ABINGTON TOWNSHIP

Zoning Ordinance

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TABLE OF CONTENTS

ARTICLE I
Title, Purpose and Jurisdiction 7
SECTION 100. TITLE AND SCOPE 7
SECTION 101. SHORT TITLE 7
SECTION 102. GENERAL PURPOSE AND INTENT 7
SECTION 103. INTERPRETATION 8
SECTION 104. SEPARABILITY 8

ARTICLE II
Definitions 11
SECTION 200. LANGUAGE INTERPRETATION 11
SECTION 201. SPECIFIC DEFINITIONS 12

ARTICLE III
Establishment of Zoning Districts 25
SECTION 300. ESTABLISHMENT OF DISTRICTS 25
Section 300.1. Classes of Zoning Districts 25
Section 300.2. The Zoning District Map 25
Section 300.3. Interpretation of District Boundaries 26
SECTION 301. RESIDENTIAL LOW DENSITY (R-1) DISTRICT 26
Section 301.1. Purpose 26
Section 301.2. Use Regulations 26
Section 301.3. Dimensional Regulations 27
Section 301.4. Special District Regulations 28
SECTION 302. RESIDENTIAL LOW-MEDIUM DENSITY (R-2) DISTRICT 29
Section 302.1. Purpose 29
Section 302.2. Use Regulations 29
Section 302.3. Dimensional Regulations 29
Section 302.4. Special District Regulations 29
SECTION 303. RESIDENTIAL MEDIUM DENSITY (R-3) DISTRICT 30
Section 303.1. Purpose 30
Section 303.2. Use Regulations 30
Section 303.3. Dimensional Regulations 30
Section 303.4. Special District Regulations 30
SECTION 304. RESIDENTIAL HIGH DENSITY (R-4) DISTRICT 31
Section 304.1. Purpose 31
Section 304.2. Use Regulations 31
Section 304.3. Dimensional Regulations 31
Section 304.4. Special District Regulations 32

ARTICLE IV
Commercial Zoning Districts 35
SECTION 400. TOWN COMMERCIAL DISTRICTS 35
Section 400.1. Purpose 35
Section 400.2. Use Regulations 35
Section 400.3. Dimensional Regulations 36
Section 400.4. Special Development Regulations 36
SECTION 401. SPECIAL COMMERCIAL DISTRICTS 38
Section 401.1. Purpose 38
Section 401.2. Use Regulations 38
Section 401.3. Dimensional Regulations 39

Section 401.4. Special Development Regulations 40

SECTION 402. PLANNED BUSINESS DISTRICTS 42
Section 402.1. Purpose 42
Section 402.2. Use Regulations 42
Section 402.3. Dimensional Regulations 43
Section 402.4. Special Design and Development Regulations 44
SECTION 403. APARTMENT/OFFICE DISTRICTS 46
Section 403.1. Purpose 46
Section 403.2. Use Regulations 46
Section 403.3. Dimensional Regulations 47
Section 403.4. Special Development Regulations 48

ARTICLE V
Special Zoning Districts 53
SECTION 500. COMMUNITY SERVICE DISTRICT 53
Section 500.1. Purpose 53
Section 500.2. Use Regulations 53
Section 500.3. Dimensional Regulations 54
Section 500.4. Special Development Regulations 54
SECTION 501. MIXED USE DISTRICTS 57
Section 501.1. Purpose 57
Section 501.2. Use Regulations 57
Section 501.3. Dimensional Regulations 58
Section 501.4. Special Development Regulations 60
SECTION 502. SUBURBAN INDUSTRIAL 62
Section 502.1. Purpose 62
Section 502.2. Use Regulations 62
Section 502.3. Dimensional Regulations 63
Section 502.4. Special Development Regulations 63
SECTION 503. RECREATION/CONSERVATION DISTRICTS 64
Section 503.1. Purpose 64
Section 503.2. Use Regulations 64
Section 503.3. Dimensional Regulations 65
Section 503.4. Special Development Regulations 66

ARTICLE VI
Overlay Zoning Districts 67
SECTION 600. FLOOD PLAIN CONSERVATION OVERLAY DISTRICT 67
Section 600.1. Purpose and Intent 67
Section 600.2. Boundaries of the District and Definitions 67
Section 600.3. Overlay Concept 68
Section 600.4. Boundary Disputes and Appeals 68
Section 600.5. Use Regulations 69
Section 600.6. Application Procedure 71
Section 600.7. Standards for Approval of Special Exception or Variance 73
Section 600.8. Uses or Structures Rendered Nonconforming 74
Section 600.9. Certificate of Compliance 75
Section 600.10. Non-Liability of Municipality 75
SECTION 601. LAND PRESERVATION DISTRICT OVERLAY
CLUSTER DEVELOPMENT FOR V RESIDENTIAL ZONING DISTRICTS 76
Section 601.1. District Intent 76
Section 601.2. District Boundaries 76
Section 601.3. Permitted Land Uses 76
Section 601.4. Density Yield Calculation 76
Section 601.5. Land Preservation Calculation 77

Section 601.6. Dimensional Regulations 77
Section 601.7. Special Development Regulations 79
Section 601.8. Site Inventory and Sketch Plan 82
Section 601.9. Application and Review Procedures 84

SECTION 602: STEEP SLOPE CONSERVATION OVERLAY DISTRICT 85
Section 602.1. Purpose and Intent 85
Section 602.2. Boundary Definition of the Steep Slope Conservation Overlay District 85
Section 602.3. Steep Slope Conservation District Overlay Concept 85
Section 602.4. Boundary Interpretation and Appeals Procedure 85
Section 602.5. Land Use and Development Regulations 86
Section 602.6. Conservation Uses Permitted By Right 86
Section 602.7. Uses Permitted by Special Exception 87
Section 602.8. Prohibited Uses 88
Section 602.9. Application Procedure 88
Section 602.10. Procedures for Consideration of a Special Exception 89

ARTICLE VII
Use Regulations 91
SECTION 700. REGULATION OF USES 91
SECTION 701. ARTICLE AND SECTION PURPOSE 91
SECTION 702. DEFINITIONS 91
SECTION 703. APPLICABILITY AND INTERPRETATION 91
SECTION 704. PRINCIPAL USES PERMITTED 93
SECTION 705. LEGAL STATUS OF USES 94
SECTION 706. CATEGORIES OF PERMITTED USES 94
Section 706.A. Accessory Uses 94
Section 706.B. Agricultural Uses 102
Section 706.C. Commercial Uses 104
Section 706.D. Industrial Uses 116
Section 706.E. Community Service Uses 118
Section 706.F. Office Uses 123
Section 706.G. Entertainment/Recreational Uses 124
Section 706.H. Residential Uses 127
Section 706.I. Utility Uses 136

ARTICLE VIII
Supplementary District Regulations 137
SECTION 800. PURPOSE 137
SECTION 801. GENERAL REGULATIONS 137
Section 801.A. Standards Applicable to Zoning Uses 137
Section 801.B. Lot Standards 137
Section 801.C. Yard Requirements 138
Section 801.D. Height Exceptions 140
Section 801.E. Density Calculation 141
Section 801.F. Standards for Impervious Surface Areas 141
Section 801.G. Zoning Standards Applicable to Streets 142
Section 801.H. Expansion Rights Under This Ordinance 142
Section 801.I. Grading, Storm Water, and Erosion Control Requirements 143
Section 801.J. Mechanical Equipment Standards 145
Section 801.K. Trash Containment Standards 146
Section 801.L. Community Security Standards 146
Section 801.M. Lighting Standards 147
Section 801.N. Display and Storage of Goods 148
Section 801.O. Commercial Subdivision 148
Section 801.P. Environmental Restrictions 149

Section 801.Q. Open Space Standards: . . . 150
Section 801.R. Well Water Regulations . . . 156
Section 801.S. Plan Requirements: . . . 156
Section 801.T. Community Development Standards . . . 157
Section 801.U. Landscaping Standards . . . 158

ARTICLE IX
Parking and Transportation Standards . . . 167
SECTION 900: OFF-STREET PARKING REQUIREMENTS: . . . 167
Section 900.1. Application and Interpretation . . . 167
Section 900.2. Existing Conforming Land Uses . . . 168
Section 900.3. Remedies for Alleviating Parking Deficiencies in Non-Conforming Buildings and Uses: . . . 168
SECTION 901. PARKING USE REQUIREMENTS . . . 170
Section 901.1. Accessory Land Uses . . . 170
Section 901.2. Agricultural Land Uses . . . 170
Section 901.3. Commercial Land Uses . . . 170
Section 901.4. Industrial Uses . . . 174
Section 901.5. Community Service Uses . . . 174
Section 901.6. Office Uses . . . 175
Section 901.7. Entertainment/Recreational Uses . . . 175
Section 901.8. Residential Uses . . . 176
Section 901.9. Utility Uses . . . 177
SECTION 902. PARKING SPACE COMPUTATION . . . 177
Section 902.1. Parking Space Design Standards . . . 178
Section 902.2. Mobility Requirements . . . 179
Section 902.3. Parking for Individuals with Disabilities . . . 179
Section 902.4. Parking Space Reduction Factors . . . 180
SECTION 903. PARKING LOT AND FRONTAGE DEVELOPMENT STANDARDS . . . 183
Section 903.1. Parking Lot Use Restrictions . . . 184
SECTION 904. OFF-STREET LOADING REQUIREMENTS . . . 185
SECTION 905. SPECIAL TRANSPORTATION PROVISIONS . . . 186
SECTION 906. TRANSPORTATION STUDY . . . 187

ARTICLE X
Sign Regulations . . . 190
SECTION 1000. PURPOSE . . . 190
SECTION 1001. SCOPE AND APPLICABILITY . . . 190
SECTION 1002. MAINTENANCE REQUIREMENTS . . . 191
SECTION 1003. CLASSIFICATION OF SIGNS . . . 191
SECTION 1004. TYPES OF SIGNS . . . 191
SECTION 1005. GENERAL SIGN REGULATIONS . . . 192
SECTION 1006. SIGNS EXEMPT FROM PERMITS . . . 195
SECTION 1007. PROHIBITED SIGNS . . . 197
SECTION 1008. SIGNS REQUIRING A PERMIT . . . 199
SECTION 1009. SIGNS PERMITTED IN ALL DISTRICTS . . . 206
SECTION 1010. NONCONFORMING SIGN REGULATIONS . . . 207
SECTION 1011. SPECIAL SIGN REGULATIONS . . . 207

ARTICLE XI
Administration and Permits . . . 209
SECTION 1100. GENERAL PROVISIONS . . . 209
SECTION 1101. STAFF ADMINISTRATION . . . 209
SECTION 1102. USE PERMIT REQUIRED . . . 210
SECTION 1103. FRONTAGE AND STORM DRAINAGE IMPROVEMENT PERMITS . . . 211

SECTION 1104: BUILDING PERMITS 212
SECTION 1105: OCCUPANCY PERMITS 213
SECTION 1106. SIGN PERMIT 214
SECTION 1107. DEMOLITION PERMIT 214
SECTION 1108. CONDITIONAL USES 215
SECTION 1109. EXPIRATION OF CONDITIONAL USES, SPECIAL EXCEPTIONS AND VARIANCES 218
SECTION 1110. TREATMENT OF NONCONFORMING USES STRUCTURES, LOTS AND SIGNS 219

ARTICLE XII
Zoning Hearing Board **223**
SECTION 1200. ADMINISTRATION AND PROCEDURE 223
Section 1200.1. Appointment 223
Section 1200.2. Term 223
Section 1200.3. Powers and Duties 223
Section 1200.4. Rules of Procecure 223
Section 1200.5. Meetings 223
Section 1200.6. Appeals to Board 224
Section 1200.7. Public Hearings 224
Section 1200.8. Appeals to Court 225
SECTION 1201. STANDARDS FOR REVIEW 225
Section 1201.1. General Provisions 225
Section 1201.2. Provisions for Special Exception Consideration 226
Section 1201.3. Provision for Variance Consideration 226
SECTION 1202. APPLICATION FOR APPEAL, SPECIAL EXCEPTION, OR VARIANCE 227
Section 1202.1. Application Procedures 227
Section 1202.2. **Special Application Requirements for Certain Variance Hearings** 228
SECTION 1203. LIMITATION OF THE ZONING HEARING BOARD 230

ARTICLE XIII
Amendments **231**
SECTION 1300. POWER OF AMENDMENT 231
SECTION 1301. INITIATION OF AMENDMENTS 231
Section 1301.1. Proposals by Board of Commissioners 231
Section 1301.2. Proposals by The Township Planning Commission 231
Section 1301.3. Proposals by Citizen Petition 231
Section 1301.4. Notice of Public Hearings 231
Section 1301.5. Review by the Township Planning Commission 232
Section 1301.6. Procedure at Public Hearings 233
Section 1301.7. Curative Amendments by Landowners 234

ARTICLE XIV
Enforcement, Fines, and Violations **239**
SECTION 1400. JURISDICTION 239
SECTION 1401. ENFORCEMENT REMEDIES 239
SECTION 1402. ENFORCEMENT NOTICE 239
SECTION 1403. FINES AND PENALTIES 240
SECTION 1404. REPEALER 240

ARTICLE I
Title, Purpose and Jurisdiction

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Abington, a municipality of Montgomery County, Pennsylvania, pursuant to the provisions of the "Pennsylvania Municipalities Planning Code," this Ordinance is established as follows:

SECTION 100. TITLE AND SCOPE: This document and Ordinance, herein entitled "The Revised Abington Township Zoning Ordinance," regulates the location, height, bulk, erection, construction, alteration, raising, removal, and size of structures; the percentage of lot which may be occupied; the size of yards, buffers, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for commerce, industry, residence, recreation, public activities, or other purposes; and the uses of land for conservation, commerce, development, resource protection, and other purposes, in all portions of the Township of Abington.

SECTION 101. SHORT TITLE: This Ordinance shall be known as and may be cited as the "Zoning Ordinance", as amended from time to time.

SECTION 102. GENERAL PURPOSE AND INTENT: The fundamental purpose of this Ordinance is the implementation of the Abington Township Comprehensive Plan and the preservation of a high-quality environment which is the hallmark of Abington Township, by:

A. Promoting and protecting the health, safety, and general welfare of the inhabitants of the municipality; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; and avoiding undue concentration of population;

B. Promoting a township-wide land-use pattern which recognizes those cultural, historical, and natural features unique to each community and which provides for the separation of significantly different use intensities to preserve community character;

C. Facilitating the adequate provision of transportation, water supply, sewerage, schools, parks, and other public improvements;

D. Providing standards for all types of dwelling units, including mixed residential and commercial uses, so that all the people may have access to decent, sound, and sanitary housing;

E. Coordinating future development and highway improvements so as to minimize traffic congestion within the Township;

F. Coordinating the effective utilization and expansion of community services and public facilities within the Township;

G. Providing for regulated commercial development to meet the current and future needs of the Township in an attractive fashion which is complementary to existing residential neighborhoods;

H. Providing for the protection of critical natural resources including floodplains, wetlands, steep slopes, woodlands, water supplies, open space, and other important features;

I. Protecting cultural, historic, scenic, and other important features, including structures and landscapes which have a special character or use, and which affect or are affected by their environment.

SECTION 103. INTERPRETATION: This interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

A. Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.

B. Whenever the provisions of any other statute require a greater width or size of yards, buffers, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under this statute, the provisions of the regulations made under authority of this Ordinance shall govern.

C. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, nor any private restrictions placed upon property by covenant, deed, or other private agreement, unless averse hereto.

SECTION 104. SEPARABILITY: It is hereby declared to be the intent of the Board of Commissioners that:

A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective

B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any use, lot, building, tract of land, or other structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy and application of any such provision to other persons, property, or situations shall not be affected.

ARTICLE II
Definitions

SECTION 200. LANGUAGE INTERPRETATION

A. Unless a contrary intention clearly appears, the following words and phrases shall have for the purposes of this Ordinance, the meanings given in the following definitions.

1. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:

   a. Words used in the present tense include the future.

   b. Words used in the singular include the plural, and those used in the plural include the singular.

   c. Reference made in the masculine includes the feminine.

   d. The word "person" includes an individual, association, corporation, partnership, or other legal entity.

   e. The word "lot" includes the word "plot", "parcel", "premises." or "site."

   f. The term "shall" and "will" are mandatory and the terms "may" "should" and "is encouraged" are optional.

   g. The words "used" and "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be occupied or used."

   h. The phrase "board" or "governing body", unless otherwise specified, shall mean the Board of Commissioners of Abington Township.

   i. The words "municipality" or "township" means the Township of Abington. The terms "Township of Abington" and "Abington Township" may be used interchangeably.

   j. The phrase "planning commission" and "local planning commission" mean the Abington Township Planning Commission.

   k. The phrase "Zoning Hearing Board" means the Zoning Hearing Board of Abington Township.

