cornus – all varieties of Dogwood
Cotoneaster divaricata – Spreading or Upright Cotoneaster
Crataegus laevigata – Crimson Cloud Hawthorn
Euonymus – all varieties of Euonymus
Forsythia spectablilis – Showy Forsythia
Hamamelis – all varieties of Witch Hazel
Hydrangea arbrescens – Hills of Snow Hyrangea
Ilex – all varieties of Holly
Juniperus – all varieties of Junipers
Kolkwitzia amabilis – Beauty Bush
Ligustrum – all varieties of Privet
Lonicera – all varieties of Honeysuckle
Magnolia stellata – Star Magnolia
Picea – all varieties of Spruces
Pinus – all varieties of Pines
Photinia – all varieties of Photinia
Pseudotsuga – all varieties of Firs
Rhamnus davurica – Dahurian Buckthorn
Rhamnus frangula – Glossy or Alter Buckthorn
Spirea – all varieties of Spirea
Syringa – all varieties of Lilac
Taxus – all varieties of Yews
Thuja occidentalis – American Arborvitae
Thuja origentalis – Oriental Arborvitae
Tsuga – all varieties of Hemlocks
Viburnum – all varieties of Viburnum

§ 804. Landscaping.

1. GROUNDCOVER. Any part of a commercial, industrial, institutional or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

2. See the Township Subdivision and Land Development Ordinance [Chapter 22] regarding street trees. See the parking regulations regarding paved area landscaping. See buffer yard requirements in § 803, Subsection 2.

§ 805. Ultimate Street Right-of-Way Widths.

See the Township Subdivision and Land Development Ordinance [Chapter 22].

§ 806. Nonconformities.

1. REGISTRATION OF NONCONFORMITIES. It shall be the responsibility of 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.

2. CONTINUATION OF NONCONFORMITY. A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this Section.

3. EXPANSION OF, CONSTRUCTION UPON OR CHANGE IN USE OF NONCONFORMITIES.

   A. Nonconforming Structure.

      (1) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

         a. That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity.
         b. That any expanded area will comply with the applicable setbacks in that District and other requirements of this chapter.
         c. That if the structure uses an on-lot septic system, the Township Sewage Enforcement Officer determines that such system is adequate for the proposed use.

      (2) 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.

   B. Nonconforming Lot.

      (1) New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if all of the following requirements are met:

         a. The lot area is at least 40% of the minimum lot area.
         b. The lot width is at least 40% of the minimum lot width.

c. The lot is a lot of record that lawfully existed prior to the adoption of this chapter or an applicable subsequent amendment.

d. Minimum setbacks and other requirements of this chapter are complied with for any new construction or expanded area, unless another section of this Ordinance specifically allows an exception, such as in §§ 307 or 801.

e. If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drain field location. An expansion of an existing building may be required to provide an expanded drain field, under DEP regulations.

f. For a dwelling on a nonconforming lot, the front door shall face a public street, and the dwelling shall have a side facing onto a public street that has an appearance typical of a front of a dwelling.

(2) Setbacks. The Zoning Hearing Board may grant a special exception to reduce the required setbacks for construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.

(3) Merger. If two contiguous nonconforming lots under common ownership include at least one lot that is less than 40% of the required lot area, and if at least one of the lots did not include a principal building, then the two lots shall be merged to form one lot that would be conforming or less nonconforming. This provision shall only apply if one or both of the lots has a lot area of less than 6,000 square feet.

(4) If a proposed development on a nonconforming lot does not meet the requirements of the above § 806, Subsection 3B(1) and (2), then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the MPC, 53 P.S. § 10101 et seq., the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the established character of an existing residential neighborhood than the proposed use.

C. Expansion of a Nonconforming Nonresidential Use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

(1) An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under § 120.

(2) 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.

(3) The: (a) total building floor area used by a nonconforming use; or, the (b) total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 25% beyond each such measurement that existed in such use at the time such use became nonconforming. These maximum increases shall be measured in aggregate over the entire life of the nonconformity.

(4) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter, unless the Zoning Hearing Board grants a variance.

D. Expansion of a Nonconforming Residential Use. An existing nonconforming residential use may be expanded in floor area as a permitted by right use provided that:

(1) The number of dwelling units is not increased.
(2) The expansion meets all applicable setbacks.
(3) No new types of nonconformities are created.
(4) A nonconformity is not made more severe (including the building area within the required setback area).

4. DAMAGED OR DESTROYED NONCONFORMITIES.

A. A nonconforming structure that has been destroyed or damaged equal to 50% or more of its total value by fire, windstorm, lightning or a similar cause deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if:

(1) The application for a building permit is submitted within 18 months after the date of damage or destruction.

(2) Work begins in earnest within 12 months afterwards.

(3) A nonconformity shall not be created or increased by any reconstruction.

B. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.

C. Nonconforming Use of Open Land. All nonconforming off-premises signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50% or more of replacement cost, shall not be continued, repaired or reconstructed.

5. ABANDONMENT OF A NONCONFORMITY.

A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the District in which it is located, except:

(1) As provided for in the "damaged or destroyed nonconformities" provisions of this Section; and,

(2) If a nonconforming off-premises junkyard, outside storage area or similar nonconforming use of open land is discontinued for 30 days or more, the use shall not be continued, repaired or reconstructed.

B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

6. FLOODPLAIN. See the Township Floodplain Ordinance [Chapter 8].

7. CHANGES FROM ONE NONCONFORMING USE TO ANOTHER.

A. Once changed to a conforming use, a structure or land or portion thereof shall not revert to a nonconforming use.

B. A nonconforming use may be changed to a different type of nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects compared to the pre-existing nonconforming use. The Board should review the following types of effects:

(1) Traffic generation (especially truck traffic).
(2) Noise, dust, fumes, gases, odor, glare, vibration, fire and explosive hazards.
(3) Amount and character of outdoor storage.
(4) Hours of operation if the use would be close to dwellings.
(5) Compatibility with the character of the surrounding area.

8. DISTRICT CHANGES. Any uses, structures or lots that become nonconforming because of a zoning District change shall be regulated under this Section on nonconformities.

§ 807. Temporary Structure or Use.

1. CONSTRUCTION VEHICLE PARKING AND TEMPORARY OFFICES. See "ESSENTIAL SERVICES," a permitted by right accessory use, in § 306.

2. TENTS. The following are permitted by right accessory uses: tents erected for a use during a maximum of five days in any calendar year for: (a) routine and customary accessory noncommercial uses; and, (b) a routine and customary accessory use to an existing commercial use.

3. TEMPORARY USES BY CONDITIONAL USE. For temporary structures or uses that are not specifically permitted by right by this chapter, and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this chapter, a temporary permit may be issued by the Board of Commissioners as a conditional use for structures or uses subject to the following additional provisions:

   A. Duration. The Board of Commissioners shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of six days in any sixty-day period. The Board of Commissioners may grant a single approval once for numerous occurrences of an event. Except for reoccurring special events, there is a maximum two-year period.
   B. Statement from Owner. The applicant shall present a Statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
   C. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
   D. Conditions. The temporary use or structure shall: (a) be compatible with adjacent uses; and, (b) clearly be of a temporary nature.
   E. Fee. The Board of Commissioners may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
   F. Nonprofit. Only a well-established and Internal Revenue Service recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a District where that use is not permitted.
   G. Special Events. For a special event that will attract significant numbers of the public, the Board of Commissioners may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

4. PORTABLE STORAGE CONTAINERS.

A. This Section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted principal industrial use.

B. The following regulations shall apply on a principally residential lot:

1. A portable storage container shall not be kept on a principally residential lot for a total of more than 60 days in any 2 year period, unless it is necessary for storage as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.

2. A maximum of one portable storage container shall be allowed per lot.

C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless it is necessary to temporarily hold materials for on-site construction.

D. The following shall apply to any portable storage container:

1. The container shall not obstruct safe sight distances at intersections.
2. The container shall not obstruct travel lanes of a street or a public sidewalk or a handicapped ramp.
3. The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Township. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
4. The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
5. A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

§ 808. Recreation Land, Open Space and Fee Requirements.

The requirements of the SALDO shall apply. [Chapter 22].

§ 809. Industrial and Commercial Driveways.