2. Any word or term not defined herein shall be used within the meaning of standard usage.

SECTION 201. SPECIFIC DEFINITIONS

Abandonment: To cease or discontinue a legal use or activity without intent or ability to resume, excluding temporary closures for repair, improvement, or seasonal activity. A use discontinued for a period of one year shall be deemed abandoned.

Accessory Building: A separate, subordinate structure, the use of which is clearly and customarily incidental to that of the principal structure and which is located on the same lot as the principal structure. An accessory building may not occupy more than twenty-five (25) percent of the gross first floor area of the principal structure in residential districts.

Accessory Use: A use subordinate to, but not necessarily related to, the principal use of a lot or building. An accessory use may not occupy more than ten (10) percent of the total gross leasable floor area of the principal use in commercial districts.

Accessway: A paved surface. other than a street, which provides pedestrian or vehicular access from a street or private road to a lot or parking area, including the area providing for the movement of vehicles around and through designated parking lots.

Alteration: An alteration of a structure or premises includes the following changes:

1. A change in use of the structure from one zoning classification to another.
2. The addition of any zoning use to the structure.
3. Changes to the interior layout or partitions of a structure to modify or improve the utility of the premises.
4. Changes or modifications of the structural members of any building or structure.
5. Incidental changes to nonstructural parts of a building or structure which relate to a change in use of the building.
6. Changes in occupancy, or alteration of conditions imposed upon the occupancy of a building or premises.

Amendment: A change in the requirements of any use provided for in this Ordinance, which would necessitate a revision to the zoning ordinance text in order to accommodate the change, or a change in any zoning district which would necessitate a revision to the Official Zoning Map of the Township. The authority for any amendment lies solely with the Board of Commissioners.

Appeal: Action as prescribed in this Ordinance and by laws of the Commonwealth taken by an aggrieved person or persons against the action, decision, or interpretation of officers appointed by the Municipality to enforce the provisions of this Ordinance.

Applicant: An individual, partnership, corporation, or other legal entity who, with the written permission of the landowner of record, files an application for any permit, use, or provision provided for in this Ordinance.

Basement: A story either partially or fully below surrounding grade. It shall be counted into the floor area of a building if it is finished or used for other than storage purposes.

Boarder: A person occupying any room or group of rooms forming a single, habitable unit, used or intended to be used for living and sleeping but not for cooking or eating purposes, and paying compensation for lodging or board by prearrangement for a week or more at a time to the owner or operator. Any person occupying such rooms under the same terms for less than one week shall be classified for purposes of this Ordinance as a guest of a commercial lodging establishment.

Buffer Area: A strip of pervious land between a property line and a structure on the lot, the width of which is regulated under this Ordinance, and on which is placed plantings or screening of sufficient height and density to visually protect and shield an abutting property or zoning district from the use established on the lot. A buffer yard may not be utilized for other purposes.

Buildable Area (LPD Development Sites): *That portion of a development site remaining after* subtracting the total land preservation area from the gross site area.

Building: Any structure or portion thereof rising above grade level, and having a roof supported by columns or walls, intended for the shelter, storage, or enclosure of persons, animals, or property. Detached buildings are those separated from the principal use.

Building Area: The total amount of horizontal land area covered by the footprint of a building or structure.

Building Coverage: The total amount of horizontal land area covered by the footprints of all principal and accessory buildings and structures on a lot. *This term is described as a ratio of total* covered land area to the total lot area.

Building Envelope: That portion of a lot, outlined by and contained within required district yard setback lines, wherein principal buildings may be constructed, provided other development criteria contained in this Ordinance are satisfied. Accessory buildings may have different requirements.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade around the building, to the highest point of the roof for flat roofs, to the coping line for mansard roofs, and to the ridge line for ridge, gable, hip, and gambrel roofs.

Building Setback Line: *The inner edge of the required yard for a given property line defining* a lot or parcel, beyond which a principal building may not encroach.

Caliper: The diameter of a tree's trunk, measured twelve (12) inches above the ground level.

Cartway: The portion of a street or right-of-way which is paved and intended for vehicular use.

Commercial Use: Any use, business, occupation, or enterprise that is carried on for profit by an owner, lessee, tenant or licensee.

Conditional Use: A use permitted in a given zoning district subject to the direct approval of the Board of Commissioners, and subject to specific regulations different from the usual requirements of the district in which the use is located because of some special characteristics inherent in the

installation or operation of the use.

Condominium: An estate in real property governed by the Pennsylvania Uniform Condominium Act wherein the occupant-owner of each unit of real property holds fee simple title to that unit and a specified amount of indivisible parts of the structure or land known as common elements. For the purpose of this Ordinance, the use of each unit of condominium real estate shall require a use permit and is subject to other regulations of the Township.

Cul-De-Sac: A street intersecting with another street at one end, and terminating in a vehicular turnaround at the other end.

Density: The maximum permitted use of a parcel, lot or area of land as determined by standards expressed in this Ordinance.

Developable Acreage: Land remaining at a development site after excluding existing easements, right-of-ways, areas consisting of floodplain and wetlands which are protected from development by federal, state, or local land regulations, and steep slope area for which a grant of special exception has been denied by the Township Zoning Hearing Board.

Developer/Applicant: Any person seeking approval under this Ordinance for any form of development or use.

Development: Any man-made change to improve, unimprove, or alter real estate, including but not limited to, erecting permanent buildings or other structures, the placement of mobile homes or temporary structures, the installation of streets, right-of-ways, pervious and impervious paving, utilities, excavating, filling, grading, mining, drilling, blasting, or the subdivision of land.

District, (Zoning): A portion of the municipality as designated on the Township Zoning Map inclusive of streets, alleys and private or public rights-of-way, within which certain uses of land, lots, buildings and structures are either not permitted, or are permitted with certain specified criteria.

Driveway: A strip of land intended for use as a means of vehicular and pedestrian access from a public street to not more than one lot.

Dwelling Unit: One or more connected rooms forming a single habitable unit containing cooking, living, sanitary, and sleeping facilities, which are used or intended for use by one or more persons living together and maintaining a common household as one single family unit. Each dwelling unit must be accessible from the outdoors either directly or through an entrance hall shared with other dwelling units. A dwelling unit may contain only one kitchen facility.

Easement: A right-of-way or other right, granted for the limited and specified use of private land for private, common, or public use, which is recorded in the Office of the Recorder of Deeds.

Eaves: The overhanging lowest edge of a roof. Provided an eave does not exceed twenty-four inches, it is not required to meet a building setback requirement.

Employee: An individual working for another person, business, partnership, corporation or other legal entity for compensation either full or part time. The total number of employees working at a given business, partnership, corporation, or other legal entity is the number of employees during the largest shift operation of the facility.

Enforcement Officer: The Zoning or Code Official appointed by the municipality to enforce this Ordinance within the jurisdiction of the municipality.

Expansion: A change in use or alteration of a building, structure, lot or premises, which results in an increase in use, size, leasable floor area, or function from the previous use provided.

Facade: The exterior wall or face of a building exposed to public view from ground or grade level to the roof line.

Family: One (1) or more persons related by blood, adoption, or marriage, or not more than two (2) unrelated persons living and cooking together as a single housekeeping unit.

Floodplain: The area which would be inundated by storm water runoff equivalent to that which would occur with a rainfall of one hundred (100) year frequency, as indicated on the Flood Insurance Study for Abington Township.

Floodway: The channel of a river or other watercourse, and the adjacent land areas required to carry and discharge the flood of the one hundred (100) year magnitude without causing more than a one (1) foot rise in the flood heights at any point.

Floor Area (gross): The sum of the areas of all horizontal floors and mezzanines of a building as measured from the outside face of the exterior walls, or from the centerline of walls separating two buildings. Floor area includes attics, balconies, basements, penthouses, and porches, if intended for human occupancy.

Frontage: The length of any one property line of a lot which abuts a street or public right-of-way.

Garage (private): A building for the private use of the owner or occupant of a principal building situated on the same lot as that building, used for household storage or vehicle parking.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and in visibility.

Grade: The slope of the land or public improvement, specified in percent(%).

Green Area: The portion of a lot or parcel of land which is not covered by buildings, structures or other impervious materials, and which is required to remain as open space with plantings and vegetation.

Gross Leasable Floor Area (GLFA): The sum of all floor areas of a building capable of being used or devoted to a principal or accessory use of an occupant or tenant, minus floor areas of the

building devoted to:

- basement and crawl space utilized strictly as storage use.
- mechanical and building utility spaces such as elevator shafts, water closets, and building equipment rooms.
- permanent common hallways and stairways
- permanent, aesthetic lobbies used for architectural enhancement or display, and not used for office or seating.
- permanent bathroom facilities for use by common tenants or the general public utilizing the building.
- Mezzanines devoted exclusively for storage use.
- garage area, utilized in the required parking space count for the principal building use, and not devoted to storage use.
- design elements for handicapped accessibility.

Homeowners Association: A legally constituted, private, nonprofit corporation created for the purpose of owning, operating, and maintaining defined common property.

Impervious Surface: Surfaces which do not absorb storm water. All buildings, parking areas, driveways, roads, sidewalks, swimming pools, and any areas in concrete or asphalt shall be considered impervious surfaces within this definitions. In addition, other surfaces determined by the Township Engineer to fall within the scope of this definition shall be considered impervious.

Improvements: Any alteration to a lot, parcel, building, or structure.

Land Development: Any of the following activities for which a plat shall be required:

1. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

    a. A group of two or more residential or non-residential buildings whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

    b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups, condominiums, or other features; or,

2. A subdivision of land into lots for the purpose of conveying such lots singularly or in groups to any person, partnership, corporation, or legal entity for the purpose of the erection of buildings by such entity.

Landscaping: Specified plantings and vegetation in quantities as described in this Ordinance, which is required for a certain use of land, or as buffer, or open space areas.

Loading Berth: An area abutting the building specifically designed for the loading and unloading

of trucks and vehicles, and which has convenient access to a storage location within the building; such access being furnished by an elevated floor, a recessed vehicle parking area, a ramp, or other facility.

Lot: A parcel, tract, or area of land, described by metes and bounds and established by a plat, or otherwise permitted by law, the description of which has been recorded in the Office of Recorder of Deeds, by plat or deed.

Lot Area: The area contained within the property lines of a lot as shown on a subdivision or land development plan, excluding space within an existing or future right-of-way, but including the area of any easement.

Lot - Corner: A lot at the junction of and abutting on two (2) or more intersecting streets, or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees, and the radius of the street is less than one hundred (100) feet.

Lot - Double Frontage: A lot having two front yards each abutting on a different public street, and other than a corner lot.

Lot - Interior: Any lot which is not a corner lot.

Lot Depth: The average distance between the front and rear lot lines.

Lot - Flag: A lot with access provided to the bulk of the lot by means of a narrow strip of land which has less street frontage than is normally required. The pole or panhandle is an access corridor to a lot area located behind lots with normal street frontage.

Lot Line: The lines bounding a lot as defined herein.

Lot Width: The distance measured between lot lines, other than the front and rear lot lines, at the front building setback line.

Mandatory Cluster Development: A zoning district overlay which requires cluster development for land preservation on land parcels contained in the Low Density Residential Zoning District which are ten (10) acres or larger in gross site area.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy; contained in one unit or in two or more units designed to be joined into one integral unit, capable of again being separated for repeated towing; which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations; and constructed so that it may be used without permanent foundation.

Modular Dwelling Unit: A factory-built, single-family dwelling unit that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act, and approved by the Pennsylvania Department of Community Affairs, which is transportable in one

or more sections for delivery to a site, but which is mounted upon a permanent foundation, without wheels or axles attached to the structure.

Municipalities Planning Code (MPC): Pennsylvania Act 247 of 1968, latest revision of which is Act 170 of 1988, which is the enabling legislation governing municipal land development, planning, subdivision, and zoning ordinance regulations.

Non-Conforming: A building, lot, structure, sign or use, which lawfully existed prior to the adoption, revision or amendment of this Ordinance, but does not comply with zoning use or district regulations by reason of adoption, revision, or amendment of this Ordinance. Treatment of non-conforming buildings, lots, and uses is specifically addressed within this ordinance.

Occupancy Certificate: A use and occupancy permit, applied for by the occupant of a building, structure or use, and issued under authority and standards of this Ordinance, which establishes the legal right to occupy and use a premises, and which sets forth any special conditions for the specified use and occupancy.

Occupant: The legal occupant of a building, premises, structure, or use, issued an occupancy permit for such right to occupy and use, or exempt from the need to do so by governmental or legal privileged status.

Open Space: A parcel or parcels of land, or an area of water, or a combination of land and water, within a development site, interconnected and designed for the use and enjoyment of the residents of a development and/or the Township, not including streets, off-street parking area, required yards, and areas set aside for public facilities, except as may be approved by the Board of Commissioners. Open space may be used for buffer, land preservation, recreation, or scenic purposes. Open space shall be substantially free of structures, but may contain such improvements as are set forth and approved in a development plan and are appropriate for the recreation of the residents served thereby. Open space may be set aside in one, or a combination of the following ways:

1. **Dedicated:** An area or areas offered to and accepted by the Board of Commissioners for use by all the residents.

2. **Common:** An area or areas set aside specifically for the use of residents within the development site, integrated and distributed for maximum benefit of the community, and restricted in use by declaration in deed.

3. **Land Preservation District:** That portion of a tract of land that is permanently deed restricted from further development opportunities, and reserved for the preservation of natural resource features, historic features, and/or natural scenic views.

Overlay: A district, or set of standards which is applied for the intention and purpose expressed in this Ordinance, which either supersedes or acts in conjunction with the established underlying zoning district, in order to achieve the desired result. Several overlay standards may be applied

to any given parcel or lot, as may be applicable according to the standards established herein.

Owner: The individual, partnership, corporation, or other legal entity, who is the owner of record as described in the Office of Recorder of Deeds, of the real estate intended to be developed, subdivided, or used under the terms of this Ordinance.

Parapet: The top of a building wall or facade which is raised above the roof line.

Parcel: A lot or a continuous number of lots, in the possession of or owned by the same person, persons or other legal entity. Any lot to which a tax parcel has been assigned.

Parking Space: An area on a lot and/or within a building, meeting the standards in this Ordinance, intended for the temporary parking of vehicles.

Permit: A document issued by the Enforcement Official subject to the provision of this Ordinance, that authorizes the addition, alteration, change, expansion, erection, or use of any building, lot or structure, or zoning use or portion thereof, provided for within this Ordinance.

Petition: A document submitted to the Board of Commissioners requesting an amendment, change, repeal, or supplement to the zoning district designations set forth in this Ordinance or its related Zoning Map, signed by the owners of fifty (50) percent or more of the frontage in any district affected by the proposed petition.

Plan/Plat: The map or plan of a subdivision or land development for a particular lot or set of lots, whether preliminary, or final.

Planning Commission: The Planning Commission of the Township of Abington, as appointed by the Board of Commissioners.

Plot Plan: A plan prepared by a PA licensed architect, engineer, or land surveyor, according to the standards of this Ordinance, showing accurately and with complete dimensions the boundaries of a site and the location and size of all buildings, structures, and uses existing or proposed for a given lot or site.

Premises: A building or other structure, or lawful divided portions thereof, together with the land or lot upon which it is contained.

Preservation: The planned management of land to prevent abuse or destruction of resources such as trees and shrubs as described herein.

Principal Use: The primary and singular building, use, or structure permitted and intended for a given lot, parcel, or premises.

Public Notice: The process by which parties and residents of the Township are notified of amendments, appeals, conditional uses, revisions, special exceptions, or variances from the standards of this Ordinance.

Regulatory Agency: A governmental agency established by law to regulate or control development and land use within its defined jurisdiction, and generally superseding the regulatory powers of the municipality in such matters.

Residential Use: Any single-family detached home, duplex, multiplex, townhouse, twin or use customarily accessory thereto, and any apartment dwelling units contained in a residential district.

Resource Protection: Land with restricted development potential due to its inherent physical limitations such as floodplain, steep slope, wetland, and woodland areas.

Right-of-Way: A strip of land occupied or set aside for use as a street, utility area, drainage area, travel way, or other use.

1. **Existing:** The existing right-of-way is the width of the legal right-of-way currently in existence, as established by appropriate governing bodies.
2. **Ultimate:** The ultimate right-of-way is the planned road right-of-way reserved to provide adequate future use of the right-of-way.

Road (Public): All public right-of-way reserved or dedicated for street traffic.

Road (Private): A private right-of-way open to vehicular ingress and egress, established as a separate tract for the benefit of certain adjacent properties. A private road is not a driveway.

Runoff: Surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but runs off the surface of the land.

Screening: A berm, fence, landscaping, wall, or any combination of these, used to create a visual and/or physical separation between certain elements or uses on a site.

Setback: The required minimum horizontal distance between the building line and the related front, side. or rear property lines.

Sign: Any letter, number, symbol, figure, character, mark, design, picture, word, trademark, or combination of these which is assembled, constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, and which is used or intended to convey information to, or attract the public to any article, event, place, subject, merchandise, person, place, firm, business, and which is displayed in any manner or place whatsoever so that it can be seen from the public right-of-way or street.

Single and Separate: The ownership of a lot, tract, or parcel of land by one (1) or more persons, partnerships, corporations, or other legal entities, which is separate and distinct from the ownership of any abutting or adjoining lot, tract, or parcel. Separate and distinct means that the lot, tract, or parcel owned does not abut or adjoin any other lot, tract, or parcel of land under the ownership or control of the same one (1) or more persons, partnerships, corporations, or other legal entities.

Site: A lot or parcel, or contiguous lots or parcels of land defined by survey and intended to have one or more uses, or intended to be subdivided or developed.

Site Area: The minimum lot area required for a permitted use;

1. **Gross Site Area:** All land on a site contained within the existing legal right-of-waylines, determined from a survey plot plan.

2. **Net Site Area:** The buildable area of a site, determined by subtracting all land area without development opportunity.

Site Disturbance: Any activity which causes land on a given site to be exposed to the danger of erosion by the removal of vegetation and/or trees.

Site Plan: A plan or drawing prepared to scale, showing accurately all information required by these regulations with respect to a development or use proposal. Some uses as stated herein, or as required in the judgement of the Code Official, must have a site plan prepared by a PA licensed architect, engineer or surveyor.

Special Exception: A zoning use permitted by right, following grant of approval by the Township Zoning Hearing Board, provided certain established conditions are complied with and maintained in the interest of the public health, safety and welfare.

Steep Slope: Natural or man-made areas of land where the average slope of the land exceeds twenty-five (25) percent.

Story: That horizontal portion of a building located between the surface of any floor and the floor or roof next above.

Street: A strip of land, including the existing right-of-way and not limited to a paved cartway, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot, and which includes thoroughfare, alley, avenue, boulevard, court, expressway, highway, lane, place and road. A street can be public or private.

Street Line: The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that, where an ultimate right-of-way width for a road or street has been established by ordinance or official map, then that width shall determine the location of the street line.

Structure: A combination of materials assembled, constructed, or erected at a fixed location, at, above, or below grade, including a building; the use of which requires location on the ground or attachment to something having location on the ground. Driveways, parking lots, patios, walkways, sidewalks, and the like erected at grade level shall not be considered structures. Swimming pools and recreations courts are considered to be structures.

Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, petition by the court for distribution to heirs or devises, transfer of ownership or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easements of access, or any residential dwelling, shall not require a subdivision plan.

Supplementary Regulations: Zoning regulations and standards which are common and applicable to all zoning districts, even though they may not be set forth in the district regulations.

Temporary Use: A use intended for limited duration and located in a zoning district not normally permitting such use.

Township Engineer: The individual appointed by the Board of Commissioners to be the municipal engineer.

Township Solicitor: The individual or firm appointed by the Board of Commissioners to serve as the municipal legal counsel.

Use: Any activity, business, occupation, or operation carried on or intended to be carried on in a building or other structure, or on a lot or parcel of land.

Use Permit: A permit or legal document issued by the municipality granting and authorizing a specific use for a lot or structure, or portions thereof.

Utilities: Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, relating to the supply of electricity, gas, telephone, television, sewage, water, including the appurtenances used to supply such services, and excluding cellular phone systems.

Variance: A grant of relaxation by the Township Zoning Hearing Board from the dimensional and use regulations of this Ordinance, when such action will not be considered contrary to the public interest and where, owing to conditions unique to the property, and not resulting from the actions or situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.

Violation: An infraction of any provision or use expressed in this Ordinance for which remedies are set forth by law and within this Ordinance.

Watercourse: Any permanent or intermittent stream, river, brook, creek, or a channel, ditch,

rill or swale, whether natural or man-made, for the conveyance of surface and underground water. Storm sewers are considered as watercourses.

Wetlands: Those land areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas as set forth and defined by the U.S. Environmental Protection Agency.

Woodland Area: An area comprising at least one quarter (1/4) acre of land where trees of at least six (6) inches in caliper comprise a continuous canopy.

Yard: An open area, unobstructed from the ground up by a principal structure on a lot, and extending along a lot line or street line, inward to the structure. The length of a yard shall be measured as the shortest distance between the nearest point of the foundation wall of the principal structure and a lot line or street line. The ***minimum restricted yard area*** is that portion of a specific yard, which lies between the appropriate property line and the building setback line established for that specific yard.

Front: A yard extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

Rear: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

Side: A yard lying between the side lot line and the nearest line of the building, extending from the inward edge of the front yard to the inward edge of the rear yard.

Zoning Hearing Board: The Zoning Hearing Board of the Township of Abington as appointed by the Board of Commissioners to hear and decide appeals, special exceptions, and variances to this Ordinance.

Zoning Map: The map adopted with this Ordinance indicating zoning district designations.

Zoning Official: The Code Enforcement Official designated by the Board of Commissioners to enforce the standards and execute the duties expressed in this Ordinance and the Municipalities Planning Code.

ARTICLE III
Establishment of Zoning Districts

SECTION 300. ESTABLISHMENT OF DISTRICTS: The Township of Abington is hereby divided into zoning districts of different types, with each type being of such number; shape; kind; and area, and with common unity of purpose and adaptability of use, that are deemed by the Board of Commissioners as most suitable to carry out the goals and directives in the Comprehensive Plan and the general purpose and intent set forth in this Ordinance.

Section 300.1. Classes of Zoning Districts: For the purpose of this Ordinance, the Township of Abington is hereby divided into zoning districts which shall be designated as follows:

A. Traditional Zoning Districts:

1. Residential Zoning Districts:

a.	R-1 District:	Low Density Residential
b.	R-2 District:	Low-Medium Residential
c.	R-3 District:	Medium Density Residential
d.	R-4 District:	High Density Residential

2. Commercial Zoning Districts:

a.	TC District:	Town Commercial District
b.	SC District:	Special Commercial District
c.	PB District:	Planned Business District
d.	AO District:	Apartment Office District

3. Special Zoning Districts:

a.	CS District	Community Service District
b.	M District:	Mixed Use District
c.	SI District:	Suburban Industrial District
d.	RC District:	Recreation/Conservation District

B. Overlay Zoning Districts:

a.	FP District	Floodplain Overlay
b.	LP District	Land Preservation Overlay
c.	SS District	Steep Slope Overlay

Section 300.2. The Zoning District Map: The individual zoning districts are bounded and defined as shown in the map entitled "The Official Zoning Map of Abington Township," which accompanies this ordinance, and together with all explanatory matters thereon, is adopted as an official attachment of this Ordinance.

Section 300.3. Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of a district indicated on the official zoning map, the following rules shall apply:

A. District boundaries are intended to follow individual lot lines on private lands, so that no parcel is split zoned. Because the current official Township map does not contain parcel boundaries, dimensional measurements are often necessary to determine the district boundary. In the event a dimensional measurement does not occur on a lot line, the district boundary is determined by the majority district area comprising the lot where the measurement occurs. A majority is established to be fifty-one (51) percent or more of the net lot area. This provision applies only to lots lawfully created at the adoption of this ordinance.

B. District boundaries are intended to follow the centerline of streets, highways and public right-of-ways; such that the street or right-of-way is included in a zoning district. When boundaries on the map appear to be approximately parallel to the centerlines of streets or right-of-ways, such district boundary shall be construed as being parallel thereto.

C. District boundaries for overlay districts are determined by tax parcel identification; by boundaries indicated on the Official Township Map; or by special studies thereof, when such exist; or by actual field survey; as the case may warrant.

D. District boundary disputes are resolved by verification of an actual field survey performed by a registered professional surveyor licensed in the state of Pennsylvania, at the sole cost of the applicant, developer, or landowner; as the case may be. In the event any further uncertainty may exist, the Zoning Hearing Board shall interpret the intent of the map with respect to location of district boundaries.

SECTION 301. RESIDENTIAL LOW DENSITY (R-1) DISTRICT

Section 301.1. Purpose: The R-1 residential zoning district is intended to provide low density, single-family, neighborhoods.

Section 301.2. Use Regulations: A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article, and all other applicable sections of this Ordinance:

A. Uses by Right:

1. B-1 Agriculture
2. B-3 Livestock
3. H-8 Single Family Detached
4. J-1 Conservation/Recreation Preserve
5. The following uses in conjuction with the Land Preservation District Overlay are mandated:
    a. H-5 Estate Dwelling
    b. H-9 Single Family Cluster
    c. H-10 Townhouse
    d. H-12 Village House

6. The following accessory uses are permitted:
   a. A-1 Residential Accessory Building
   b. A-3 Recreational Vehicles
   c. A-5 Antenna System
   d. A-6 Fences/Walls
   e. A-7 Home Occupation
   f. A-9 Swimming Pool
   g. A-10 Tennis/Sport Court
   h. A-12 Play Structures

B. Use by Special Exception:

1. B-2 Kennel
2. B-4 Riding Academy
3. E-8 Municipal Complex
4. G-6 Outdoor Recreation
5. J-2 Emergency Services
6. J-3 Utility Facility

Section 301.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

Dimensional Chart

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
One Acre	200 feet	100 feet
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
50 feet	20 feet	30 feet
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
20 Percent	25 Percent	75 Percent
BUILDING		
Max. Height	**Max. Length**	**Min. Separation**
35 ft. max.	150 ft.max.	40 ft. min.

Note: Residential Buffer requirements may change minimum yard size.

1. All principal detached structures and uses must be separated by a minimum distance of forty (40) feet from one another.

2. See Land Preservation District Overlay for LPD dimensional standards pf lse H-5, H-9, H-10, and Use H-12.

Section 301.4. Special District Regulations:

1. The front yard on one side of a corner lot may be reduced to a depth of not less than forty (40) feet.

2. For every permitted use other than a dwelling unit, there shall be a minimum of two (2) side yards, neither of which shall be less than thirty (30) feet in width.

3. Outside storage of junk, debris, other materials, and outdoor vehicle repairs shall not be permitted.

4. Abandoned or unlicensed cars, trucks, other vehicles, or parts thereof, are not permitted outside of legal and approved structures.

5. Commercial and recreational vehicles and boats greater than twenty-five (25) feet in length are not permitted to be parked or stored in residential districts, except in approved structures. Trucks, tractors, trailers, and flat beds more than eighteen (18) feet in length, eighty (80) inches in width, or more than 8,200 pounds in groos vehicle weight shall not be permitted.

6. Commercial vehicles less than twenty-five (25) feet in length are not permitted to contain business advertisement unless parked in approved structures.

7. In-fill of dwelling units on vacant lots shall meet the topology and character of the existing community.

SECTION 302. RESIDENTIAL LOW-MEDIUM DENSITY (R-2) DISTRICT

Section 302.1. Purpose: The R-2 low-medium density, residential district is intended to provide low density, single-family, neighborhoods which lie adjacent to or among one acre residential zoning districts.

Section 302.2. Use Regulations: A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article, and all other applicable sections of this Ordinance:

A. Uses by Right: Uses as permitted in the R-1 district, other than LPD uses.

B. Use by Special Exception: Uses as permitted in the R-1 district.

Section 302.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition, or alteration:

Dimensional Chart

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
15,000 sq ft	100 ft	100 ft
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
40 ft	15 ft	30 ft
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
25 percent	35 percent	65 percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35 ft max.	150 ft max.	30 ft min.

Note: Residential Buffer requirements may change minimum yard size.

1. All principal detached structures and uses, must be separated by a minimum distance of thirty (30) feet from one another.

Section 302.4. Special District Regulations: Special district regulations applicable to R-1 zoning districts are also applicable in R-2 districts, except as noted below:

1. The front yard on one side of a corner lot may be reduced to a depth of not less than thirty (30) feet.

SECTION 303. RESIDENTIAL MEDIUM DENSITY (R-3) DISTRICT

Section 303.1. Purpose: The R-3 district is intended to provide single family dwelling units on medium sized lots.

Section 303.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article, and all other applicable sections of this Ordinance:

A. Uses by Right: Uses as permitted in R-1 districts, except B1, B3 and LPD uses.

B. Use by Special Exception: Uses as permitted in R-1 districts, except B2 and B4.

C. Use by Conditional Use Hearing: H-6 Mobile Home Development

Section 303.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

Dimensional Chart

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
10,000 sq. ft.	75 ft.	100 feet
MINIMUM YARD DIMENSION		
Front	**Side (2) ***	**Rear**
30 feet	12 feet	30 feet
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
30 Percent	40 Percent	60 Percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35 ft. max.	100 ft.max.	24 ft. min.

Note: Residential Buffer requirements may change minimum yard size.

1. All principal detached structures and uses must be separated by a minimum distance of twenty-four (24) feet from one another.

Section 303.4. Special District Regulations: Special district regulations applicable to R-1 zoning districts are also applicable in R-3 districts, except as noted below:

1. The front yard on one side of a corner lot may be reduced to a depth of not less than

twenty (20) feet.

SECTION 304. RESIDENTIAL HIGH DENSITY (R-4) DISTRICT

Section 304.1. Purpose: The R-4 District is intended to provide single family dwelling units on high density lot areas.

Section 304.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance:

A. Uses by Right: Uses as permitted in R-1 districts, except B1, B3 and LPD uses.

B. Use by Special Exception: Uses as permitted in R-1 districts, except B2 and B4.

1. E-3 Day Care Center
2. E-9 Nursing Home

C. Conditional Use: The following uses are permitted by Conditional Use approval on all lots or parcels held in single ownership which are twenty-five (25) acres or larger in gross lot area, substantially vacant at the effective date of this Ordinance, and where fifty (50) percent of open space land preservation is maintained on a campus-like environment:

1. E-7 Life Care Facility
2. H-7 Planned Residential Development

Section 304.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition, or alteration:

Single Family Dimensional Chart

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
7500 sq. ft.	50 feet	100 feet
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
20 feet	10 feet	25 feet
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
40 Percent	55 Percent	45 Percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35 ft. max.	100 ft.max.	20 ft. min.

Note: Residential Buffer requirements may change minimum yard size.

1. All principal detached structures and uses must be separated by a minimum distance of twenty (20) feet from one another.

Section 304.4. Special District Regulations: Special district regulations applicable to R-1 zoning districts are also applicable in R-4 districts, except as noted below:

A. The minimum lot width at the street line shall be fifty (50) feet for single-family detached dwelling units, and seventy-five (75) feet for existing, non-conforming, two-family or duplex detached dwelling units.

B. One front yard of a corner lot may be reduced to a depth of not less than fifteen (15) feet.

C. For every single-family semi-detached (twin) dwelling unit, there shall be a minimum of one (1) side yard which shall not be less than ten (10) feet in width.

D. For every two-family detached (duplex) dwelling unit, there shall be a minimum of two (2) side yards, neither of which shall be less than fifteen (15) feet in width.

E. For every permitted use other than a dwelling unit, Planned Residential Unit, or Community Services use, there shall be a minimum of two side yards, neither of which shall be less than twenty (20) feet in width.

F. **Community Service Use Regulations**: Fifty (50) percent of the gross site area, exclusive of all land within existing right-of-ways, shall be preserved as deed-restricted open space to be used and maintained as specified in this Ordinance. The remaining developable acreage on the site shall be calculated according to the following formula, where the gross site area measured in acres is multiplied by a land preservation factor of fifty (50) percent:

Developable Acreage = Gross Site area X .50

Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

Dimensional Chart for Use E-3, E-7, and E-9

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot/Site Width**	**Lot/Site Depth**
25 Acre min.	300 ft	300 feet
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
100 feet	50 feet	50 feet
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
40 Percent	80 Percent	20 Percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
40 ft. max.	160 ft.max.	30 ft. min.

Note: Residential Buffer requirements may change minimum yard size.

G. See Article VII, Subsection H-7 for dimensional and use criteria for Planned Residential Development.

ARTICLE IV
Commercial Zoning Districts

SECTION 400. TOWN COMMERCIAL DISTRICTS

Section 400.1. Purpose: The purpose and intent of the Town Commercial District is to establish standards for smaller neighborhood shopping areas which consist primarily of small retail shops, small personal care businesses, and professional office uses that may adequately function in isolation to anchor stores and planned associations of larger scale business activity.

Section 400.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance.