A driveway or accessway serving a commercial or industrial use shall be deemed to be integral with such use and shall not be a permitted use in a residential District. This restriction shall not apply to a driveway or accessway that will be clearly limited to use by only emergency vehicles.

§ 810. Traffic Studies.

1. PURPOSES. The purposes of a traffic study are:

   A. To determine the safety and congestion impacts, and related costs, of proposed major traffic generating uses.

   B. To require that applicants respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public.

   C. To recognize that sufficient federal, State and Township funds are not available to resolve traffic problems caused by private development.

   D. To assist in carrying out §§ 503(2)(ii) and 503(3) of the Pennsylvania MPC, as amended.

   E. To ensure that streets bordering a site plan, subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection.

   F. To ensure that the access into and out of site plans, subdivisions and land developments is reasonably safe.

2. USES REQUIRING A TRAFFIC STUDY. Where a site plan, subdivision or land development is estimated to generate 500 trips per day or more (as based on the generation rates included in the Institute of Transportation Engineers, Trip Generation Manual, the latest edition) a developer shall submit a traffic study and report meeting the requirements of § 1018 of the subdivision and land development ordinance. A traffic study is also required for the following proposed projects:

   A. Residential – 50 or more dwelling units.

   B. Commercial – 15,000 square feet or more of total floor area.

   C. Office – 15,000 square feet or more of total floor area.

   D. Industrial – 40,000 square feet or more of total floor area or any trucking company terminal.

   E. Institutional – 20,000 square feet or more of total floor area.

   F. Any use or combination of uses that would result in an average of more than 1,000 trips per day.

G. Any use or combination of uses on a lot or on a tract including contiguous lots in common ownership that currently generates over 1,500 trips per day and would involve additional proposed development that would generate an additional 500 or more trips per day.

3. The Traffic Study shall meet the requirements of the Subdivision and Land Development Ordinance (see § 1018 of such Ordinance).

4. The Township may have a Traffic Study reviewed by a professional engineer or a transportation consultant, with the reasonable costs of such review required to be reimbursed by the applicant.

Part 9

Planned Residential Developments

§ 901. PRD Purposes.

In addition to the general purposes of Part 1, the provisions of this Part are intended to serve the purposes of a PRD stated in the Pennsylvania MPC (MPC), as amended, 53 P.S. § 10101 et seq.

§ 902. PRD Applicability.

The provisions of this chapter and the Subdivision and Land Development Ordinance [Chapter 22] shall apply, except where specific provisions of this Part clearly differ from specific provisions of other sections of this chapter or the Township Subdivision and Land Development Ordinance (SALDO) [Chapter 22]. A PRD shall be considered a subdivision under the SALDO except that when specific procedural provisions for a PRD under the Pennsylvania MPC, 53 P.S. § 10101 et seq., differ from the SALDO provisions, then the State Planning Code provisions shall apply in place of the SALDO provisions.

§ 903. PRD Eligibility.

An application for tentative approval of a proposed PRD shall only be eligible for tentative approval if the following initial requirements are met:

A. The proposed PRD shall consist of one or more contiguous parcels of land under single ownership and control, or under active agreement of sale by a common developer.

B. The proposed PRD tract shall contain at least 15 acres of land and shall be limited to the R-2 district.

C. Public water and public sanitary sewer systems shall serve all principal uses of the proposed PRD.

D. A PRD shall abut an arterial street.

§ 904. PRD Land Uses.

1. RESIDENTIAL USES PERMITTED. A PRD may include a mix of the following residential uses, provided that no building within a PRD may include more than 3 1/2 stories:

A. Single-family detached dwellings.

B. Semidetached single-family dwellings ("twin" homes).

C. Townhouses.

D. Garden apartments.

2. MIX OF HOUSING TYPES.

A. Each PRD shall contain at least two types of the permitted housing types, one of which shall be detached single-family dwellings.

B. If a single family detached dwelling on another lot is within 300 feet, then the only principal building that shall be allowed within that 300 feet is a single family detached dwelling.

C. No more than 50% of the dwelling units shall be garden apartments.

D. In the R-2 District, a maximum of 25% of the dwelling units in a PRD may be manufactured/mobile homes.

3. NONRESIDENTIAL USES.

A. A PRD shall not include any business uses, other than permitted home occupations, and except as provided in Subsection 3B below.

B. A PRD may include public or private primary or secondary schools, child day care centers, community centers, places of worship, nursing homes and personal care homes, provided the requirements for such uses in Part 4 are also complied with.

§ 905. PRD Land Uses.

1. Land use density within a PRD shall be regulated by the following general standards:

A. Average gross residential density for the total PRD site shall not exceed the following densities, after deleting areas within the one-hundred-year floodplain and that have slopes over 25% from the lot area:

(1) In R2 District – four dwelling units per acre.

(2) In all other zoning Districts, PRDs shall be prohibited.

B. The percentage of the PRD site which is to be covered by total impervious surfaces shall not exceed 30% of the total site area.

C. The percentage of the PRD site devoted to permanent common open space shall be no less than 25% of the total site area.

D. The percentage of the PRD site to be devoted to nonresidential uses and related parking shall not exceed 5% of the total site area.

2. The maximum density set forth in § 905, Subsection 1, may be reduced by the Board of Commissioners where it is the opinion of the Board of Commissioners that the findings of the site analysis (set forth in § 906) justify a modification.

3. Building Siting, Building Coverage and Net Residential Density. Within the general standards established in § 905, Subsections 1 and 2, the suitability of building siting, building coverage and net residential density will be determined subject to the standards set forth for the site design of residential uses and common open space in § 907, Subsections 1 and 2, and the determinations of the site analysis as set forth in § 906.

§ 906. PRD Site Analysis.

1. NATURAL FEATURES ANALYSIS. In order to determine which specific areas of the total PRD site are best suited for higher density development, which areas are best suited for lower density development and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site is required. The following subject categories must be included in this analysis:

A. Hydrology. Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas and seasonal high water table areas.

B. Geological. Analysis of characteristics of rock formations underlying the site including defining aquifers (particularly those locally subject to pollution), shallow bedrock areas and areas in which rock formations are unstable.

C. Soils. Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion and soils suitable for urban development. The analysis of soils shall be based on the County Soil Survey or more detailed professional study.

D. Topography. Analysis of terrain of site including mapping of elevation and delineation of slope areas over 25%, between 15% and 25%, and between 12% and 15%.

E. Vegetation. Analysis of tree and plant cover of the site, emphasizing the location of woodland and meadowland areas. Dominant tree and plant species should be identified and the characteristics of each understood.

F. Micro-Climate. Analysis of seasonal temperatures, seasonal precipitation, seasonal prevailing winds and daily hours of sunlight in specific areas of the PRD site.

2. COMMUNITY IMPACT ANALYSIS. In order to determine the impacts of the proposed PRD, an analysis of the potential effects of the PRD upon public facilities, utilities, public school systems and roadway systems will be required. A comparison of the projected costs versus the revenues to the Township and the School District produced by the PRD shall be included in the analysis.

§ 907. PRD Site Design.

1. RESIDENTIAL USES.

A. The results of the natural features analysis prepared pursuant to § 906, Subsection 1, shall be considered in the siting of all dwelling unit structures.

B. Conventional siting practices such as building setbacks from streets and minimum distances between buildings may be varied in order to produce attractive and interesting arrangement of buildings.

C. Dwelling unit structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible.

D. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD.

E. Buildings other than single-family detached dwellings and their ACCESSORY STRUCTUREs shall be set back a minimum of 100 feet from the lot line of an existing single-family detached dwelling. All principal buildings shall be set back a minimum of 50 feet from all exterior lot lines of the PRD.

F. No structure shall be located within 20 feet of the right-of-way of a street within the PRD.

2. FOR COMMERCIAL USES. Not permitted.

3. COMMON OPEN SPACE.

A. The location, shape, size and character of the common open space shall be provided in a manner consistent with the objectives of the PRD provisions of the MPC, and in full consideration of the natural features analysis.

B. Uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed.

C. Whenever possible, common open space shall be designed as a contiguous area interspersed with residential areas with pedestrian and visual access available to all residents of the PRD.

D. Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible. Provided, however, that no less than 25% of the total common open space area shall be suitable for intensive use as an active recreation area.

E. Development of the PRD must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

4. PARKING.

A. The PRD shall provide numbers and size of parking spaces required by Part 6 of this chapter.

B. Parking areas shall meet the design, construction and landscaping standards of Part 6 and the SALDO [Chapter 22].

C. Parking areas of three or more spaces shall: (a) be screened from streets exterior to the PRD by hedges, dense planting, earth berms or changes in grade or walls; and (b) shall be a minimum of 10 feet from all dwellings and collector and arterial street rights-of-way.

D. No more than 60 parking spaces shall be accommodated in any single parking area.

5. LIGHTING.

A. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted after dark. All such lighting shall be designed and located so as to direct light away from adjacent residences.

B. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and signs. Such lighting shall be designed and located so as to direct light away from adjacent residences.

6. SOIL EROSION CONTROL AND STORM DRAINAGE.

A. The PRD shall be designed and constructed so as to minimize site clearance and earthmoving. The results of the natural features analysis, § 906, Subsection 1, shall be taken into account in determining areas suitable for site clearance and earthmoving.

B. There shall be compliance with erosion control requirements of Department of Environmental Protection and the SALDO [Chapter 22].

C. Stormwater management shall comply with the SALDO [Chapter 22] and any separate stormwater ordinance.

7. TREE CONSERVATION AND LANDSCAPING. The tree cutting provisions of this chapter shall apply. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, extensive landscaping shall be planted to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units.

8. STREETS. The design and construction of streets shall conform to the requirements of the Township Subdivision and Land Development Ordinance [Chapter 22], except the Board of Commissioners may permit a reduction in the permitted cartway and right-of-way width of streets where the applicant proves that such changes are reasonable.

§ 908. PRD Utilities.

Telephone, electric and cable TV utilities shall be installed underground.

§ 909. PRD Common Open Space.

1. ORGANIZATION. The developer shall make provisions which insure that the common open space land shall continue as such and be properly maintained. The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:

A. The organization shall be established by the developer before the sale or rent of dwelling units in the PRD.

B. The form, financial capability, rules of membership and methods of cost assessment of the organization shall be devised so as to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

C. The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.

D. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

2. FAILURE OF ORGANIZATION TO PERFORM PROPERLY. See the provisions of § 705(f) of the MPC.

3. PAYMENT OF MAINTENANCE COSTS OF TOWNSHIP. See the provisions of § 705(f) of the MPC.

4. Public Dedication of Common Open Space. An offer of dedication of common open space made by the developer in the development plan before the establishment of any organization responsible for common open space areas which is accepted by the Township shall constitute a fulfillment of responsibility for providing and maintaining common open space areas. No such dedication shall be deemed to have been accepted by the Township unless the Board of Commissioners takes formal action to accept the dedication.

§ 910. PRD Staging.

A PRD may be developed in stages if the following standards are met:

A. The location and approximate time of construction of each stage is clearly marked on the development plan.

B. At least 15% of the dwelling units in the development plan are included in the first stage.

C. At least 33% of the dwelling units are rented or sold before any commercial development is completed.

D. All stages shall be completed consistent with the development plan and shall be of such size and location that they constitute economically sound units of development. In no event shall any one stage contain less than 15% of the total dwelling units included in the development plan.

E. Density. To encourage flexibility of housing density, design and type in accord with the purposes of this chapter, gross residential density may be varied

from stage to stage. A gross residential density in one stage which exceeds the permitted average gross residential density for the entire PRD must be offset by a gross residential density less than the permitted average gross residential density for the entire development in any completed prior stage, or there must be an appropriate reservation of common open space on the remaining land by a grant of easement or covenant in favor of the Township, which specifies the amount and, if necessary, the location of the common open space.

§ 911. PRD Procedures.

Tentative and final plans for a PRD shall each be reviewed by the Township Planning Commission and be subject to approval, conditional approval or denial by the Board of Commissioners.

A. Application for Tentative Approval.

(1) An application for tentative approval on a form prescribed by the Township shall be executed by or on behalf of the landowner and filed with the Township, in quadruplicate. An initial deposit following the Township schedule of fees shall be paid upon filing of the application to be applied against the expenses of the Township in processing the application. Additional deposits shall be made from time to time by the developer as requested by the Township to cover actual expenses incurred by the Township.

(2) The application for tentative approval shall be accompanied by and include plans, documents and studies which contain or illustrate the following information:

a. The location, size and topography of the PRD site.

b. The nature of the landowner's interest in the PRD.

c. The proposed land use areas within the PRD distinguishing between types of residential, nonresidential and open space uses.

d. The land use density of each land use within the PRD and the average gross residential density for the entire PRD.

e. The use and approximate height, bulk and location of existing and proposed buildings and other structures.

f. The location, function, size, ownership, proposed facilities and entity to be responsible for maintenance of the common open space.

g. The location, rights-of-way and cartway widths of existing and proposed streets and the location and capacity of areas for the parking of vehicles.

h. The feasibility of proposals for water supply and sanitary sewage and stormwater disposition systems.

i. The proposed location of all utility lines.

j. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed grants and/or easements for common open space areas and public utilities, and the legal form of provision thereof.

k. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the PRD are intended to be filed and the approximate number of dwelling units, types of dwelling units and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.

l. A site map or maps at one inch equals 100 feet, or at such other scale as may be preapproved by the Township Engineer, delineating the hydrology, geology, soils, topography and vegetation of the site as explained in § 906. The combined impact of the natural features upon the development potential of each specific area of the site shall be clearly illustrated on the map or maps at the same scale as the required site plan.

m. The community impact analysis required by § 906.

n. A site plan of one inch equals 100 feet, or at such other scale as may be preapproved by the Township Engineer showing contour lines at vertical intervals preapproved by the Township Engineer.

o. Approximate location, size and material of all sanitary sewer, water supply and storm drainage system lines, and any proposed connection to existing public facilities.

p. A plan at one inch equals 800 feet illustrating the relation of the proposed PRD to the surrounding area and all existing developments within 1,000 feet of the PRD.

q. In the case of plans which call for development in stages, a plan at one inch equals 100 feet, or at such other scale as may be preapproved by the Township Engineer, delineating each stage or section of the PRD consecutively numbered so as to illustrate phasing of development.

r. A written Statement by the landowner setting forth the reasons why, in his opinion, the PRD would be more in the public interest than conventional development of the tract.

s. Such other plans, maps, studies and documentation which may be required to comply with the terms of this Part or which the Township may reasonably request at any stage in the proceedings to determine compliance with Township ordinances.

B. Planning Commission Review. One copy of every application for tentative approval received by the Township shall be promptly forwarded to the Township Planning Commission and to the Lehigh Valley Planning Commission (LVPC) for recommendation. Any report and recommendation received from the Township Planning Commission or the LVPC shall forthwith be made available to the landowner. Any report or recommendation of the Township Planning Commission or LVPC shall be advisory only and the failure of either of said Commissions to furnish a report or recommendation to the Township shall not give rise to any presumptions or inferences.

C. Public Hearing. See § 708 of the MPC.

D. Tentative Decision and Findings. See § 709 of the MPC.

E. Timetable for Filing Final Approval. See § 709(c) of the MPC.

F. Status of Plan after Tentative Approval. See § 710 of the MPC.

G. Application for Final Approval.

(1) See § 711 of the MPC.

(2) The application for final approval shall include a final plan at a scale of 50 feet to the inch or other scale preapproved by the Township Engineer. If the final plan is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet. The final plan shall show meet all requirements of a final major

subdivision plan, as stated in the SALDO [Chapter 22]. In addition, the final PRD plan shall include the following:

a. Source of title to the land of the development as shown by the records in the Recorder of Deeds office.

b. Accurate boundary lines, with dimensions and bearings which provide a survey of the tract, closing with an error of not more than one foot in 10,000 feet.

c. Total number of lots, lot lines and lot numbers, where applicable, within the development with distances accurate to the nearest hundredth of a foot.

d. Total acreage of development, land uses in each area, total number of buildings and dwelling units, number of each type of dwelling unit, average gross residential density and gross residential density in each section.

e. Building coverage lines accurately locating all types of dwelling units and nonresidential buildings and structures, giving dimensions of the buildings and structures, distances between buildings and structures, distances to street right-of-way lines and parking areas, with distances accurate to the nearest hundredth of a foot.

f. Accurate dimensions of common open space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the exact location of structures in common open space areas shall be illustrated.

g. Locations and dimensions of parking areas and pedestrian walkways.

h. Location and dimensions of easements for utilities and any limitations on such easements.

i. The following certificates:

(i) Certification, with seal, by a registered engineer and land surveyor to the effect that the survey and plan are correct.