Section 400.2.A. Uses by Right:

1. C-3 Bank
2. C-6 Club
3. C-10 Dry Cleaners (Drop-Off)
4. C-14 Laundry (Self-Service)
5. C-15 Mixed Use Building
6. C-18 Personal Care Business
7. C-19 Professional Service Business
8. C-23 Restaurant: outdoor use is permitted, drive-in use is not permitted
9. C-24 Retail Take Out Food
10. C-25 Retail Shop
11. C-32 Tavern/Bar
12. E-6 Library/Museum
13. E-8 Municipal Complex
14. F-2 Medical Office
15. F-5 Professional Services
16. H-1 Apartment/Multiplex Building
17. H-3 Boarding House
18. J-2 Emergency Services

19. **The following accessory uses are permitted:**

    a. A-2 Non-Residential Accessory Structure
    b. A-5 Antenna Systems
    c. A-6 Fence/Wall
    a. A-11 Commercial Accessory Apartment

Section 400.2.B. Conditional Use:

1. G-8 (Performing Theater) as a conditional use for existing facilities or their reuse.

Section 400.2.C. Use by Special Exception:

1. C-16 Parking Garage
2. C-17 Parking Lot
4. C-22 Repair Shop

Section 400.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
10,000 sq ft	50 feet	100 feet
MINIMUM YARD DIMENSION		
Front	**Side #**	**Rear**
10 ft / 45 ft *	15 ft (1)	20 ft
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
60 percent	90 percent	10 percent
BUILDING DIMENSIONS		
Max. Height	**Max Length**	**Min. Separation**
35 feet	120 ft.	

Note: Residential Buffer requirements may change minimum yard size.

* There shall be a front yard on each street which the lot abuts, which shall not be less than ten (10) feet in depth, provided that in any case where parking is permitted in the front yard, the depth of such yard shall not be less than forty-five (45) feet.

Section 400.4. Special Development Regulations:

A. Site designs and uses which create gaps in the building setback line shall be avoided. Exceptions to this standard are limited to driveway access points, front yard parking areas not wider than fifty (50) feet, and buffer areas. In order to appropriately align proposals with the established building setbacks, the following standards apply:

1. Where buildings within one hundred and fifty (150) (both directions) feet of a proposed building or building alteration share the same front yard building setback, proposed construction shall utilize the established setback, which may be zero feet in some cases.
2. Where all buildings within three hundred (300) feet (both directions) of a proposed building or building alteration have varied front yard building setbacks, the proposed construction shall utilize the average of all building setback distances within three hundred (300) feet of the property under consideration.

3. Where buildings within three hundred (300) feet (both directions) a proposed building or building alteration have zero side yards, the fifteen foot side yard requirement may be eliminated.

B. The street facing facades of all buildings shall have a minimum of twenty-five (25) percent of glazing area on the ground or first floor level.

C. Front yard dumpsters and above-ground tanks are not permitted.

D. New development proposals are encouraged to provide parking located to the rear of a building.

E. Expansion of sidewalk area onto private property is encouraged up to one half of the required or averaged front yard depth. This area may be utilized for furniture, decorations, or permitted outdoor uses.

F. Load/unload zones are not required for lots less than ten thousand (10,000) square feet in lot area.

G. Cross-lot and alley access to rear parking areas is permitted provided directional signs indicating such access are properly displayed and visible from the street frontage.

H. Except for use C-3 (Bank) no drive-in facilities are permitted.

I. Temporary or seasonal sales shall be permitted outside or in front of the building setback provided the event is authorized by the Township, and such sales event is not conducted for longer than one (1) week in duration and not more frequent than once every three (3) months. Other provisions of Section 801.N shall be applicable.

J. Outdoor eating areas are permitted in conjunction with restaurant use provided the conditions for outdoor eating in use C-23 are satisfied.

K. **Landscape and Buffer Requirements:**

1. Front Yard: A landscape buffer of not less than five (5) feet in depth shall be provided along the property line of each front yard area. When the front yard setback is zero feet, a buffer need not be installed. If the front yard setback is averaged, one half of the required front yard area sahll consist of buffer area.

2. Side Yard: A landscape buffer of not less than three (3) feet in depth shall be provided along the property line of each required side yard area. When the side yard setback is zero feet, a buffer need not be installed.

3. Rear Yard: A landscape buffer of not less than ten (10) feet in depth shall be provided along the rear yard property line.

4. Residential Buffer: When a rear yard or side yard abuts a residential zoning district, a buffer of not less than fifteen (15) feet in depth shall be provided.

5. Landscape and screening buffers shall met the requirements established under the landscaping provisions of this Ordinance, and shall be maintained and replaced when dead or diseased.

SECTION 401. SPECIAL COMMERCIAL DISTRICTS

Section 401.1. Purpose: The purpose and intent of the Special Commercial District is to provide for a variety of commercial establishments and service businesses that offer specialized goods or services to markets generally greater than the immediate local neighborhood.

Section 401.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance.

Section 401.2.A. Uses by Right:

1. B-2 Kennel
2. C-1 Automotive Sales
3. C-3 Bank
4. C-4 Building Materials
5. C-7 Commercial School
6. C-8 Convenience Store
7. C-9 Drive-In Facility
8. C-10 Dry Cleaners (Drop-Off)
10. C-12 Funeral Home
11. C-14 Laundry (Self-Service)
12. C-17 Parking Lot
13. C-18 Personal Care Business
14. C-19 Professional Service Business
15. C-20 Radio/TV Station
16. C-21 Rental Agency (Vehicles)
17. C-22 Repair Shop
18. C-23 Restaurant
19. C-24 Retail Foods
20. C-25 Retail Shops
21. C-26 Retail Store
22. C-27 Supermarket
23. C-29 Shopping Center
24. C-31 Storage Facility
25. C-32 Tavern/Bar
26. C-33 Veterinary Clinic
27. D-1 Assembly Plant
28. D-2 Contracting Shop
29. D-3 Distribution Center
30. D-7 Lumber Yard
31. D-14 Recycling Drop-Off Center
32. D-16 Wholesale Facility
33. D-17 Warehouse Facility
34. E-3 Adult/Child Day Care
35. E-8 Municipal Complex
36. F-1 Office Building

37. F-2 Medical Clinic
38. F-3 Medical Office
39. G-3 Athletic Club
40. G-7 Indoor Recreation
41. J-2 Emergency Services
42. J-3 Utility Facility
43. The following accessory uses are Permitted:
    a. A-2 Non-Residential Accessory Structure
    b. A-4 Commercial Vehicles
    c. A-5 Antenna Systems
    d. A-6 Fence/Wall
    e. A-8 Storage

Section 401.2.B. Use by Conditional Use Hearing:

1. G-2 Amusement Park
2. G-5 Movie Theater

Section 401.2.C. Use by Special Exception:

1. C-2 Automotive Service
2. C-5 Car Wash
3. C-11 Dry Cleaners (On-site)
4. C-28 Service Station

Section 401.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
10,000 sq ft	100 ft.	100 ft.
MINIMUM YARD DIMENSION		
Front	**Side #**	**Rear**
15ft / 50 ft *	20 ft. 2 required	25 ft.
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
40 percent	80 Percent	20 percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35 feet	200 feet	30 feet

Note: Residential Buffer requirements may change minimum yard size.

* There shall be a front yard on each street abutting the lot, which shall not be less than fifteen (15) feet in depth, provided that in any case where parking

is permitted in the front yard the depth of such yard shall not be less than fifty (50) feet.

Section 401.4. Special Development Regulations:

A. Regulations

1. All work shall be conducted within a completely enclosed building.

2. Outdoor storage shall be permitted in rear yards provided all conditions of use A-8 are satisfied.

3. Except for use A-4, a use, accessory to a principal use on the lot or premises, cannot serve another use off site at a different location.

4. If located on an arterial highway or collector road, a lot or use less than two (2) acres in size may not have more than two (2) locations for ingress and egress combined, per street frontage.

5. No equipment, goods, merchandise, or material of any nature shall be displayed, stored, or offered for sale within the required front yard or buffer areas. Outdoor display signs, telephone booths, and vending machines are not permitted.

6. No building, lot, or use, may be utilized for any purpose that is hazardous, noxious, or offensive to surrounding properties. See environmental performance standards for specific application.

7. Indoor repair and processing area, if located on a ground floor, shall be effectively screened from the front portion of the building and that portion used by customers, by a wall or partition.

8. Front yard window area may not be utilized for storage of equipment and work-related materials, but may be utilized for neatly kept merchandise and showroom displays. Window signs are limited to twenty-five (25) percent of the glaze area.

9. Residential apartments or residential land use in conjunction with business enterprise in this district is expressively prohibited.

10. **Landscape and Buffer Requirements:**

    a. Front Yard: A landscape buffer of not less than ten (10) feet in depth shall be provided along the property line of each front yard area.

    b. Side Yard: A landscape buffer of not less than three (3) feet in depth shall be provided along the property line of each side yard area.

c. Rear Yard: A landscape buffer of not less than fifteen (15) feet in depth shall be provided along the property line of the rear yard area.

d. Residential Buffer: When a rear yard or side yard abuts a residential zoning district, a buffer of not less than twenty (20) feet in depth shall be provided.

e. Landscape and screening buffers shall met the requirements established under the landscaping provisions of this Ordinance, and shall be maintained and replaced when dead or diseased.

SECTION 402. PLANNED BUSINESS DISTRICTS

Section 402.1. Purpose: Planned Business Districts are located and designed as critical focal point areas for large scale commercial activity, which serves the needs of both local neighborhoods and surrounding communities. Planned Business districts are intended to accommodate a range of compatible and interdependent business activities, where users of one facility are likely to share or support the use of another facility in the district.

Section 402.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article, and all other applicable sections of this Ordinance.

Section 402.2.A. Uses by Right:

1.	C-3 Bank	
2.	C-10	Dry Cleaners (Drop-Off)
3.	C-13	Hotel/Motel/Inn
4.	C-14	Laundry (Self-Service)
5.	C-15	Mixed Use Building
6.	C-16	Parking Garage
7.	C-17	Parking Lot
8.	C-18	Personal Care Business
9.	C-19	Professional Service Business
10.	C-20	Radio/TV Station
11.	C-22	Repair Shop
12.	C-23	Restaurant
13.	C-24	Retail Gourmet Food
14.	C-25	Retail Shop
15.	C-26	Retail Store
16.	C-27	Supermarket
17.	C-29	Shopping Center
18.	C-32	Tavern/Bar
19.	D-13	Recycling Drop-Off Center
20.	E-6	Cultural Center/Library/Museum
21.	E-8	Municipal Complex
22.	F-1	Office Building
23.	F-2	Medical Clinic
24.	F-4	Office Campus
25.	F-5	Professional Services
26.	G-1 Amusement Arcade	
27.	G-3 Athletic Club	
28.	G-6 Outdoor Recreation	
29.	H-1	Apartment/Multiplex Building
30.	J-2	Emergency Services

31. J-3 Utility Facility
32. The following accessory uses:

a. A-2 Non-Residential Accessory Structure
b. A-4 Commercial Vehicles
c. A-5 Antenna Systems
d. A-6 Fence/Wall
e. A-9 Swimming Pool
f. A-10 Tennis/Sports Court
g. A-8 Storage
h. A-11 Commercial Accessory Apartment

Section 402.2.B. Use by Conditional Use Hearing:

1. C-30 Shopping Mall - 25 or more acres in gross site area required.
2. G-2 Amusement Park - 25 or more acres in gross site area required.
3. G-5 Movie Theater

Section 402.2.C. Use by Special Exception:

1. C-4 Building Materials (as a primary use)
2. C-28 Service Station
3. D-11 Radio and TV Tower
4. G-8 Theater (Performing)

Section 402.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS			
Min Lot Area	**Lot Width**	**Lot Depth**	
15,000 sq.ft. min	100 feet	150 feet	
MINIMUM YARD DIMENSION			
Front	**Side**	**Rear**	
20 ft./ 60 ft. *	20 feet (2)	25 feet	Lot Size < 30000 sq ft
60 feet	40 feet	50 feet	Lot Size > 30000 sq ft
COVERAGE			
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**	
60 percent	80 percent	20 percent	Lot Size < 30000 sq ft
50 percent	70 percent	30 percent	Lot Size > 30000 sq ft
BUILDING DIMENSIONS			
Max. Height	**Max. Length**	**Min. Separation**	
35 ft./ 50 ft. *	160 feet	30 feet	

Note: Residential Buffer requirements may change minimum yard size.

* On lots less than thirty thousand (30,000) square feet in gross site area, the front yard may be reduced to a minimum of twenty (20) feet in depth, and the maximum building height is limited to thirty-five (35) ft. On lots greater than thirty thousand (30,000) square feet, the maximum building height may not exceed fifty (50) feet.

* Each apartment or multiplex building permitted shall comply with apartment density as provided in the H-1 use classification.

Section 402.4. Special Design and Development Regulations:

A. Single lots and/or combined use parcels greater than three (3) acres in size shall provide parking spaces for full-size buses, at the ratio of one (1) bus space for every five hundred (500) automobile parking spaces required. A fraction of this ratio greater than one half (.5) shall require an additional bus parking space. Bus spaces may not occupy required automobile parking spaces.

B. Safe, convenient, and practical pedestrian walkways must be provided to and from all individual uses on the site and to all points of public transportation bordering the site.

C. Safe, convenient, and practical pedestrian walkways must be provided to and from all adjoining commercial uses where topography and site conditions permit. Pedestrian walkway links connecting different adjoining sites may be areas separated from vehicular traffic flow by curbing or raised islands where traffic conditions and safe access may warrant. When walkway links are not positively separated from vehicular traffic flow, the area must be clearly defined by painted striping, or by paving material of differing contrast from that utilized by vehicles.

D. Safe, convenient, and practical pedestrian walkways must be provided to residential neighborhoods surrounding single sites or combined use parcels greater than three (3) acres in size. These areas shall be areas separated from vehicular traffic flow by curbing or raised islands where traffic conditions and safe access may warrant. When walkway links are not positively separated from vehicular traffic flow, the area must be clearly defined by painted striping, or by paving material of differing contrast from that utilized by vehicles.

E. All sites greater than thirty thousand (30,000) square feet in lot area within the Planned Business District must provide a bicycle storage rack near the entrance of the principal building.

F. For lot widths greater than one hundred (100) feet, ingress and egress points to a site shall be limited to one (1) driveway for each one hundred (100) feet of frontage on any street. No single site or multiple use complex may have more than two (2) access driveways per individual street frontage.

G. In order to further reduce the number of necessary driveway cuts along major corridors and thoroughfares, sites are required to utilize common ingress and egress driveways wherever topography and land owner cooperation will permit.

H. All properties located within the Planned Business District are encouraged to provide shared

parking facilities with adjoining land uses wherever site topography, existing layouts, and property owner cooperation permit.

I. A Planned Business District is permitted special outdoor activities through the permit process, which include those listed below. Outdoor uses may not create a nuisance, on or off the premises. Outdoor uses may not disrupt parking facilities or traffic flow, unless authorized by Township. All outdoor uses are subject to special conditions identified on the Township use permit and imposed by the Township, as may be necessary to avoid nuisance or unsafe conditions.

1. Sidewalk sales, where merchandise normally carried for sale by tenants in the district is offered for sale, outdoors, on sidewalks internal to the premises.

2. Public exhibits and informational displays in public use areas.

3. Outdoor lectures, small concert performances, stage events, and small parades in or near a designated cultural use area.

4. Temporary or seasonal sales shall be permitted outside or in front of the building setback provided the event is authorized by the Township, and such sales event is not conducted for longer than one (1) week in duration and not more frequent than once every three (3) months. Other provisions of Section 801.N shall be applicable

J. Sites greater than three (3) acres in size shall be provided with defined use areas for conversation, rest or leisure. Such areas may contain benches, courtyards, fountains, gardens, gazebos, picnic tables, or similar concepts for the benefit of customers and employees of the uses.

K. For sites with parking areas greater than fifty (50) stalls, five (5) percent of the required green area shall be evenly dispersed throughout the paved area, through the use of planting rows separating adjoining parking spaces and planting islands at the end of parking rows.

L. Landscape and Buffer Requirements:

1. Front Yard: For lots less than thirty thousand (30,000) square feet in lot area, a landscape buffer of not less than ten (10) feet in depth shall be provided along the property line of each front yard area. For lots greater than thirty thousand (30,000) square feet in lot area, a landscape buffer of not less than twenty (20) feet in depth shall be provided along the property line of each front yard area.

2. Side Yard: For lots less than thirty thousand (30,000) square feet in lot area, a landscape buffer of not less than three (3) feet in depth shall be provided along the property line of each side yard area. For lots greater than thirty thousand (30,000) square feet in lot area, a landscape buffer of not less than six (6) feet in depth shall be provided along the property line of each side yard area.

3. Rear Yard: A landscape buffer of not less than twenty (20) feet in depth shall be provided along the property line of the rear yard area.

4. Residential Buffer: Along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than twenty-five (25) feet in depth shall be provided.

5. Landscape and screening buffers shall met the requirements established under the landscaping provisions of this Ordinance, except that in the Planned Business District, the depth of the front yard landscape buffer may be averaged to provide for interesting designs, provided that no portion is less than five (5) feet in depth, and the required green area is satisfied.

SECTION 403. APARTMENT/OFFICE DISTRICTS

Section 403.1. Purpose: The purpose and intent of the Apartment/Office District is to provide locations for appropriate high density, residential/apartment land use, and limited office/professional land use in areas of the Township which, by virtue of their location, highway access, or unique site characteristics provide a logical use of land for such needs and services and which are appropriate to neighboring residential properties.

Section 403.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance.

Section 403.2.A. Uses by Right:

1.	C-6	Club
2.	C-13	Hotel/Motel/Inn
3.	C-16	Parking Garage
4.	C-17	Parking Lot
5.	D-13	Recycling Drop-Off Center
6.	E-2	Community Center
7.	E-4	Dormitory
8.	E-6	Cultural Center/Library/Museum
9.	E-8	Municipal Complex
10.	E-9	Nursing Home
11.	F-1	Office Building
12.	F-2	Medical Clinic
13.	F-3	Medical Office
14.	F-5	Professional Services
15.	G-3	Athletic Club
16.	G-6	Outdoor Recreation
17.	H-5	Duplex Dwelling Unit

18. H-1 Apartment/Multiplex Building
19. H-3 Boarding House
20. H-4 Duplex Dwelling Unit
21. H-8 Single Family Detached
22. H-10 Townhouse Dwelling Unit
23. H-11 Twin Dwelling Unit
24. J-1 Conservation/Recreation Preserve
25. J-2 Emergency Services
26. J-3 Utility Facility
27. The following accessory uses:
    a. A-2 Non Residential Accessory Structure
    b. A-4 Commercial Vehicles
    c. A-5 Antenna Systems
    d. A-6 Fence/Wall
    e. A-8 Storage
    f. A-11 Commercial Accessory Apartment limited to office (F) use classifications only.
    g. A-12 Play Structures

Section 403.2.B. Use by Conditional Use Hearing:

1. F-4 Office Campus

Section 403.2.C. Use by Special Exception:

1. C-3 Bank
2. C-7 Commercial School
3. C-14 Laundry (Self-Service)
4. C-20 Radio and TV Station
5. D-11 Radio or TV Tower
6. D-12 Research Facility
7. E-3 Adult/Child Day Care
8. E-7 Life Care Facility
9. E-10 Place of Worship
10. E-11 School - Private and Public
11. G-4 Golf Course
12. H-2 Apartment Campus

Section 403.3. Dimensional Regulations: The dimensional regulations in the chart on the following page are the district standards which must be achieved for any use, addition or alteration:

Dimensional Regulations

MINIMUM LOT DIMENSIONS			
	Min Site / Min Lot Area	Lot Width	Lot Depth
Single Family	5,000 sq ft/ 5,000 sq ft	50 ft.	100 ft.
Duplex/Twin	7,500 sq ft/ 3,750 sq ft	50 ft./40 ft.	100 ft.
Townhouse	20,000 sq ft/ 5,000 sq ft	40 ft.	100 ft.
Apt. Bldg.	10,000 sq ft/ # rooms	100 ft.	100 ft.
Other Uses	15,000 sq ft/ 15,000 sq ft	100 ft.	100 ft.
Campus F4, H2	5A / 5A or # rooms	300 ft.	300 ft.
MINIMUM YARD DIMENSION			
	Front	Side #	Rear
Single Family	20 ft.	10 ft. 2	25 ft.
Duplex/Twin	20 ft.	12ft 2 / 18ft 1	25 ft.
Townhouse	20 ft.	12 ft. 1 end unit	25 ft.
Apt. Bldg.	20 ft.	20 ft. 2	25 ft.
Other Uses	25 ft.	25 ft. 2	30 ft.
Campus F4, H2	75 ft.	50 ft. 2	50 ft.
COVERAGE			
	Max. Bldg. Area	Max. Impervious	Min. Green Area
Residential	40 Percent	55 Percent	45 Percent
Apt.Bldg./Other	35 Percent	60 Percent	40 Percent
Campus F4, H2	25 Percent	40 Percent	60 Percent
BUILDING DIMENSIONS			
	Max. Height	Max. Length	Min. Separation
Residential	35 ft. max	120 ft. max	N/A
Apt.Bldg./Other	40 ft. max	160 ft. max	N/A
Campus F4, H2	65 ft. max	160 ft. max	30 ft. min.

Note: Residential Buffer requirements may change minimum yard size.

* For single family residential uses, the front yard on one (1) side of a corner lot may be reduced to a depth of not less than fifteen (15) feet.

Section 403.4. Special Development Regulations:

A. For apartment/multiplex use H-1, the minimum lot area to be provided shall not be less than ten thousand (10,000) square feet, and the total lot area to be provided per dwelling unit shall be determined by the number of rooms in each dwelling unit, as provided for in use H-1.

B. No retail operations or retail land uses are permitted in the AO district, even as accessory land use. Professional office use shall not involve the direct sale of merchandise to the general public, or other characteristics normally associated with retail or wholesale activities on the premises, such as but not limited to display windows.

C. **Landscape and Buffer Requirements:**

1. Front Yard: A landscape buffer of not less than fifteen (15) feet in depth shall be provided along the property line of each front yard area for apartment use, and twenty (20) feet for other uses.

2. Side Yard: A landscape buffer of not less than three (3) feet in depth shall be provided along the property line of each side yard area for apartment use, and six (6) feet for other uses.

3. Rear Yard: A landscape buffer of not less than fifteen (15) feet in depth shall be provided along the property line of the rear yard area.

4. Residential Buffer: Along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than twenty-five (25) feet in depth shall be provided. Residential land uses are not required to provide formal buffer areas.

D. **Special Regulations for Large Apartment and Office Buildings:**

1. The greatest dimension in length or depth of an apartment or office use shall not exceed one hundred sixty (160) feet without a minimum five- (5) foot offset in the exterior wall, and no such apartment house shall be attached to another provided; however, that the greatest overall outside dimension in length or depth of an apartment house which has at least three (3) full floors above the ground floor may be increased to a maximum of three hundred and twenty (320) feet, subject to the following:

   a. The distance between buildings and the distance from any building to the property line shall be not less than two-thirds the greatest dimension in length of depth of the largest building on the site.

   b. To provide a varied setback and encourage an attractive appearance, the building or buildings shall be placed with projecting wings at a minimum angle of ninety degrees to the main building. There shall be no unbroken front or side facades over one hundred feet (100) in length and no interior courts shall be permitted.

2. Wall signs are not permitted above the first floor level.

H. **Special Regulations for Campus Uses:**

1. Apartment campus use shall comply with the standards for development established in use subsection H-2. Office campus use shall comply with the standards for development

established in use subsection F-4.

2. Height. No building shall exceed sixty-five (65) feet or six (6) stories in height, provided that buildings of a greater height shall be permitted if each required front, side and rear yard is increased by twenty (20) feet for each additional story up to a maximum height of eighty-five (85) feet.

3. Landscape and Buffer Requirements:

   a. All Yards: A landscape buffer shall be provided along the property line of each yard area for the entire required depth.

   b. Residential Buffer: Along the side or rear property line of any yard adjoining a residential zoning district, a landscape buffer of not less than one hundred (100) feet in depth shall be provided.

4. Off-street parking, dumpsters, and loading space shall be provided in accordance with the requirements of this Ordinance, and shall be located immediately contiguous to the building served.

5. All paved areas shall be constructed to specifications defined by the Township Engineer.

6. For apartment/multiplex buildings, adequate provision shall be made for usable outdoor recreational areas, and accessory storage areas.

7. The proposed development or use shall be served by public water and by public sewer or by a comparable common or package sanitary sewer facility which complies with all state requirements and is approved by the Township. In the case of a common or package sewer facility, it should be determined that such facility subsequently can be logically connected to the public sewer system, and such facility must be connected if the Township so requires.

8. The applicant for conditional use approval of a proposed or existing Apartment or Office Campus, must demonstrate through a professional land use and market analysis that the conversion is needed, sustainable, and consistent with the Comprehensive Plan.
9. Standards for Accessory Uses: Accessory uses on the same lot with, and customarily incidental to any use permitted in the district, shall be allowed, provided that the term "accessory use" shall not include a business, except as is permitted below in conjunction with apartment use, but may include:

   a. A private garage, storage garage or off-street parking or loading space.

   b. A professional office or studio, provided that:

      (1). The accessory use is located in the apartment in which the practitioner resides.

(2). The apartment is located on the first floor of the building.

(3). The accessory use shall not exceed fifty percent (.50) of the floor area of the apartment in which it is located.

c. In conjunction with an apartment house of more than twenty-four (24) dwelling units in size, accessory commercial uses intended to satisfy principally the needs of the occupants, and limited to a restaurant or personal care facility, may be permitted provided:

(1). The total maximum area for such uses shall not exceed five percent (5%) of the total Gross Leasable Floor Area of the apartment building or buildings in which located, excluding basement and garage areas.

(2). Each such use shall be located on the first floor.

(3). There shall be no entrance to any place of business except from inside the apartment building.

(4). Other than permitted signs, there shall be no display of merchandise or other manifestation of commercial use visible from the street.

d. Employee service use, such as a cafeteria, located within a research laboratory or similar establishment for the exclusive use of employees.

e. Living accommodations for watchmen or caretakers.

f. All garages, accessory buildings, fences and enclosures of any type shall conform to the general character of the main building architecture.

ARTICLE V
Special Zoning Districts

SECTION 500. COMMUNITY SERVICE DISTRICTS

Section 500.1. Purpose: Community Service (CS): The purpose and intent of the Community Service District is to provide for the educational, medical, recreational and religious needs of the Township community.

Section 500.2. Use Regulations: A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article, and all other applicable sections of this Ordinance.

Section 500.2.A. Uses by Right:

1. E-1 Cemetery
2. E-10 Place of Worship
3. E-11 School - Public and Private
4. J-1 Conservation/Recreation Preserve

5. The following accessory uses:
   a. A-2 Non-Residential Accessory Structure
   b. A-4 Commercial Vehicles
   c. A-6 Fence/Wall
   d. E-2 Community Center

6. The following ancillary uses shall be permitted by right, provided zoning dimensional requirements are achieved: Chapel, Dining facilities, Administrative offices used in the management and service functions of the facility, Recreational facilities and fields for use by clients and their guests, and Residential units for caretakers.

7. Community service institutions in the use by right category may, as a matter of right, increase building and impervious surface coverage by a total of 25% of the coverage existing as the date of this amendment, not to exceed the dimensional requirements of Section 500.3. Any increase beyond 25% of such existing coverage up to the maximum permitted under Section 500.3 may be made only by conditional use approval.

12. The following ancillary uses shall be permitted by right, provided zoning dimensional requirements are achieved:Chapel, Dining facilities, Administrative offices used in the management and service functions of the facility, Recreational facilities and fields for use by clients and their guests, and Residential units for caretakers.

Section 500.2.B. Use by Conditional Use Hearing:

a. E-5 Hospital - *permitted only along 4-lane arterial highway.*
b. E-6 Library/Museum
c. E-7 Life Care Facility
d. E-8 Municipal Complex
e. E-9 Nursing Home
f. G-4 Golf Course
g. G-6 Outdoor Recreation

Section 500.2.C. Use by Special Exception:

1. E-3 Adult/Child Day Care
2. F-2 Medical Clinic - Permitted only along Route 611 frontage
3. J-2 Emergency Services

Section 500.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS			
Lot Area	Lot Width	Lot Depth	
5 Acre min	400 ft.	400 ft.	
MINIMUM YARD DIMENSION			
Front	Side (2)	Rear	
*75 feet	50 feet	50 feet	Local Road Frontage
25 feet	25 feet	25 feet	Rt. 611 Frontage
COVERAGE			
Max. Bldg. Area	Max. Impervious	Min. Green Area	
*30 percent	*38 percent	*62 percent	Local Road Frontage
55 percent	80 percent	20 percent	Rt. 611 Frontage
BUILDING DIMENSIONS			
Max. Height	Max. Length	Min. Separation	
*45 feet	*160 ft(see 500.4.J)	30 feet	

NOTE: Residential buffer requirements may change yard requirements.

Section 500.4. Special Development Regulations:

A. The tract of land on which a permitted use is constructed shall, in its entirety, be owned and operated as a single or common management and maintenance unit with parking, utility, maintenance, and service facilities.

B. The site must have direct access to a public street which has a minimum thirty-two (32) foot paved cartway. The existing road system must be able to accommodate the peak traffic generated

by the institution in a safe and efficient manner.

C. Streets surrounding the community service use shall not be impacted upon by a peak-hour increase in traffic of more than five (5) percent, or an average daily traffic increase exceeding five (5) percent, as a result of the proposed facility or any facility expansion.

D. A system of efficient ingress, egress, and internal vehicular circulation resulting in minimal interference with surrounding traffic flow, must be planned.

E. In addition to sign regulations set forth in this Ordinance, each internal building is permitted one identification sign per building wall; limited to five (5) percent of the wall area, as measured by the width of the wall to a height of twenty (20) feet; or a maximum size of twenty (20) square feet, whichever is greater. Each site access point off a public street, and each internal access point to any parking area or building, is permitted one (1) free-standing directional sign, not to exceed six (6) square feet in area.

F. A defined location for the collection of solid waste materials and a plan for periodic disposal of the same shall be required. All solid waste shall be stored in covered containers, or in permanent structures designated principally for this use. All waste shall be palced within the building envelope.

G. All loading, maintenance, storage, tank, and waste facilities are to be located internally on the site, such that they are not visible from the street.

H. Existing CS land users are required to submit their Master Facilities Plan to the Abington Township Planning Commission for review and comment as they are approved or revised by the institution.

I. Conditions Governing Existing Facility Expansion:

1. Expansion of an existing facility must be related to an increase of existing services or to allow for the addition of a use, ancillary or accessory to the established use. A second primary facility, operated by any other entity is not permitted without subdivision of property with essentially conforming lot dimensions.

2. All expansion must maintain the existing character of the buildings on the site, and the character of surrounding residential neighborhoods. To accommodate this provision, the following conditions shall be applicable:

   a. Developable land within the center of a site shall be used for expansion before land close to the perimeter of the site, so as to minimize the impact on existing residential character.

   b. Whenever possible, taking into account physical constraints of the site, the required green area shall be continuous and uninterrupted by development.

J. Building facades may not be longer than one hundred sixty (160) feet without a minimum ten

(10) foot deep building offset. No building may be longer than three hundred twenty (320) feet in length, regardless of the number of building offsets.

K. No accessory structures shall be permitted in yard areas, except as herein provided:

1. Six (6) foot high, see-through fences are permitted in the front yards of community service uses as security devices.

2. Security guard houses not exceeding one hundred (100) square feet are permitted in front yard locations.

3. Bus shelters are permitted in the front yard area.

4. Parking shall not be permitted in the front yard. Drop-off areas in front yards are limited to six (6) vehicle stacking capacity, and a cartway of twenty-four (24) feet.

L. Landscape and Buffer Requirements

1. All Yards: A landscape buffer shall be provided along the property line of each yard area for the entire required depth.

2. Residential Buffer: Along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than one hundred (100) feet in depth shall be provided.

SECTION 501. MIXED USE DISTRICTS

Section 501.1. Purpose: The purpose and intent of the Mixed Development District is to provide for the integration and mutual benefit of combined commercial and residential uses in areas where convergence has already occurred, or is presently desirable, because of the locale, diversity of land use, or proximity to public transportation facilities.

Section 501.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance.

Section 501.2.A. Uses by Right:

1. C-2 Automotive Service/Repair
2. C-3 Bank
3. C-6 Club
4. C-7 Commercial School
5. C-8 Convenience Commercial
6. C-10 Dry Cleaners (Drop-Off)
7. C-12 Funeral Home
8. C-13 Hotel/Motel/Inn
9. C-14 Laundry (Self-Service)
10. C-15 Mixed Use Building
11. C-17 Parking Lot
12. C-18 Personal Care Business
13. C-19 Professional Service Business
14. C-21 Rental Agency
15. C-22 Repair Shop
16. C-23 Restaurant
17. C-24 Retail Take-out Foods
18. C-25 Retail Shop
19. C-28 Service Station
20. C-29 Shopping Center
21. C-32 Tavern/Bar
22. C-33 Veterinary Clinic
23. D-2 Contracting Shop
24. D-13 Recycling Drop-Off Center
25. D-16 Wholesale Facility
26. D-17 Warehouse Facility
27. E-3 Day Care Center
28. E-6 Cultural Center/Library/Museum
29. E-8 Municipal Complex
30. E-10 Place of Worship
31. F-2 Medical Clinic
32. F-3 Medical Office

33. F-5 Professional Services
34. G-1 Amusement Arcade
35. G-3 Athletic Club
36. G-7 Indoor Recreation
37. G-8 Theater
38. H-1 Apartment/Multiplex Building
39. H-3 Boarding House
40. H-4 Duplex Unit
41. H-8 Single Family Detached
42. H-10 Townhouse Dwelling Unit
43. H-11 Twin Dwelling Unit
44. J-2 Emergency Services
45. J-3 Utility Facility

46. The following accessory uses:

a. A-1 Residential Accessory Building
b. A-2 Non Residential Accessory Structure
c. A-3 Recreational Vehicles
d. A-4 Commercial Vehicles
e. A-5 Antenna System
f. A-6 Fences/Walls
g. A-7 Home Occupation
h. A-8 Storage - for non-residential uses only
i. A-9 Swimming Pool
j. A-10 Tennis/Sport Court
k. A-11 Commercial Accessory Apartment
l. A-12 Play Structures

Section 501.2.B. Use by Conditional Use Hearing:

1. F-4 Office Campus

Section 501.2.C. Use by Special Exception:

1. C-1 Automotive Sales
2. C-4 Building Materials
3. C-11 Dry Cleaners (On-Site)
4. C-27 Supermarket
5. H-2 Apartment Campus

Section 501.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration; and shall be applicable for all new uses requiring land development or subdivision applications:

Dimensional Chart

MINIMUM LOT DIMENSIONS			
Min Lot Area	Lot Width	Lot Depth	
5,000 sq. ft.	50 ft. min	100 ft. min.	SF Residential Uses
10,000 sq. ft.	100 ft. min	100 ft. min.	Apt. and Non-Residential Uses
MINIMUM YARD DIMENSION			
Front	Side	Rear	
15 ft.	7/10 ft(2) 17'agg	25 ft.	SF Residential Uses
15 ft. / 50 ft. *	20 ft. (2)	25 ft.	Apt. and Non-Residential Uses
COVERAGE			
Max. Bldg. Area	Max. Impervious	Min. Green Area	
40 % max.	55 % max.	45 % min.	SF Residential Uses
45 % max.	75 % max.	25 % min.	Apt. and Non-Residential Uses
BUILDING DIMENSIONS			
Max. Height	Max. Length	Min. Separation	
35 ft.	N/A	17 ft.	SF Residential Uses
40 ft.	160 ft.	40ft./15 ft. on-lot	Apt. and Non-Residential Uses

Note: Residential Buffer requirements may change minimum yard size.