(ii) Certificate for approval by the Board of Commissioners.

(iii) Certificate of dedication of streets, public facility sites or common open space when such dedication is proposed.

(3) Phasing. In the case of a PRD proposed to be developed over a period of years, final plan requirements listed in Subsection A(2)(f) through (m) shall apply only to the section for which final approval is being sought. Provided, however, that the final plan presented for this Section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.

(4) The final plan shall be accompanied by the following materials:

a. Final drawings for the installation of all improvements based on § 907 through § 909 of this chapter and the provisions of the Township Subdivision and Land Development Ordinance [Chapter 22].

b. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency.

c. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.

d. Such certificate of approval by authorities as have been required in this chapter, including certificates approving the water supply system and the sanitary sewer system.

(5) Improvement Guarantees. In order to guarantee the installation of improvements as set forth in § 907 through § 909 and in the SALDO [Chapter 22], to the extent which said regulations apply, the final plan shall be accompanied by one of the following:

a. A certificate from the developer, verified by the Township Engineer, that all improvements and installations in the development required by this chapter and the SALDO [Chapter 22] have been made or installed in accordance with Township and other applicable regulations and specifications; or,

b. Such security required by the SALDO [Chapter 22] in a form deemed appropriate by the Board of Commissioners within the provisions of §§ 510 and 511 of the MPC.

H. Procedure after Application for Final Approval. See § 711 of the MPC.

§ 912. PRD Enforcement and Modifications.

1. See § 712.2 of the MPC.

2. ENFORCEMENT. To further the mutual interest of the residents of the PRD and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, as approved, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

   A. The provisions of the development plan relating to: (1) the use, bulk and location of buildings and structures; (2) the quantity and location of common open space, except as otherwise provided in this chapter; and, (3) the intensity of use or the density of residential units, shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

   B. All provisions of the development plan shall run in favor of the residents of the PRD but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the PRD except as to those portions of the development plan which have been finally approved and have been recorded.

3. MODIFICATIONS. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

   A. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or in equity, as provided in this Section.

   B. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Board of Commissioners, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Part, that the same is consistent with the efficient development and preservation of the entire PRD,

does not adversely affect either the enjoyment of land abutting upon or across the street from the PRD or the public interest, and is not granted solely to confer a special benefit upon any person.

C. Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

Part 10

Health Care Overlay District (HCO)
Transitional Overlay District (TO)

§ 1001. Purposes.

Consolidate a broad range of resources that individually and collectively contribute to the promotion of wellness and enable the improvement and maximum recovery of health from physical and mental diseases, illnesses and injuries.

1. To provide opportunities for educational advancement, learning, and research related to wellness and health.

2. To provide control over uses and heights of buildings in the Transitional Overlay District (TO) and the Health Care Overlay District (HCO) with uses and heights of buildings being less restrictive in the HCO District.

3. To create a logical transition between existing residential uses and health care uses that will protect and preserve the character of the surrounding residential neighborhood while permitting uses on the land within the HCO District and TO District as permitted hereby.

4. To create a network of open land and recreation path opportunities for use by the patients, staff, physicians, students, and visitors of a Health Care Campus.

§ 1002. Applicability and General Requirements.

1. The provisions of this Part 10 shall apply to both the HCO District and the TO District unless a specific provision is stated as only applying to one of those districts. The HCO District and TO District shall authorize development of Hospital and health care related facilities and other uses allowed in this Part 10 in a Health Care Campus within the land areas designated to be within such districts on the Township Zoning Map. The TO District shall extend a distance of 500 feet from the property lines of the abutting residential properties in Salisbury Township.

   The HCO District and TO District serve as overlay zoning districts to the underlying zoning districts. When an applicant proposes development of a Health Care Campus under the HCO and/or TO zoning, the provisions of the underlying zoning districts shall not apply.

2. Other provisions of the Zoning Ordinance and the Subdivision and Land Development Ordinance (SALDO) shall apply, except where provisions of this Part 10 differ from provisions of other sections of the Zoning Ordinance or other

Township ordinances regarding the same matter, in which case the Part 10 provisions shall govern. This Part 10 shall not limit the development of health care uses in other districts where such uses are allowed.

3. Land within the HCO or TO districts shall be owned by the entity that owns the Hospital or health care-related buildings or by an industrial development authority or Hospital authority formed or employed for the financing of construction of Hospital and health care-related buildings and improvements on the Health Care Campus or other third party related to the Hospital as may be permitted under the laws of the Commonwealth of Pennsylvania.

4. New principal buildings developed on a Health Care Campus shall be served by a public water system and public sanitary sewer system, either by direct connection to such systems or by connection to existing campus water and/or sanitary sewerage systems which systems are served by the public water and sewerage systems.

5. A Health Care Campus shall be served by at least two driveways each having a minimum paved width of 28 feet. At least one of these driveways shall be from an arterial or collector street. There shall be no additional driveway connections from a Health Care Campus onto local streets in Salisbury Township.

§ 1003. Allowed Uses.

1. HCO District. The following uses shall be permitted by right in the HCO district, consistent with the other limitations of this Part 10:

   A. HOSPITAL – A facility providing medical testing, diagnosis, and treatment for persons on an inpatient, outpatient, and emergency care basis to include overnight stays by patients as necessary. A Hospital shall meet all relevant licensing requirements of the Commonwealth of Pennsylvania.

   B. HEALTH CARE OUTPATIENT FACILITY – A medical office building or other facility, separate from or in conjunction with a Hospital, which provides, on an outpatient basis, services such as medical testing, diagnostic testing, (including overnight diagnostic testing), and may include drawing and/or testing of laboratory specimens, surgery, treatment, rehabilitation, and/or other health care-related services. A health care outpatient facility may include overnight stays by patients.

   C. HEALTH CARE EDUCATION FACILITY – A facility which provides education and/or research related to health care, health maintenance, wellness, and/or the business of health care.

   D. HEALTH CARE OFFICE – Office uses may include offices for health care related professionals, administrative support offices for uses allowed

in the HCO and TO districts, and offices and laboratories for drawing and testing of specimens, diagnosis, or health care research.

E. WELLNESS and FITNESS CENTERS – Facilities that offer educational and/or interactive programs for health care, health maintenance, wellness, and/or other health-related subjects, and/or facilities that may include weight rooms, exercise rooms, exercise equipment, exercise pools, and/or other similar fitness facilities, and may offer rehabilitation, therapy, and/or health maintenance and physical performance related training programs.

F. HEALTH CARE RESIDENTIAL FACILITY – A hospice, nursing home, personal care home, life care center, assisted living facility, family lodging center, residence hall for students studying a health care field, and accessory housing facilities for on-site medical staff. A stand alone nursing home, personal care home, life care center or assisted living facility shall provide an area no less than 70 percent of the building surface area proximate to the building suitable and developed for passive recreation. This area shall be in addition to the Open Land required for the Health Care Campus under § 1005. Parking areas for residents, patients and visitors for a stand-alone nursing home, personal care home, life care center or assisted living facility shall be located within 250 feet of the facility.

G. ADULT AND CHILD DAY CARE CENTERS – Facilities intended to serve family members of patients, staff, physicians, students and visitors to the Health Care Campus as a priority but may also serve the public when needed to fill vacancies at the facility.

H. ACCESSORY HEALTH CARE COMMERCIAL USES – Accessory uses intended to serve patients, staff, physicians, students, clients, and visitors to the Health Care Campus, which shall be limited to the following and closely related uses: gift and card shops, flower and plant shops, sale of common health care-related items, personal care items, convenience items and novelties, sale of items for fundraising, sale of food and beverages, cafeterias/cafes/food courts or similar uses, vendor carts or kiosks for the sale of items listed above, pharmacies/drug stores, stores for medical devices and accessories, automatic transaction machines, and personal care services such as, barber shops or beautician shops, and laundry and/or dry cleaning pick-up, or similar uses as approved by the Zoning Officer.

(1) The sale of gasoline, propane, similar fuels or alcoholic beverages shall not be permitted.

(2) A drive through service for one pharmacy shall require Special Exception review and approval. All other drive-through services

shall be prohibited. A drive-through service shall be approved if the applicant demonstrates that:

a. the drive-through service is accommodating the needs of the staff, patients and clients of the Health Care Campus;
b. there will be adequate stacking capacity for vehicles; and
c. Vehicles using the drive-through will be screened from view from abutting residential properties.

The restriction on drive-through facilities shall not prohibit drive-up inoculation services for campus employees, staff, and physicians or for a public health emergency.

(3) Accessory Health Care Commercial Uses shall be incorporated into buildings that also house other principal uses permitted in the respective HCO or TO district. With the exception of pharmacies, an Accessory Health Care Commercial Use shall not have its own entrance, other than a service entrance, from the exterior of the building.

I. HEALTH CARE ACCESSORY FACILITIES – Facilities that support a Hospital and health care uses in the HCO and TO districts, such as transportation related facilities (including emergency transportation), Hospital Heliports, driveways, parking lots and loading areas, buildings and facilities for utilities, maintenance, vehicle storage, equipment storage and other support services, temporary mobile treatment units, "surge Hospital," tents and/or emergency services trailers or similar facilities to be erected only for the duration required to serve the needs of an emergency or public health occurrence and/or for periodic training, recreation trails and non-commercial recreation facilities, and utilities and stormwater management facilities.

2. TO District – The following uses shall be permitted by right within the TO District, consistent with the other limitations of this Part 10:

A. HOSPITAL as described in § 1003.1. above.

B. HEALTH CARE OUTPATIENT FACILITY as described in § 1003.1 above.

C. HEALTH CARE EDUCATION FACILITY as described in § 1003.1 above.

D. HEALTH CARE OFFICES as described in § 1003.1 above.

E. WELLNESS AND FITNESS CENTERS as described in § 1003.1. above.

F. HEALTH CARE RESIDENTIAL FACILITY as described in § 1003.1. above.

G. ADULT AND CHILD DAY CARE CENTERS as described in § 1003.1. above.

H. Accessory Health Care Commercial Uses as described in § 1003.1. above. However, such uses shall be limited to 10 percent of the total gross floor area of the building in which they are placed. Further, Conditional Use approval shall be required for any Accessory Health Care Commercial Use that will exceed 2,000 square feet of floor area in a building, or cause the total of all Accessory Health Care Commercial Uses in a building to exceed 2,000 square feet.

I. Health Care Accessory Facilities as described in § 1003.1 above. However, in the TO District no new freestanding power plant building shall be permitted and expansion of an existing carpenter shop shall not be permitted. Expansion of a power plant building that existed as of May 31, 2012, in and/or into the TO District shall be permitted. In addition, any proposed Health Care Accessory Facility power plant, utility, maintenance, storage, and warehouse buildings shall be similar in aesthetic character to existing clinical buildings on the Health Care Campus. This provision is not intended to address facilities for State-regulated "public utilities."

3. Health care-related uses in the HCO District or TO District for which the applicant demonstrates such uses are similar in use and impact to uses permitted by right in the respective overlay district shall be approved by Special Exception.

4. Prohibited and Restricted Uses. The following additional restrictions shall apply within the HCO District and/or TO District as applicable:

A. A psychiatric in-patient Hospital use shall not be permitted in the TO District.

B. Except for the non-routine occasional care of persons for non-psychiatric medical reasons, the housing of the criminally insane shall not occur in the HCO District or TO District.

C. Hospital Heliports shall not be located within the TO District and Hospital heliports in the HCO District shall be limited to use for emergency services including medical services and not for general transportation.

D. An inpatient or outpatient treatment center primarily for the treatment of drug and/or alcohol addictions shall not be permitted in the HCO District or TO District.

E. Within the TO District student housing shall be limited to students enrolled in an advanced degree medical program and their families.

F. Within the TO District truck deliveries and pick-up of trash shall not occur between the hours of 9:00 p.m. and 6:00 a.m.

G. Emergency Department building doors open to the public shall not be permitted in the TO District.

5. The provisions of § 402 of the Zoning Ordinance shall not apply to the uses permitted by right under this § 1003.

6. The noise and vibration limitations as included in sections of this Zoning Ordinance or in other Township ordinances shall not apply to vehicles used for emergency transportation, including when such emergency vehicles are not transporting patients.

§ 1004. Dimensional, Area and Coverage Requirements.

1. Unless otherwise stated, all dimensional, area and coverage requirements shall apply to a Health Care Campus as a whole. A Health Care Campus may include contiguous land developed in a coordinated manner with shared access onto public roads and with coordinated internal driveways. A Health Care Campus may then be subdivided into smaller ground leases, or through condominium ownership of offices or buildings. Individual buildings, uses, and interior lease areas shall not be subject to individual parking, area, bulk and yard requirements. Multiple principal and accessory uses shall be permitted on a lot and/or within a building.

2. Only land areas within HCO District and TO District within Salisbury Township shall be used to meet the dimensional, area and coverage requirements for a Health Care Campus as permitted in this Ordinance. However, with respect to a Health Care Campus, the following adjustments shall be allowed: Parking on a tract that is in an adjacent municipality may be used to meet the parking requirements of uses in the Health Care Campus, provided that if required parking is removed, it shall be replaced with new parking meeting Salisbury Township requirements regarding the numbers of required parking spaces.

   Off-site stormwater management facilities, including facilities in another municipality or zoning district, may be used to support development on a Health Care Campus.

3. Requirements.

   A. Minimum Tract Area: 30 acres, which may not include land separated by a public street that existed of May 31, 2012*;

B. Maximum Building Surface Coverage: 45 percent of the area of the Health Care Campus within the HCO District and 30 percent of the area of the Health Care Campus within the TO District, which shall be regulated based upon land that is not separated by a public street that existed as of May 31, 2012*.

C. Maximum Impervious Coverage: 80% of the area of the Health Care Campus, which shall be regulated based upon land within the HCO District and TO District that is not separated by a public street that existed as of May 31, 2012*;

D. Maximum Building/Structure Height: The maximum height for buildings shall be 7 stories for human occupancy on or above grade but not to exceed 105 feet, both as measured on the side of the building closest to an abutting residential property. Roof top equipment such as stair towers, elevator towers, equipment penthouses or roof mounted equipment screens may extend an additional 25 feet in height. The maximum height of parking structure shall be 6 levels on or above grade but not to exceed 65 feet, both as measured on the side of the parking structure closest to an abutting residential property. Elevator towers and stair towers may extend an additional 20 feet in height.

E. The following additional height restrictions shall apply within the TO District:

(1) Buildings shall be limited to 3 stories for human occupancy on or above grade but not to exceed 45 feet, both as measured on the side of the building closest to an abutting residential property. Roof top equipment such as stair towers, elevator towers, equipment penthouses or roof mounted equipment screens may extend an additional 15 feet in height.

(2) Parking structures shall be limited to 3 levels on or above grade but not to exceed 36 feet, both as measured on the side of the parking structure closest to an abutting residential property. Elevator towers and stair towers may extend an additional 20 feet in height.

(3) Outdoor storage tanks may be expanded, provided they meet the same height requirements that apply to buildings.

F. The height exceptions for chimneys, communications and/or radio antennae as noted in § 802 shall apply.

4. Minimum Yard setbacks:

A. The following minimum setbacks shall be measured from the perimeter of the Health Care Campus. Minimum yards shall not be required for individual lots or lease lines within a Health Care Campus, or from existing structures within a Health Care Campus. Required yard areas along public streets and an expressway shall be maintained with vegetative cover except where crossed by drives, outfall structures, pedestrian paths, bicycle paths, or walks or unless such area was previously approved for other purposes.

B. Abutting the right-of-way of a public street other than an expressway - 25 feet;

C. Abutting the right-of-way of an expressway or an expressway ramp - 10 feet;

D. Abutting any other perimeter lot line of the Health Care Campus, where a larger setback is not specified - 25 feet, except where land in common ownership continues into another municipality there shall be no setback requirement**;

E. Minimum building and parking structure setback from a lot line of an abutting residential lot in Salisbury Township – 300 feet **;

F. Minimum paving and accessory structure (limited to structures covering no more than 200 square feet of ground surface) setback from an abutting residential lot line in Salisbury Township – 100 feet**.