* There shall be a front yard on each street abutting the lot, which shall not be less than fifteen (15) feet in depth, provided that in any case, where parking is permitted in the front yard, the depth of such yard shall not be less than fifty (50) feet.

* Dimensional regulations for Duplex H-4, Townhouse H-10, and Twin H-11, shall comply with AO district standards.

Section 501.3.B. Density Calculation:

1. Density for single-family dwelling units is calculated by dividing the net site area by the

required residential lot size.

2. Density for apartment dwelling use (H-1) is calculated by dividing the net site area by twelve (12), for a maximum permitted density of twelve (12) apartment dwelling units per acre.

3. Density for H-4, Townhouse H-10, and Twin H-11, shall comply with AO district standards.

4. Density for commercial and other non-residential use calculated as a function of the permitted building coverage and associated improvements coverage to the maximum permitted impervious coverage. The minimum lot area for non-residential land use is ten thousand (10,000) square feet.

5. Density for mixed use proposals shall be calculated by first calculating the number of proposed residential single-family dwelling units and apartment dwelling units, subtracting the required land area from the net site area; while reserving land for interior roads and right-of-ways necessary to accommodate those units. The remaining net area then becomes the land use permitted for commercial and other uses, which then becomes a function of permitted building and associated improvements coverage, to the maximum permitted impervious coverage limit.

Section 501.4. Special Development Regulations:

A. When existing residential dwelling units are converted to other permitted uses, front yard parking shall not be permitted unless the lot is non-conforming and no other alternative is possible. In such cases, front access driveways shall not be wider than twenty-four (24) feet.
B. Non-residential side yards containing an access driveway to rear parking areas shall be a minimum of twenty (20) feet wide, and shall contain the following features:

1. A minimum driveway width of twelve (12) feet for one-way travel.

2. A minimum five (5) foot wide pedestrian walkway area, separately defined from the travel area.

3. A minimum three (3) foot wide planting strip.

C. Multiple buildings and mixed use proposals on a single non-residential development site shall be permitted provided:

1. The minimum site area is one (1) acre or larger in size.

2. All dimensional and design criteria are satisfied for the individual uses.

3. The minimum separation for buildings on the same lot shall be fifteen (15) feet.

D. Loading/unloading zones are not required for lots less than fifteen thousand (15,000) square

feet in lot area.

E. **Visual Work Requirements:**

1. Exclusive of permitted outside sales, no equipment, materials, or items of any nature shall be displayed so as to be visible from the public street.

2. No repair or fabrication shall occur outdoors.

3. All storage and supplies shall be completely screened from view on the remaining sides of the lot.

4. Wherever access permits and space exists, all commercial/industrial vehicles and vehicles kept as storage are to be located in the rear of the building.

5. Dumpsters are not permitted in the front yards. Where access to a side or rear yard does not exist for trash removal, any necessary dumpsters must be effectively screened from public view in an enclosure; or alternative arrangements must be made.

6. Internal work areas may not be visible from the public street.

F. Residential dwelling units are not permitted to be located on a floor above any high-hazard use, and all residential dwelling units must have separate and safe building access which does not require passage through any commercial use area, except in parking lot areas.

G. The accessory or outside use of any business may not extend into any portion of the public right-of-way or sidewalk areas.

H. All parking lot areas shall be kept in a clean and safe condition for pedestrian and vehicular use. When any trip hazard, grade change, or cracked macadam occurs, it must be replaced or restored to a safe condition.

I. **Landscape and Buffer Requirements:**

1. Front Yard: A landscape buffer of not less than ten (10) feet in depth shall be provided along the property line of each front yard area.

2. Side Yard: A landscape buffer of not less than three (3) feet in depth shall be provided along the property line of each side yard area.

3. Rear Yard: A landscape buffer of not less than fifteen (15) feet in depth shall be provided along the property line of the rear yard area.

4. Residential Screening Buffer: Along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than twenty (20) feet in depth shall be provided.

5. Landscape and screening buffers shall meet the requirements established under the landscaping provisions of this Ordinance.

SECTION 502. SUBURBAN INDUSTRIAL

Section 502.1. Purpose: The purpose and intent of the Suburban Industrial District is to provide for a wide range of industrial uses which are appropriate for the economic well being and needs of a suburban community.

Section 502.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance.

Section 502.2.A. Uses by Right:

1. C-31 Storage Facility
2. D-1 Assembly Plant
3. D-2 Contracting Shop
4. D-3 Distribution Center
5. D-4 Dry Cleaning Laundry Plant
6. D-6 Industrial Repair Shop
7. D-8 Manufacturing Plant
8. D-9 Packaging Plant
9. D-10 Printing/Publishing Shop
10. D-12 Research Facility
11. D-13 Recycling Drop-Off Center
12. D-15 Truck terminal
13. D-16 Wholesale Facility
14. D-17 Warehouse Facility
15. J-3 Utility facility

16. <u>The following accessory uses:</u>
    a. A-2 Non-Residential Accessory Structure
    b. A-4 Commercial Vehicles
    c. A-5 Antenna Systems
    d. A-6 Fence/Wall
    e. A-8 Storage
    f. A-11 Commercial Accessory Apartment

Section 502.2.B. Use by Conditional Approval:

1. D-14 Recycling Facility

Section 502.2.C. Use by Special Exception:

1. C-4 Building Materials
2. D-5 Fuel Storage
3. D-7 Lumber Yard
4. D-11 Radio/TV Tower

Section 502.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS		
Lot Area	Lot Width	Lot Depth
1 Acre	200 ft.	200 ft.
MINIMUM YARD DIMENSION		
Front	Side (2)	Rear
50 ft.	35 ft.	35 ft.
COVERAGE		
Max. Bldg. Area	Max. Impervious	Min. Green Area
50 Percent	75 Percent	25 percent
BUILDING DIMENSIONS		
Max. Height	Max. Length	Min. Separation
45 ft.	200 ft.	30 ft.

Note: Residential Buffer requirements may change minimum yard size.

Section 502.4. Special Development Regulations:

A. Retail sale of goods as a principal use is not permitted in this district.

B. Pre-existing residential dwelling units shall follow the dimensional standards for high density residential districts with respect to alterations and additions.

C. Each use shall comply with the performance standards contained within this Ordinance, and shall provide such nuisance controls and restrictions to assure that such use will not be objectionable to surrounding properties.

D. Outdoor Storage is not permitted in front yard areas. All outside storage must be screened from view on streets and adjoining property lines, and storage and business-related activity may not occur with a required buffer area.

E. Each building shall be designed, insofar as practicable, so as to be harmonious with, and not detract from the character of the surrounding area.

F. Landscape and Buffer Requirements:

1. All Yards: A landscape buffer shall be provided along the property line of each yard area for the entire required depth.

2. Residential Screening Buffer: Along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than fifty (50) feet in depth shall be provided.

SECTION 503. RECREATION/CONSERVATION DISTRICTS

Section 503.1. Purpose: The purpose and intent of the Conservation/Recreation District is to protect the Township's natural resources such as prime agricultural soils; stream valley areas; floodplain areas; step slope areas; woodland areas; and scenic open sites; and to encourage, for ecological purposes, environmental conservation; flood water management; ground water recharge; recreation; and other open space conservation purposes.

Section 503.2. Use Regulations: A building may be erected, altered, or used, and a lot may be occupied or used, in whole or in part, for any of the following uses and no other, provided that such uses shall comply with the district regulations established in this Article and all other applicable sections of this Ordinance.

Section 503.2.A. Uses Permitted by Right:

1. E-8: Municipal complex
2. G-6: Public park or recreational area owned and operated by the Township, other governmental jurisdictions, or private non-profit agencies.
3. H-8: Single-family detached residential dwelling units which may lawfully exist within the district prior to the adoption of this Ordinance.
4. J-1: Open space, forest, stream, or wildlife preserve, or other resource conservation purpose, operated essentially by a non-profit agency.
5. The following <u>accessory uses</u> shall be permitted:
   a. A-2: Non Residential Accessory Structure: Accessory buildings and uses on the same lot which are customarily incidental to any permitted use, including a display or museum building.
   b. A-6: Fences and Walls.
   c. B-1 (Agriculture), and B-3 (Livestock) as an accessory use to an unlawful use established prior to this Ordinance..
   d. Incidental uses to outdoor recreation, such as charging for admission; entertainment; or sale of refreshments; provided that any such use shall be located and screened so that it shall not be visible from streets or adjoining property.

Section 503.2.B. Uses permitted by Conditional Use:

Section 503.2.C. Uses permitted by Special Exception:

1. B-1: Agriculture as a principal use.
2. B-2: Kennel as an accessory or principal use.
3. B-3: Livestock as a principal use.

4. B-4: Riding Academy as an accessory or principal use.

5. C-6: Country club, hunt club, lodge, or any other structure operated in conjunction with and incidental to any approved or permitted outdoor use, provided the special development regulations herein are satisfied, and services shall be limited to members and guests only.

6. G-4: Golf Course - provided that the following conditions are satisfied:

   a. Not more than seventy-five (75) percent of the site shall be disturbed from its natural or existing condition. Every effort shall be made to identify and preserve natural resources such as floodplain, steep slope and woodland areas, and any other feature which the Board of Commissioners shall deem significant.

Section 503.2.D. Uses Specifically Prohibited: The following uses shall not be permitted in this district:

1. Indoor amusement centers.
2. Outdoor amusement parks and rides, except those which may be permitted by the Township on a temporary basis.
3. Stadiums used for commercial purposes or as profit ventures.
4. Accessory uses involving business operations, except as permitted herein.
5. Signs, except as permitted in the sign provisions.

Section 503.3. Dimensional Regulations: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS		
Lot Area	Lot Width	Lot Depth
5 acres	300 feet	300 feet
MINIMUM YARD DIMENSION		
Front	Side (2)	Rear
100 feet	50 feet	50 feet
COVERAGE		
Max. Bldg. Area	Max. Impervious	Min. Green Area
10 % max	15 % max	85 % min
BUILDING DIMENSIONS		
Max. Height	Max. Length	Min. Separation
35 ft max	200 ft max	35 ft min

Note: Residential Buffer requirements may change minimum yard size.

Section 503.4. Special Development Regulations:

A. No building may be located closer than one hundred (100) feet to any street or property line.

B. All uses and building designs shall be compatible with the natural character of the area and the conservation intent of the district.

C. Parking shall meet the standards of this Ordinance.

D. All vending machines shall be located internal to a permitted building or under arcade structures.

ARTICLE VI
Overlay Zoning Districts

SECTION 600. FLOOD PLAIN CONSERVATION OVERLAY DISTRICT

Section 600.1. Purpose and Intent: In the interest of the public health, safety and welfare, this article is intended to protect areas of floodplain, herein defined as the "Flood Plain Conservation Overlay District," in Abington Township which are subject to and necessary for floodwaters, and to permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the municipality as provided for in the Comprehensive Plan.

Section 600.2. Boundaries of the District and Definitions:

A. The Flood Plain Conservation District is defined and established to consist of any areas included in any one of the following:

1. Those areas subject to inundation by the waters of the one-hundred-year (100) flood as delineated in the Flood Insurance Study for the Township of Abington, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency. The Flood Plain District shall be comprised of four (4) subdistricts, described as follows:

   a. **Floodway (F1):** That portion of the Flood Plain District required to carry and discharge the waters of the one-hundred-year (100) flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above. Within any designated floodway area, no construction, development, use, activity or encroachment of any kind shall be allowed except where the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.

   b. **Floodway Fringe (F2):** Those portions of land within the Flood Plain District subject to inundation by the one-hundred-year (100) flood, lying beyond the floodway in areas where detailed study data and profiles are available.

   c. **Approximated Flood Plain (F3):** Those portions of land within the Flood Plain District subject to inundation by the one-hundred-year (100) flood, where a detailed study has not been performed, but where a one-hundred-year (100) flood plain boundary has been approximated.

   d. **Special Flood Plain District (F-4):** Those areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year (100) (100)flood elevations have been provided, but no floodway has been delineated. Within the Special Flood Plain District, no activity, construction, development, or use shall be allowed if it would cause an increase of one (1) foot or more in the one-hundred-year (100)

flood plain elevation.

B. Studies used to establish the boundaries shall be available in the Township Municipal Building for reference.

C. The data in the studies referenced in Subsection 1 above shall be plotted on the Zoning Map if, as, and when feasible to indicate the Flood Plain Conservation District. Such map shall be designated as the Township Flood Plain Conservation District Zoning Map and shall be available to the public in the Township Municipal Building. Wherever there is a difference between the map and the data contained in the studies, the data contained in the studies shall determine the boundaries of the Flood Plain Conservation Overlay District.

D. All subsequent changes made in the boundaries shall, if, and when feasible, be indicated on the Flood Plain Conservation District Zoning Map.

E. **Development:** Development in the Flood Plain District boundary shall include any man-made change to improved or unimproved real estate including but not limited to: buildings or other structures, the placement of manufactured home, streets, and other paving, utilities, filling, grading, excavating, mining, dredging, or drilling operation, and the subdivision of land.

Section 600.3. Overlay Concept: The Flood Plain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to a lot.

A. Should the Flood Plain Conservation District be declared inapplicable by legislative or administrative actions or by judicial decision, the zoning applicable to such lot shall be deemed to be in the district in which it is located without consideration of this Article.

B. Should the zoning of any parcel or any part thereof in which the Flood Plain Conservation District is located be changed through any legislative action or judicial decision, such change shall have no effect on the Flood Plain Conservation Overlay District, unless such change was included as part of the original application.

C. In any zoning district, the minimum setback of all structures from the center line of all watercourses shall be determined by the maximum front, rear or side yard requirements in the applicable section of this Ordinance, except where this Article requires a greater setback.

Section 600.4. Boundary Disputes and Appeals:

A. Should a dispute concerning the Flood Plain Conservation District boundaries arise, an initial determination shall be made by the Building Inspector or Code Enforcement Official.

B. Any party aggrieved by the decision of the Building Inspector, claiming the criteria used for delineating the boundary as defined herein or have become incorrect because of changes due to natural or other cause, or because of changes indicated by future detailed hydrologic and

hydraulic studies, may appeal to the Zoning Hearing Board as provided herein. All changes are subject to the review and comment of the Federal Insurance Administration, FEMA, and the Township Engineer.

C. The burden of proof, both with respect to going forward with the evidence and with respect to the burden of persuasion, shall be on the appellant.

Section 600.5. Use Regulations

Section 600.5.A. Permitted Uses: The following uses and no other, except such uses as are permitted by special exception under the provisions of this Ordinance, shall be permitted in the Flood Plain Conservation Overlay District:

1. Cultivation and harvesting of crops according to recognized soil conservation practices.

2. Pasture and grazing of animals according to recognized soil conservation practices.

3. Outdoor plant-nursery or orchard according to recognized soil conservation practices.

4. Harvesting of any wild crops such as marsh hay, ferns, moss, berries or wild rice.

5. Wildlife sanctuary, woodland preserve, arboretum, passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.

6. Game farms, fish hatchery or hunting and fishing reserve for the protection and propagation of wildlife, but permitting no structures.

7. Forestry, and reforestation according to recognized natural resources conservation practices.

8. Front, side and rear yards and required lot area in any district, provided such yards are not to be used for on-site sewage disposal systems.