Notes:

* For the purposes of this Part 10, references to existing public streets include I-78/Route 309, Cedar Crest Boulevard, and Fish Hatchery Road as they existed on May 31, 2012.

** For the purpose of this Part 10, setback, berm, buffer, and other requirements when related to abutting residential lots, shall not apply to existing residential uses on the Health Care Campus and the abutting residential lot. Further, the paving setback shall not apply to streets or driveways providing ingress or egress to the site or to pedestrian or bicycle paths or walks.

§ 1005. Open Land Requirements.

1. In order to utilize the provisions of this Part 10, the applicant shall submit an Open Lands Plan showing that a minimum of 20 percent of the Health Care Campus property within Salisbury Township that is not separated by a public street that existed as of May 31, 2012*, will be set aside as Open Land. Open Land may include landscaped buffers, landscaped berms, stormwater management ponds holding a permanent pool of water, vegetated stormwater management facilities, and other vegetated or landscaped non-paved areas, as well as paved areas such as courtyards, recreation facilities, walkways, bicycle paths, and recreation paths that are part of an Open Land path system, and paved drives and parking areas that provide access to or parking for, recreational facilities within the Open Land. Except when including a pedestrian, recreation, or bicycle path as part of an Open Land path system, islands within parking lots less than 18 feet in width shall not be counted as open land.

2. The Open Land Plan shall show the locations of the Open Lands, describe proposed landscaping or tree preservation areas, and should propose tentative locations of any recreational facilities, pedestrian path, bicycle paths, pedestrian easements, and other existing or proposed amenities.

3. The Open Land shall be owned and maintained by the owner of the Health Care Campus. The Open Land Plan shall be subject to approval by the Township at the time of subdivision or land development approval of a Health Care Campus under the provisions of this Part 10.

4. The locations of the Open Land may be changed over time as part of subdivision or land development approvals, provided the applicant demonstrates that the new area will meet the requirements of this § 1005.

5. The open space and/or recreation area/recreation fee requirements referenced in other sections of the Zoning Ordinance or other Township ordinances shall apply only to residential halls for students studying a health care field and housing facilities for onsite medical staff at a Health Care Campus developed under this Part 10. No open space shall be required to be dedicated to the Township.

6. In consideration of the requirement to have and maintain an approved and coordinated Open Land Plan which shall include Woodland Protection (as applicable) and which shall include landscaping and buffering as referenced in § 1006, the provisions stated in § 516.6.C and § 516.10(D) shall not apply.

§ 1006. Landscape and Buffering Requirements.

1. Landscaping, berms, and buffers on a Health Care Campus shall meet the requirements of § 1006. The berm, buffer, screening and any related setback requirements referenced in other sections of the Township Zoning Ordinance or in

other Township ordinances shall not apply to a Health Care Campus developed under this Part 10.

2. If an applicant proves to the satisfaction of the Zoning Officer, after a recommendation by the Planning Commission, that existing healthy trees and other vegetation will be preserved (and/or supplemented if necessary with additional plantings, berms, fences or walls) to provide a visual screen as effective as the berms, fences, walls, and plantings required under this Section, then such existing trees and vegetation to be preserved (and/or supplemented if necessary) may be approved to satisfy the landscape, berm and buffer requirements of this § 1006.

3. The berm and landscape buffer requirements as listed below shall not be required where a Health Care Campus is separated from a residential lot by a public street that existed as of May 31, 2012*.

4. In a Health Care Campus, a berm and landscape buffer shall be constructed, or an existing berm and landscape buffer supplemented as needed to meet this § 1006, along abutting residential lots within Salisbury Township as well as between the existing residential use fronting and taking access from Caroline Road and the remainder of the Health Care Campus when a non-residential building, parking structure, parking area or driveways serving non-residential buildings will be constructed as part of a Health Care Campus. The berm and landscape buffer may be constructed within the required paved area setback. The berm and landscape buffer shall only be required where the proposed non-residential building, parking structure, outdoor storage tank, parking area or driveway serving non-residential buildings will be visible from the abutting residential property, after considering any preserved or newly planted plantings.

   A. The landscaped berm shall be designed to respond to the site's topography and the elevations of the adjacent homes as shown on Exhibits 1006.4.A.1, 1006.4.A.2, 1006.4.A.3, and 1006.4.A.4.

   B. Primarily coniferous (evergreen) screening shall be used for the buffer plantings and shall be provided on and/or near the top, and along the residential side of the berm. The berm shall be designed to provide sufficient soil and retain sufficient moisture or provide irrigation to support the plantings. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the winter. Plant species shall be from the list in § 803.4.F of this Zoning Ordinance unless the applicant provides a letter from a registered landscape architect recommending alternative plant species satisfactory to the Township Zoning Officer. The use of native plant species is encouraged. Following construction of any buildings or structures on a Health Care Campus, upon review of the construction, the Township Zoning Officer may require additional plantings be installed along a berm as may be necessary to supplement the buffer.

C. The berm and/or planting screen shall be continuous along such boundary, except at approved driveway entrances and exits including as may be required to provide adequate sight distance for traffic.

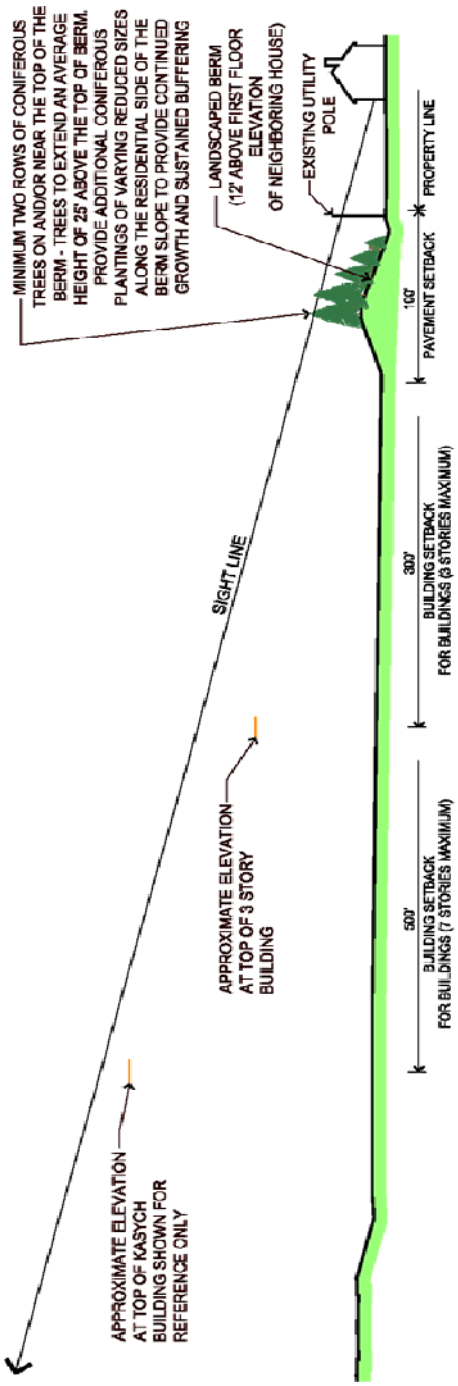
D. The berm and buffer area shall be free of buildings, dumpsters, parking, compactors, and commercial or industrial storage or display.

E. The berm shall have a maximum side slope of two horizontal to one vertical on the residential side, and the toe of slope shall be a minimum of 25 feet from the residential property line. The 25 feet may be used for utilities and stormwater management swales and facilities. The maximum slope on the non-residential side of the berm may be two horizontal to one vertical or steeper if a retaining wall or other earth stabilization methods are used. The entire berm shall be well-maintained. All areas not covered by trees, shrubs or mulch shall be covered with an all-season vegetative ground cover and shall be kept free of debris and rubbish. Fences and walls used for screening in combination with berms shall not be regulated in height.

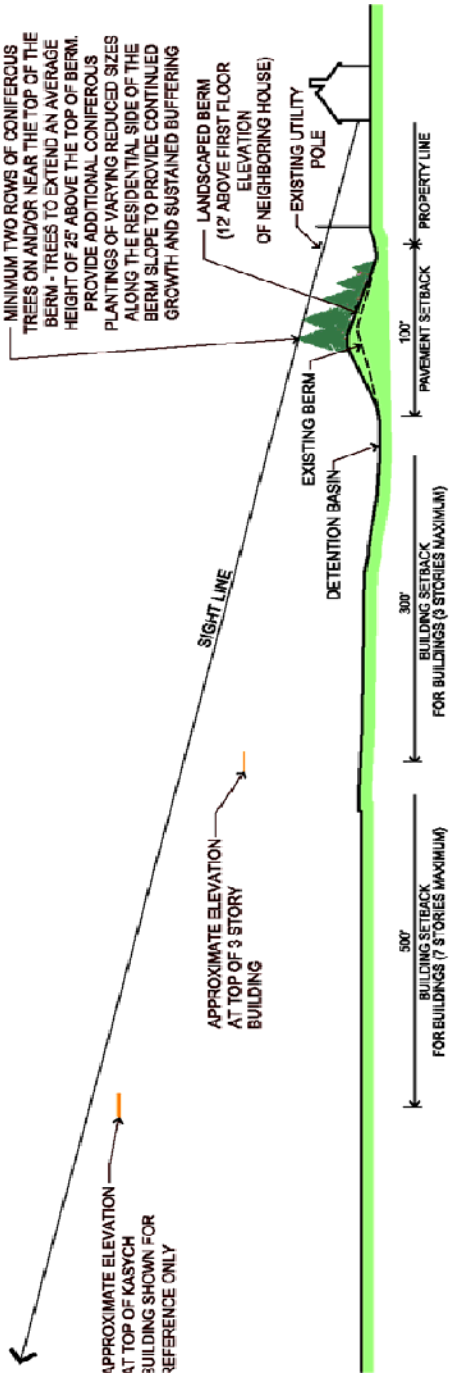
F. Berm plantings shall be regularly maintained and the owner shall perform an inspection of the berm and plantings annually and shall replace dead or dying plants with new plants meeting the minimum requirements of this Section if such plants are needed to meet the visual screening requirement. In addition, representatives of the Salisbury Township Zoning Office, upon review of the site, may require that trees and other plantings be added where necessary to supplement the visual screen as viewed from the abutting residential dwellings in accordance with the screening requirements of § 1006.4.A. above.

G. Drainage swales, utility lines, pipe, drainage improvements and structures and pedestrian paths may be constructed along the buffer berm within the 100-foot paved area setback.

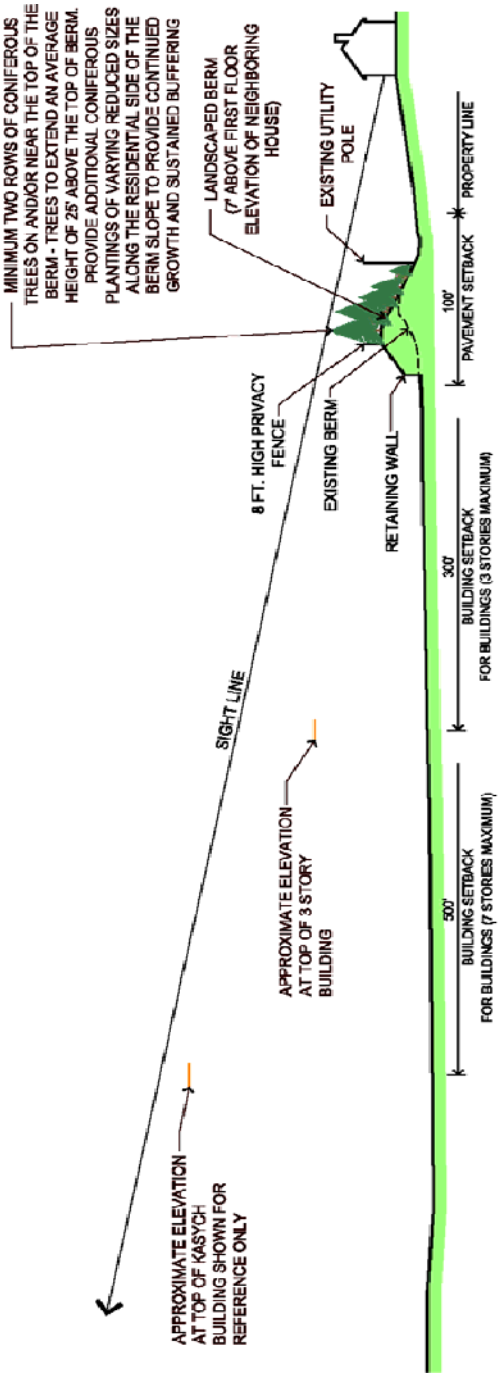
BERM AND BUFFER SECTIONS
EXHIBIT 1006.4.A.1
(REFER TO EXHIBITS 1006.4.A.2, 1006.4.A.3, AND 1006.4.A.4)



BERM AND BUFFER ALONG RESIDENTIAL PROPERTIES ON PLEASANT AVENUE (EXCLUDING AT DETENTION BASIN)
(TYPICAL)
EXHIBIT 1006.4.A.2



BERM AND BUFFER ALONG
EXISTING WEST DETENTION BASIN
(TYPICAL)
EXHIBIT 1006.4.A.3



BERM AND BUFFER ALONG RESIDENTIAL PROPERTIES ON SUNSET AVENUE

(TYPICAL)

EXHIBIT 1006.4.A.4

§ 1007. Signs.

1. Signs on a Health Care Campus developed under Part 10 shall be in accordance with Part 7 Signs except as modified in this § 1007. § 704.1 and § 704.2 shall not apply.

2. A sign shall not be animated, shall not appear to be moving and shall not change its message more often than once every 30 seconds. Signs with electronic or digital changing messages shall face only an expressway or arterial street. Except as specifically provided below, signs in a Health Care Campus may be continuously externally and/or internally illuminated. The light intensity of electronic or digital message signs shall be automatically controlled to permit the light intensity to be reduced during non-daylight hours.

3. A. Wall, banner, and window signs shall be permitted. Wall, banner, and window signs shall be limited in the aggregate to 15 percent of the area of the faces of buildings on which they are placed when facing an arterial street or expressway. Wall, banner, and window signs facing other than an arterial street or expressway shall be limited in the aggregate to 10 percent of the area of the faces of buildings on which they are placed. However, within the TO District, wall, banner, and window signs that face an abutting residential lot shall be limited in the aggregate to 5 percent of the area of the faces of buildings on which they are placed.

   B. The height of wall, banner, and window signs shall not be regulated, except that the tops of such signs shall not be placed at an elevation higher than the highest part of the building, including stair towers, penthouses or roof mounted equipment screens. However, wall, banner, and window signs that face an abutting residential lot in Salisbury Township shall not exceed a height of 45 feet if the signs are illuminated, and such signs may be illuminated by external light sources only.

   C. Further, within the TO District, wall, banner, and window signs that face an abutting residential lot, shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

   D. Where a sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is part of the sign, the sign area shall be the smallest rectangle or circle, or two or three smallest rectangles or circles that include all of the letters and symbols.

4. Up to two freestanding identification signs of up to 250 square feet each in area may be placed at the entrance drive to a Health Care Campus from an arterial street. Up to two freestanding signs of up to 150 square feet each in area may be placed at the entrance drive to a Health Care Campus from a collector street in Salisbury Township. In addition, one freestanding sign of up to 250 square feet may be placed

at the corner of an intersection of an arterial street and collector street. Freestanding signs shall not exceed a height of 10 feet.

5. Pole mounted flag or pennant signs made of fabric or fabric-like polymers shall be permitted along the driveways, walkways, plazas and in parking lots in a Health Care Campus. Such flag or pennant signs shall be kept in good repair and shall be removed promptly if torn, tattered or faded. Pole mounted flag and pennant signs shall not exceed 24 square feet in area, except that flag or pennant signs within 100 feet of a building entrance may be up to 40 square feet in area.

6. Signs displaying the name of buildings or structures shall be permitted, including donor names at a height no greater than the top of building or structure. Such signs shall utilize letters no greater than 30 inches in height and shall not be internally illuminated. These signs shall be in addition in area to signs permitted in § 1007.3.