9. Normal accessory uses except enclosed structures, fences and swimming pools permitted under the usual zoning in residential, commercial and industrial districts.

   a. **Exception:** Fencing already in existence at the adoption of this Ordinance may be maintained and replaced, provided any replacement is with open metal fencing which provides minimal water flow interference.

Section 600.5.B. Uses Permitted by Special Exception: The following uses may be permitted as a special exception upon the condition that no use permitted as a special exception shall increase the elevation of the one-hundred-year (100)-frequency recurrent interval flood by more than one (1) foot at any point:

1. Recreational use, whether open to the public or restricted to private membership; such as parks; camps; picnic areas; golf courses; fishing areas; sport or boating clubs; not to include enclosed structures except toilet facilities, but permitting piers; docks; floats; or unenclosed shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.

2. Sewage treatment plant, outlet installations for sewage treatment plants, and sewage pumping stations; with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Resources, when accompanied by documentation as to the necessity for locating within the boundaries of the Flood Plain Conservation Overlay District.

3. Sealed public-water supply wells, with the approval of the Pennsylvania Department of Environmental Resources.

4. Dams, culverts and bridges, with the approval of appropriate authorities having jurisdiction, such as the Commonwealth of Pennsylvania and Department of Environmental Resources.

5. Sanitary or storm sewers and impoundment basins, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Resources.

6. Roads, driveways, and parking facilities, subject to the following conditions:

   a. In the case of roads and driveways, no such facilities shall be permitted as a special exception if viable alternative alignments are feasible. In any case, pervious rather than impervious materials shall be utilized in the construction of any road or driveway situated within a floodplain.

   b. In the case of parking facilities, no such facility shall be permitted as a special exception unless satisfactory evidence is submitted that such parking will not be utilized during periods of flood flow, thus posing no threat to the safety of the vehicles, their users, and/or to downstream properties. Temporary parking for periods not to exceed one (1) hour and/or parking for recreation uses would be examples of such exceptions. In any case, pervious rather than impervious materials shall be utilized in the construction of any parking facility situated within a floodplain.

7. Grading or regrading of lands, including the deposit of topsoils and the grading thereof. The application for a special exception for such a use shall be accompanied by the following:

   a. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties, as well as the property in question, including the necessary data to determine whether the boundaries of the Flood Plain Conservation Overlay District

would be affected if the application were granted.

b. An application for amending the boundaries of the Flood Plain Conservation Overlay District if the boundaries are affected by the grading or regrading of land.

c. A plan indicating the deposition of any fill or materials proposed to be deposited by the grading or regrading of land; such fill or other materials shall be protected against erosion by rip rap, vegetative cover, or bulkheading.

8. Fences, except as for replacement of existing as note above.

9. Utility transmission lines.

10. Uses similar to the above which are in compliance with the intent of this Article.

Section 600.5.C. Prohibited Uses: The following uses shall not be permitted to be hereafter initiated or expanded in the Flood Plain Conservation Overlay District:

1. All freestanding structures and buildings and retaining walls, with the exception of flood-retention dams, culverts, and bridges, as approved by the Pennsylvania Department of Environmental Resources.

2. The filling of or removal of topsoil from all floodplain lands as defined herein, except as approved by special exception under the provisions of this Ordinance.

3. The relocation of any watercourse, without approval by the Board of Commissioners of Abington Township which shall first have received the recommendation thereon of the Township Planning Commission, the Soil Conservation Service, United States Department of Agriculture, FEMA, and the Pennsylvania Department of Environmental Resources.

4. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials.

5. On-site sewage disposal systems.

6. Private water supply wells.

Section 600.6. Application Procedure

A. For any use of land in the Flood Plain Conservation Overlay District, except uses existing as of the date of the enactment of this Article, an application for a floodplain use permit shall be filed with the Planning and Zoning Official who shall make an initial determination on the completeness of the application.

1. For a use other than those permitted above, an application seeking approval by special

exception or variance shall be forwarded to the Zoning Hearing Board and Township Engineer, along with required studies or information, and the findings of the Planning and Zoning Official and Township Engineer.

2. Any application involving the use of fill, the construction of structures, or storage of materials shall be accompanied by the following:

   a. A plan certified by a registered professional engineer which accurately locates the floodplain proposal with respect to the floodplain district limits, channel or stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property fill limits, and elevations and flood-proofing measures, including those required by the Township Building Code, as amended to date of application, and the provisions of this Article.

   b. As much of the following additional information as is deemed necessary by either the Planning and Zoning Official, the Township Engineer, or the Zoning Hearing Board for the evaluation of effects of the proposal upon flood flows and floodplain storage and to render a decision on the proposed floodplain use:

      1). A typical valley cross section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high-water information.

      (2). Plan surface view showing evaluation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities and soil types and other pertinent information.

      (3). Profile showing the slope of the bottom of the channel or flow line of the stream.

      (4). Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

      (5). A plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the flood-protection elevation for the particular area, to include:

         (a). Anchorage to resist flotation and lateral movements.

         (b). Installation of watertight doors, bulkheads and shutters.

         (c). Reinforcement of walls to resist water pressures.

(d). Use of paints, membranes or mortar to reduce seepage of water through walls.

(e). Additions of mass or weight to structures to resist flotation.

(f). Installation of pumps to lower water levels in structures.

(g). Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.

(h). Pumping facilities for sub-surface external foundation wall and basement floor pressures.

(i). Construction to resist rupture or collapse caused by water pressure or floating debris.

(j). Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

(k). Elevation of structures to reduce the likelihood of flood damage.

Section 600.6.B. Procedures for Special Exception or Variance: All applications for approval by special exception or variance shall be filed and processed according to the procedures set forth in this Ordinance, as well as the procedures set forth in this Article. In considering such applications, the Zoning Hearing Board shall use the standards set forth herein to determine if the use is appropriate.

1. The Zoning Hearing Board shall hold a public hearing within sixty (60) days after an application is filed.

2. The Zoning Hearing Board shall request the review and recommendation of the following agencies:

   a. Abington Township Planning Commission.

   b. Pennypack Watershed Association, Tacony Creek Watershed Association or Wissahickon Valley Watershed Association as appropriate.

   c. Soil Conservation Service.

   d. United States Department of Agriculture.

   e. United States Army Corps of Engineers.

   f. Federal Emergency Management Agency.

Section 600.7. **Standards for Approval of Special Exception or Variance:** The Zoning Hearing Board shall exercise discretion, allowing only those uses which are substantially in accordance with the stated objectives herein. In considering an application for special exception or variance, the Zoning Hearing Board shall consider the following in addition to the appropriate standards set forth above:

A. The effect of the use shall not substantially alter the cross-sectional profile of the streams and floodplains at the location of the proposed use.

B. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.

C. The general welfare or public interest of Abington Township or of other municipalities in the same watershed shall not be adversely affected.

D. Any structures permitted by special exception or variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater. All new construction shall have the lowest floor, including the basement, elevated to one (1) foot above the one-hundred-year (100) flood elevation.

E. Any structures permitted by special exception or variance shall include appropriate flood-proofing measures, including those required by the Township Building Code, as amended to date of application, and the provisions of this Article.

F. Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief. An affirmative decision shall not be issued by the Zoning Hearing Board within the designated floodway if any increase in the flood levels during the base flood discharge would result. An affirmative decision by the Township Zoning Hearing Board within the Special Flood Plain District shall not be granted if the activity, construction, development, or use should cause an increase of one (1) foot or more in the one-hundred-year (100) flood plain elevation.

G. Affirmative decisions shall only be issued by the Zoning Hearing Board upon a showing of good and sufficient cause; a determination that failure to grant the appeal would result in exceptional hardship to the applicant; and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

H. The Zoning Hearing Board shall notify the applicant in writing over the signature of community officials that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required above.

1. The Zoning Hearing Board shall maintain a record of all decisions, including justification for their issuance, and report such decisions issued in its annual report submitted to the Federal Insurance Administration.

Section 600.8. Uses or Structures Rendered Nonconforming: Following the adoption of this Ordinance, any use or structure which is situated within the boundaries of the FP Flood Plain Conservation Overlay District and which does not conform to the permitted uses specified herein, shall become a non-conforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Article.

A. The expansion or continuance of a nonconforming use or structure which is nonconforming with respect to the district in which it is located without consideration of this Article shall be governed as stipulated in the non-conforming use section of this Ordinance. However, the Zoning Hearing Board shall ensure that the standards contained within this Article are applied to the expansion or continuance of said non-conforming use or structure which does lie with a floodplain.

B. The expansion or continuance of a nonconforming use or structure which is rendered nonconforming due to the adoption of this Article shall be governed by the standards contained in this Ordinance. The Zoning Hearing Board shall ensure that those standards are enforced with respect to said nonconforming use or structure.

C. All improvements to existing structures shall be constructed so that:

1. Improvements to residential structures shall be elevated to the greatest extent possible. Any portion of the structure not elevated to one (1) foot above the one-hundred-year (100) flood elevation shall meet the requirements of Subsection 3.b below.

2. Improvements to non-residential structures shall be flood-proofed one foot above the one-hundred-year (100) floodplain elevation, according to the classifications W1 - W2 of the Flood-Proofing Regulations, United States Army Corps of Engineers, pamphlet EP 1165 2 314, or as amended.

Section 600.9. Certificate of Compliance:

1. No vacant land shall be occupied or used, and no building hereafter erected, altered, or moved on the floodplains of any river or stream shall be occupied or used, until a certificate of compliance shall have been issued by the Building Inspector.

2. The Building Inspector may require the applicant to submit a certification by registered professional engineer or land surveyor that the finished fill and building floor elevations and flood-proofing measures or other flood-protection measures were accomplished in compliance with the provisions of this Article.

3. The Building Inspector shall, within ten (10) days after receipt of such certification from the applicant, issue a certificate of compliance only if the building or premises and the proposed use thereof conform with all the requirements of this Article.

Section 600.10. Non-Liability of Municipality:

A. The granting of a zoning permit or approval of a subdivision or land development plan in or near the Flood Plain Conservation Overlay District shall not constitute a representation, guaranty or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon Abington Township, its officials, or employees.

B. The degree of flood protection intended to be provided by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Article does not imply that areas outside Flood Plain Conservation Overlay District boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages and shall create no liability upon Abington Township, its officials or employees.

SECTION 601. LAND PRESERVATION DISTRICT OVERLAY CLUSTER DEVELOPMENT FOR V RESIDENTIAL ZONING DISTRICTS

Section 601.1. District Intent: The primary purpose of the Land Preservation District is to implement community development objectives and land use strategies identified in the Township Comprehensive Plan, with respect to the preservation of significant remaining open space within Abington Township through use of the cluster development provision. As such, uses permitted on parcels so designated are limited to development practices which cluster dwelling units on a portion of the site, while preserving the majority of the site as permanent open space land without further development opportunity.

Section 601.2. District Boundaries:

A. The Land Preservation District is an overlay zoning district to the "R-1" Low Density residential zoning district encompassing all land parcels located therein with a gross site area of ten (10) acres or larger.

Section 601.3. Permitted Land Uses: All subdivision and land development proposals for applicable properties are required to meet the land preservation standards established herein and, in addition, are subject to the Township's subdivision and land development regulations.

A. Uses Permitted By Right: The following land uses are permitted where the mandatory minimum land preservation ratio is seventy-five (75) percent of the gross site area.

1. H-5: Single-family detached estate dwelling

2. H-9: Single-family detached cluster development

3. H-10: Townhouse dwelling

4. H-12: Village dwelling

5. H-5 and H-9 Combination single-family detached estate dwellings and single-family detached cluster dwellings.

6. H-5, H-10 and H-12 Combination single-family detached estate dwellings, townhouse dwellings, and village dwellings.

7. Accessory uses as permitted in the underlying district.

8. Open space uses permitted in Article VIII of this Ordinance.

Section 601.4. Density Yield Calculation: The maximum permitted number of dwelling units may be determined by either of two alternatives depending on the complexity of the site.

ORDINANCE NO. 1843

AN ORDINANCE AMENDING ARTICLE VI, SECTION 601.5 OF ABINGTON TOWNSHIP ORDINANCE NO. 1753, KNOWN AS THE REVISED ABINGTON TOWNSHIP ZONING ORDINANCE.

Pursuant to Section 1502 of the Pennsylvania First Class Township Code (P.S. § 56502), the Board of Commissioners of Abington Township do hereby enact and ordain as follows:

Section 1. Article VI, Section 601.5 of Abington Township Ordinance No. 1753, known as the revised Abington Township Zoning Ordinance, is hereby amended by the addition of the underlined wording set forth below, so that Section 601.5 reads as follows:

> **Section 601.5. Land Preservation Calculation:** Determination of the total land area to be preserved and deed restricted according to the requirements of this Ordinance is achieved by multiplying the Gross Site Area (in acres) by the Land Preservation factor of .75. The formula is as follows:
>
> Total LP Area = Gross Site Area (in acres) x .75
>
> In no event shall yard areas be included in the Gross Site Area in determining the Total Land Preservation Area, or otherwise be included in the Total Land Preservation Area.

Section 2. The remainder of Article VI, Section 601.5 shall remain unchanged.

Section 3. Any provision of Ordinance No. 1753 or other Ordinance of the Township of Abington which conflicts with this Ordinance is hereby repealed to the extent of such conflict.

Section 4. This Ordinance shall become effective as of this date.

Enacted and Ordained this 7th day of June, 1999.

TOWNSHIP OF ABINGTON

Attest:

Allyn R. LaRash

Allyn R. LaRash, Secretary

By: Barbara C. Ferrara

Barbara C. Ferrara, President
Board of Commissioners

A. **Alternative One - Mathematical Calculation:** Determination of the density, or the maximum number of permitted dwelling units, shall be based upon the underlying district standard of 1 DU/AC (dwelling unit per acre) applied to the Net Site Area. Net Site Area in the LPD Overlay District is the gross site area in acres minus restricted land area. Restricted land area consists of all floodplain, wetland areas, and steep slope land area for which a grant of special exception has not been approved by the Zoning Hearing Board.

The following formula is utilized in determining the maximum number of permitted dwelling units:

Density = Net Site Area (in acres) X 1.00 dwellings

B. **Alternative Two - Yield Plan:** Determination of the density, or maximum number of permitted dwelling units, shall be based upon the underlying district standard of 1 DU/AC (dwelling unit per acre) applied to the Gross Site Area (in acres), as demonstrated by an actual yield plan. In the LPD Overlay District, gross site area excludes land within existing right-of-ways. The yield plan must be prepared as layout plan according to the standards of the Township Subdivision and Land Development Ordinance, containing proposed lots, streets, right-of ways, storm water facilities and other pertinent features. The yield plan must demonstrate that restricted land containing floodplain, steep slope or wetland areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single family dwelling lots conforming to the underlying district standard. If demonstrated in the plan, the applicant shall be entitled to utilize the following density formula:

Density = Gross Site Area (in acres) x 1.00 dwellings

Section 601.5. Land Preservation Calculation: Determination of the total land area to be preserved and deed restricted according to the requirements of this Ordinance is achieved by multiplying the Gross Site Area (in acres) by the land preservation factor of .75. The formula is as follows:

Total LP Area = Gross Site Area (in acres) x 0.75

A. **Buildable Area Calculation:** Determination of the buildable portion of the land preservation tract, expressed as Buildable Site Area, is determined by subtracting the Total Land Preservation Area from the Gross Site Area. The following formula is utilized in determining the Buildable Site Area:

Buildable Site Area = Gross Site Area - Total LP Area

The gross site area excludes land within existing right-of-ways.

Section 601.6. Dimensional Regulations: The following dimensional regulations are the minimum standards which must be achieved for any use, addition or alteration:

A. Single Family Uses

Requirement:	**Single-Family Cluster Dwelling**	**Single Family Estate Dwelling**
Min. Tract Size	10 Acres	10 Acres
Min. Open Space	75%	75%
Min. Lot Area	8,000 sf	40,000 sf *
Min. Lot Width	80 ft.	200 ft.
Min. Lot Depth	100 ft.	200 ft.
Min. Front Yard	25 ft.	50 ft.
Min. Side Yard	10/25 ft. agg	25 ft.
Min Rear Yard	25 ft.	30 ft.
Max. Bldg. Cover	30 %	20 %
Max. Impervious	45 %	35 %
Max. Bldg. Height	35 ft.	40 ft.
Min Bldg. Separation	25 ft.	25 ft.

* In single-family-detached cluster and combined subdivisions, a maximum of 10 % of the dwelling units may be single-family estate dwellings, since their primary purpose is intended for open space maintenance. In these subdivisions, there is no maximum lot size requirement imposed for single-family estate dwellings, as the buildable portion of the lot is limited to forty-thousand (40,000) square feet. Existing estate homes are permitted flexibility in the size of the building envelope in order to facilitate their preservation and accommodate the accessory buildings and structures, as may be recommended by the Planning Commission.