7. In addition to other signs, one on-premises freestanding electronic or digital message sign shall be permitted. Such sign shall be limited in changeable electronic or digital message area to 300 square feet on each of two sides. The sign may only be used to display the name of the facility/owner and logo, health care related messages and advertisements, and non-health care related messages limited to community or municipal information and events. A sign face shall not change its message more frequently than once every 30 seconds. The sign shall be positioned to direct its messages to motorists only along an expressway, and not toward abutting residences, and shall be placed within 400 feet of the right-of-way of an expressway. In addition to the electronic or digital message area, the sign may include an area of 200 square feet of fixed (non-changing) sign area for the display of the name and logo of a health care entity. The sign shall not exceed a height of 45 feet as measured above the edge of the expressway directly adjacent to the sign. The light intensity of the sign shall be automatically controlled to permit the light intensity to be reduced during non-daylight hours.

8. Temporary signs or banners similar to the signs permitted above shall also be permitted.

9. Signs within the Health Care Campus that is not legible from an expressway, public street or residential lot, as well as signs for traffic control and/or direction, shall not be regulated.

§ 1008. Off-Street Parking and Loading.

1. Off-street parking and loading requirements shall be in accordance with Part 6 of the Zoning Ordinance except as modified below.

2. Off-street parking spaces and/or loading spaces provided on the campus but within another municipality may be counted toward the required off-street parking and/or loading spaces required for the campus.

3. In consideration of the significant open land, landscaping and buffer plantings required in a Health Care Campus, § 603.7.D. shall not apply. However, landscaped islands shall be required at the end of parking lot aisles

Part 11

Zoning Map Amendments

This Part lists zoning map amendments that occurred after the adoption of this Chapter.

27 Attachment 1

Township of Salisbury

APPENDIX A
Airport Approach Regulations

§A.1. Purpose and Applicability.

This Appendix is primarily intended to protect the public health and safety by preventing obstructions that could pose a serious threat to aircraft as they approach or take off from an airport. This Section is adopted under the authority of the Pennsylvania Airport Zoning Act of 1984, as amended, 74 Pa.C.S.A, §5911 et seq. All provisions of the remainder of this Chapter shall apply to the provisions of this Appendix, including but not limited to the enforcement provisions, except where the requirements of this Appendix clearly differ from such other provisions.

§A.2. Definitions.

For the purposes of this Appendix A, the following terms shall have the following meanings:

AIRPORT – the Lehigh Valley International Airport (hereafter "LVIA Airport") and the Allentown Queen City Airport (hereafter "Queen City Airport").

AIRPORT ELEVATION – the highest point of airport's usable landing area, measured in feet above sea level. Shall be three hundred ninety-four (394) feet for LVIA Airport and three hundred ninety-nine (399) feet for Queen City Airport.

AIRPORT HAZARD – any structure or object, natural or humanmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "airport hazard" in 74 Pa.C.S.A. §5102.

APPROACH SURFACE – an airport surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in this Appendix.

CONICAL SURFACE – an airport surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

HORIZONTAL SURFACE – a horizontal plane one hundred fifty (150) feet above the established airport elevation.

NONPRECISION INSTRUMENT RUNWAY – a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or

area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

PRECISION INSTRUMENT RUNWAY – a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout play or any other planning document.
PRIMARY SURFACE – a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of the runway.

RUNWAY – a defined area on an airport prepared for landing and takeoff of aircraft along its length.

TRANSITIONAL SURFACES – these airport surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

UTILITY RUNWAY – a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

VISUAL RUNWAY – a runway intended solely for the operation of aircraft using visual approach procedures.

§A.3. Airport Zoning Agencies.

The Township Planning Commission is hereby appointed to serve as the Township Airport Zoning Planning Agency. The Township Zoning Hearing Board is hereby appointed to serve as the Airport Zoning Board of Adjustment. Such agencies shall conduct such duties within the same procedures as are followed when conducting their primary role as the Planning Commission or Zoning Hearing Board.

§A.4. Airport Zoning Map.

The Airport Zoning Map shall be the "Height Limitation and Zoning District Map" prepared under the direction of the State Bureau of Aviation and dated 1989, and as may be officially amended in the future by such agency. This Map and any subsequent official amendments are hereby incorporated by reference into this Appendix.

§A.5. Airport Zones.

The following zones are hereby established under this Appendix, as shown on the official Airport Zoning Map, with the following stated height limitations. An area within more than one (1) of the following zones shall be considered to be only within the most restrictive of those zones:

A. Utility Runway Visual Approach Surface Zone (for a "utility runway"). An area established beneath the visual approach surface, and which has its inner edge coinciding with the width of the primary surface zone of the runway, and which is two hundred fifty (250) feet wide. This zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface, and has its centerline following a continuation of the centerline of the runway. The height limitation of this zone slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

B. Transitional Surface Zone. An area established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Airport Zoning Map. The height limitations of this zone shall slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. See also the definition of "transitional surfaces."

C. Horizontal Surface Zone. An area established beneath the horizontal surface one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of either five thousand (5,000) feet (for all runways designated as utility or visual) or ten thousand (10,000) feet (for all other runways) radii from the center of each end of the primary surface. This zone shall not include the approach surface nor the transitional surface zones. The height restrictions of this zone are established at one hundred fifty (150) feet above the established airport elevation.

D. Conical Surface Zone. An area established beneath the conical surface that commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The height limitations of this zone shall slope twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation.

E. Utility Runway Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide. The zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The height limitation of this zone slopes twenty (20) feet outward for each foot upward beginning at

the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

§A.6. Airport Height Regulations.

Except as otherwise provided in this Chapter, no structure shall be placed, erected or extended and no tree allowed to grow such that it would be within the applicable height limitation established by any of the following zones established by this Appendix; Conical Surface Zone, Horizontal Surface Zone, Transitional Surface Zone, Utility Runway Visual Approach Surface Zone or Utility Runway Nonprecision Instrument Approach Surface Zone.

§A.7. Permits and Maximum Height.

1. Except as specifically provided in the following subsections, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed:

   A. In the area lying within the limits of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

   B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographical features, such tree or structure would extend above the height limit prescribed for such approach zones.

   C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographical feature, would extend above the height limit prescribed for such transition zones.

2. To ensure compliance with this Appendix, a special permit shall be required from the Zoning Officer for the erection, placement or extension of any structure over forty-five (45) feet in height over any of the ground area below any of the airport zones identified by the Airport Zoning Map. The applicant shall be responsible to show compliance with this Appendix.

§A.8. Nonconformities.

The nonconforming provisions of this Chapter shall also apply to structures regulated by this Appendix. No structure that violates the maximum height requirements of this Section shall be allowed to be extended further into the height limit, and no tree shall be allowed to grow into or further into the height limit.

§A.9. Variances.

1. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply for a variance from the zoning regulations in question pursuant to Article 1. A variance shall only be granted after the requirements of Section 112 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Article. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Article.

    A. Notwithstanding any other provision of law, if the Zoning Hearing Board decides to grant a permit or variance under this Article, it shall notify the PA. Bureau of Aviation of its decision. This notice shall be in writing and shall be sent so as to reach the Bureau at least ten days before the date upon which any permit is to issued.
    B. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

§A.10. Aircraft Hazards.

1. No use or structure shall occur in such a way as to create any of the following hazards to aircraft:

    A. Electrical interference with navigational signals or aircraft radio communications.

    B. Visual interference or confusion between aircraft lights or airport approach lights and other lights.

    C. Glare in the eyes of pilots.

D. Impaired visibility around the airport.

E. Bird strike hazards.

F. The growth of any tree into the applicable height limitations of the zones established by this Appendix.

G. Other hazards that threaten to interfere with safe landing, takeoff or maneuvering of aircraft using an airport.

2. Because of the highly technical and specialized nature of these requirements, the Township shall not accept any liability or responsibility for identifying aircraft hazards on its own, but shall instead investigate written complaints filed by licensed pilots, responsible government officials and operators of airports.

§A.11. Marking of Hazards.

1. The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Township.

2. The Zoning Officer shall have the authority to require the owner of a structure receiving a permit or variance under this Appendix after the adoption of this Appendix to provide and maintain at the property owner's expense sufficient markings and or lighting, within the regulations and/or standards of the Federal Aviation Administration.

§A.12. Closure.

1. If Queen City Airport would be officially closed as a fixed wing airport as determined by the Zoning Officer, the provisions of this Appendix regarding Queen City Airport shall be automatically repealed. If one runway of such airport is closed, the regulations regarding such approach shall be automatically repealed.