* In single-family estate dwelling subdivisions, a minimum lot size is imposed in order to accommodate large lot planning, where seventy five (75) percent of the gross site is permanently deed restricted for open space preservation. Under estate dwelling subdivisions, a lot that is created which is less than ten (10) acres in gross lot area may not be subsequently subdivided. No subdivided parcel may be removed from the Land Preservation District by creating a lot of less than ten (10) acres. In creating a ten (10) acre single-family estate dwelling lot, the applicant may limit future subdivision which maximizes the dwelling unit potential of the site, depending on the physical placement of the estate dwelling.

B. Village and Townhouse Uses

Requirement:	Village	Townhouse
Min. Tract Size	10 A	10 A
Min. Common Open Space	75 %	75 %
Min. Lot Area	4000 sf	2500 sf
Min. Lot Width	40 ft	25 ft. 40 end
Min. Lot Depth	100 ft.	100 ft.
Min. Front Yard	20 ft.	25 ft.
Min. Side Yard	8 ft.	15 ft. end unit
Min. Rear Yard	25 ft.	25 ft.
Max. Bldg. Cover	40 %	50 %
Max. Impervious	55 %	65 %
Max. Bldg. Height	35 ft.	35 ft.
Min. Bldg. Separation	16 ft.	30 ft. end unit

* One estate is permitted if used to manage open space.

Section 601.7. Special Development Regulations:

A. The outer boundaries of the buildable area of the tract shall be completely surrounded by a one-hundred-foot (100) buffer yard where it borders public or private roads and right-of-ways, existing residential properties, or public lands. The buffer area must be designed by a certified Landscape Architect, and contain sufficient deciduous and evergreen plantings to completely screen the development from view along adjoining roads and properties within a five-year (5) growing period. This perimeter buffer may be part of the required common open space if physically connected thereto, or may be lotted to the adjoining lots with appropriate deed restrictions to prevent any disturbance or future development. Perimeter buffers are subject to the following:

1. Existing vegetation may be utilized in the perimeter buffer provided it achieves the

intent of this subsection.

2. In order to promote design flexibility for unique site conditions, the perimeter buffer may be averaged in depth, provided no area is less than fifty (50) feet in depth.

B. Where a proposed community road abuts the common protected open space, a one-hundred-foot (100) buffer zone may be recommended by the Township Planning Commission.

C. Individual neighborhoods within a tract, particularly when dwelling unit types change, are encouraged. If neighborhoods are incorporated into the site design proposal, they shall meet the following conditions:

1. They shall be physically separated from one another by a one-hundred-foot (100) portion of the common open space, so as to form two separate and distinct communities.

2. They shall be physically separated from any structures, restricted land, and single-family estate dwellings by a one-hundred-foot (100) setback.

3. They shall contain a minimum of five (5) dwelling units, and maximum of twenty (20) dwelling units.

D. Streets within the cluster development are encouraged to be designed for a pleasing, pedestrian environment, with slower traffic and recreation potential. Smaller-than-standard cartways are recommended as a means of slowing traffic. One-way street systems are encouraged in order to reduce the cartway width. All roads are considered as local streets, and may be privately owned. The following standards are herewith established:

Note: The design chart below is pesented here for informational purposes only. Final street design must comply with Township Subdivision and Land Development Regulations. or a waiver must be granted by the Board upon the recommendation of the Township Planning Commission and Township Engineer.

Element	Two-Way Street	One-Way Street
Right-of-way	50 ft.	30 ft.
Cartway	32 ft.	22 ft.
Curbs	both sides	one side
Parking	both sides	one side
Sidewalks	4 ft. one side	4 ft. one side
Grass Strip	4 ft. one side	3 ft. one side

E. Cul-de-Sacs may be designed with a twenty-five foot planted center island consisting of low-growing shrubs and mountable curbing. Such a center island shall be maintained as stipulated in the open space maintenance provisions required by this Ordinance.

F. Street trees are to be planted out of the public right-of-way, through an on-lot easement approximately six (6) feet inward on the lot from the front property line.

G. Each single-family residential lot shall include two (2) off-street parking spaces, exclusive of a garage. If the door of an attached or detached garage faces the street, the garage shall be set back a minimum of ten (10) feet behind the front facade of the dwelling.

H. Each townhouse dwelling shall have a minimum of two (2) off-street parking spaces per unit. On end townhouse units, each parking space shall have independent access to the street. The macadam driveway or parking space between adjoining units may not abut. They must be separated by at least (1) one-foot planting strips.

I. Townhouses shall be arranged in groups or clusters, and not in long rows parallel to street lines. Townhouse buildings shall have no more than eight (8) units in a row. A row of townhouses shall not exceed one-hundred-eighty (180) feet. A minimum eighteen (18) inch variation in setback shall occur at least every second dwelling unit.

J. Estate lots are single-family dwelling units designed to reduce developmental impact or manage open space areas through restricted ownership. Because their location may be dictated by certain desirable design elements, they can be flag or rear lot parcels with a thirty (30) foot wide access strip. While estate lots vary in size, the buildable portion of the lot is restricted to a maximum area of forty-thousand (40,000) square feet, and is defined on the site plan. All other portions of the lot are restricted for open space preservation, unless they are excluded in the seventy-five (75) percent preservation requirement.

K. The overall site design must be planned to maximize the preservation of natural features such as floodplain, steep slopes, wetlands, and woodlands, and to maintain natural, cultural and scenic site views, or any other unique feature of the site.

L. All development must conform to the Township's Official Sewage Facilities Plan, and all dwelling units must be served by public water systems.

M. Each lot must be provided with access to the common open-space land via a logical and safe connection from the lot to the open area. Within the open area, pathways for walking or biking are required. Pathway construction materials and specific locations shall be specified by the Planning Commission in the plan review process. Such paths shall be deemed to satisfy the recreational provision normally required under Subdivision and Land Development Regulations.

N. The standards herein established shall prevail over any similar and conflicting subdivision and land development design standards without the need for a waiver request. All established

Subdivision and Land Development regulations not herein altered shall still be applicable in the plan application and approval process. Other applicable standards as contained in the Abington Township Zoning Ordinance shall apply.

O. No building setback line or building envelope shall be located closer than twenty-five (25) feet from a floodplain or wetland area.

P. Security guard stations and six (6) foot high decorative brick or iron security fences are permitted on the tract perimeter if approved in conjunction with subdivision and land development approval.

Q. All lots subdivided under the provisions of this Ordinance shall remain subject to the Land Preservation District provisions; all open space land must be clearly designated on the plan.

R. Open Space areas shall meet the open space criteria as established in the Article VIII.

S. In order to promote design flexibility and site varations, lot lines in planned subdivision need not abut each other, and may be separated by common open space provided the overall dwelling unit density is not increased, and the minimum contiguous open space area is achieved.

T. In order to preserve more than the minimum required open space ratio, the Planning Commission may recommend that up to twenty-five (25) percent of the planned dwelling units may have reduced yard requirements provided, the minimum required building separation is achieved.

Section 601.8. Site Inventory and Sketch Plan

A. **Preparation Standards:** The initial application for proposed development in the Land Preservation District shall include a site inventory plan and a sketch plan layout. The following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the proposed development relative to the intent of the district.

B. The **Site Inventory Plan** shall contain the following:

1. **Natural Resources:** Identification of resources associated with the natural environment of the tract, including geology; topography; soils; hydrology; and vegetation. These features shall be mapped at a scale no smaller than one (1) inch equals one-hundred (100) feet, and the plan shall include:

   a. Topographic contours at two-foot (2) intervals, showing rock outcrops and steep slope area fifteen (15) percent and greater in shaded areas.

   b. Soil type locations and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for on-site

disposal systems as per the Montgomery County Soil Survey if the development site is not serviced by public sewer systems.

c. Hydrologic characteristics of the site including floodplain, wetlands, streams and other surface water bodies.

d. Vegetation of the site, defining location and boundaries of woodland areas, and vegetation associations in terms of species and size. Any existing cultivated landscape areas shall be identified.

e. Wildlife habitats.

2. **Land Use:** Current land use and land cover (cultivated areas, paved areas, pastures, etc.), all buildings and structures on the site, and all encumbrances, such as easements or res : ctive covenants.

3. **Visual Resources:** Scenic views onto the tract from surrounding roads and public areas, together with views of scenic features from within the tract.

4. **Cultural and Historic Resources:** A brief description of the historic character of existing buildings and structures, if applicable.

5. **General Context:** General outline of buildings, land use, natural features, and property boundaries within four hundred (400) feet of the tract. This information may be submitted on an aerial photograph.

6. Any other unique feature or element of the site.

C. The Layout **Sketch Plan** shall be prepared according to the standard expressed for layout plans in the Township Subdivision and Land Development Ordinance.

D. **Planning Commission Analysis:** In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission as indicating a design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this district:

1. Protection of floodplain, steep slope and wetland areas.

2. Preservation of mature woodlands, meadows and significant wildlife.

3. Use and placement of site buffering in order to screen proposed development from existing land uses.

4. Preservation of uninterrupted scenic views and vistas.

5. Design around cultural and historic value and community heritage.

6. Shape and location of open space areas to protect the natural resources of the site and to assure that open space areas are as contiguous as possible, and accessible to the majority of proposed dwelling units.

7. Provision for recreational areas for use by future residents of the proposed community. Such provision must include a walking or biking trail separate from roads and driveways, and be of such location and length as may be deemed necessary by the Planning Commission.

8. Safe pedestrian circulation systems which are constructed according to Township specifications and have minimal interference from existing and proposed roadways.

9. Other site planning issues deemed important by the Planning Commission.

10. In providing for the maximum land preservation value of a site, the Abington Township Planning Commission may recommend that the Board of Commissioners vary perimeter buffer requirements in exchange for improved design conditions.

Section 601.9. Application and Review Procedures

A. All applications under the land preservation district shall commence with a conceptual sketch plan and site inventory plan submitted to the Township. The conceptual sketch plan and site inventory plans must be prepared according to the standards established in this Ordinance.

B. The sketch plan will not commence any formal plan review period or plan review requirements on the part of Abington Township.

C. The plan will be reviewed by Township Staff and before the Abington Township Planning Commission to determine basic compliance with the provisions of the preservation district, and for the purpose of securing early agreement on the overall pattern of lots, streets, open land areas, trail links, and other design elements, before heavy engineering costs are incurred.

E. The applicant is encouraged to appear at the meetings with a professional land planner for exchange of ideas on the design process, for site-general layout, and land preservation areas as they relate to the inventory and analysis of the site.

F. Following completion of the review, and usually not later than ninety (90) days following the sketch review, the Commission will provide feedback and indicate its development preference or conditions. Following this review, the applicant may file formal subdivision and land development applications under the terms established in the Township Subdivision and Land Development Regulations. Through the sketch review process, efficient site planning and development may be realized to the mutual benefit of the applicant, municipality, and future land owners.

SECTION 602: STEEP SLOPE CONSERVATION OVERLAY DISTRICT

Section 602.1. Purpose and Intent: The specific intent of the Steep Slope Conservation District shall be to conserve and protect those areas having steep slopes as defined herein, from improper and inappropriate development and excessive grading, as well as to permit and encourage the use of said areas for open space purposes, so as to constitute a harmonious aspect of the continuing physical development of Abington Township.

Section 602.2. Boundary Definition of the Steep Slope Conservation Overlay District: The Steep Slope Conservation Overlay District is defined and established as follows:

A. A steep slope area includes lands having slopes, whether naturally occurring or man-made, of twenty-five (25%) percent or greater. The area of the steep slope shall be determined from the contour lines on the plan showing elevations at two (2) foot intervals. Any portion of the lot equal to or greater than twenty-five (25) percent shall be considered to be in the steep slope.

Section 602.3. Steep Slope Conservation District Overlay Concept: The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in Abington Township.

A. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses intended to be located within the boundaries of the Steep Slope Conservation Overlay District as defined herein are in conflict with the permitted uses set forth in this Section.

B. In those areas of Abington Township where the Steep Slope Conservation Overlay District applies, the requirements of the Steep Slope Conservation District shall supersede the requirements of the underlying zoning districts.

C. Should the zoning classifications of any parcel or any part thereof on which the Steep Slope Conservation District is an overlay be changed as a result of legislative or administrative actions or judicial decision, such changes in classification shall have no effect on the boundaries of the Steep Slope Conservation Overlay District unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

Section 602.4. Boundary Interpretation and Appeals Procedure

A. An initial determination as to whether or not the Steep Slope Conservation District applies to a given parcel shall be made by the Planning and Zoning Official.

B. Any party aggrieved by the decision of the Planning and Zoning Official as set forth herein, may appeal said decision to the Zoning Hearing Board as provided for in this Ordinance.

Section.602.5. Land Use and Development Regulations in the Steep Slope Conservation Overlay District: In the Steep Slope Conservation District the following land use and development regulations shall apply:

A. On those areas of land, whether naturally occurring or man-made, having a slope of less than twenty-five (25) percent as defined herein, the Steep Slope Conservation District shall not apply, However, the use and development of land in such areas shall still be governed by the standards of the underlying zoning district(s) and the minimum acreage requirements of Chapter 102, Erosion control, of the Clean Streams Law, P.L. 1987 and any subsequent amendments thereto.

B. On those areas of land, whether naturally occurring or manmade, which have a slope of twenty-five (25) percent or more as defined herein, the Steep Slope Conservation Overlay District shall apply and only those uses set forth herein shall be permitted. Furthermore, all applications for development of said areas as permitted herein shall be accompanied by an erosion and sediment control plan not withstanding the minimum acreage requirements of Chapter 102, Erosion Control, of the Clean Streams Law, P.L. 1987, and any subsequent amendments thereto.

   1. The plan shall comply with the erosion and sediment control practices set forth in the Soil Erosion and Sediment Control Manual of the Pennsylvania Department of Environmental Resources, 1974, as well as other recognized conservation practices. The plan shall be prepared by a registered professional engineer.

C. In evaluating the proposed development plan, the erosion and sediment control plan and any additional information submitted by the applicant in support of the application, the Township shall consider the following factors:

   1. The percent of slope on the site.

   2. The extent and proposed disturbance of the existing vegetative cover on the site.

   3. The soil types and underlying geology of the site.

   4. The length or extent of the slope both on the site in question and on adjacent lands within two hundred (200) feet of the site. The scope of this required information may be reduced by the Township Engineer if it is not deemed to be necessary for the review of the overall proposal.

   5. Evidence that the proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause excessive run-off and/or related environmental problems.

Section 602.6. Conservation Uses Permitted By Right

A. The following uses shall be permitted in the Steep Slope Conservation Overlay District without the submission of an erosion and sediment control plan:

1. Wildlife sanctuary, woodland preserve, arboretum, and passive recreation areas including parks but excluding enclosed structures.

2. Game farm or hunting preserve for the protection and propagation of wildlife but excluding enclosed structures.

3. The planting of trees and shrubbery. Reforestation in accordance with recognized soil conservation practice.

4. Recreational uses such as parks, with such activities as hiking, bicycle and bridle trails, camps, picnic areas, but excluding enclosed structures.

5. Maintaining of existing outdoor plant nursery or orchard in accordance with recognized soil conservation practices.

6. Non-structural accessory uses (except swimming pool, golf course, tennis court or sport court) necessary for the operation and maintenance of the above permitted uses.

7. Trenching required to maintain and/or upgrading existing water mains; sanitary sewers and laterals; and underground utility transmission lines provided; however, that the location of such lines is not changed and that appropriate measures are taken for erosion and sediment control. In addition, any disturbed area must be restored to the same grade as existed prior to disturbance and must be re-vegetated as per the Montgomery County Soil and Water Conservation District's Erosion and Sediment Control Handbook.

8. Similar uses to the above which are in compliance with the intent of this Section.

9. Excavation in or disturbance of a steep slope area where such excavation or disturbance is less than five hundred (500) square feet of the steep slope of the lot.

   a. **Clarification:** This is a cumulative exception. The total steep slope disturbance is calculated from the adoption of this Ordinance for existing lots and from the initial construction permit for vacant or newly created lots. This provision does not apply to each newly proposed use on this same lot.

B. The following uses shall be permitted in the Steep Slope Conservation Overlay District but will require the submission of an erosion and sediment control plan:

1. Excavation in, or disturbance of a steep slope area where such excavation or disturbance exceeds five hundred (500) square feet of the steep slope area, but is less than one thousand (1000) square feet.

Section 602.7. Uses Permitted by Special Exception: The following uses shall be permitted by a special exception from the Zoning Hearing Board upon the submission of an erosion and sediment control plan and supporting evidence as set forth in this section. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purpose of Act 247 and the Township Zoning Ordinance.

A. Sealed public water supply wells with the approval of the Pennsylvania Department of Environmental Resources.

B. Original installation of water mains, sanitary or storm sewers and laterals and impoundment basins with the approval of the Township Engineer and the Pennsylvania Department of Environmental Resources.

C. Original installation of underground utility transmission lines.

D. Free-standing structures, buildings and retaining walls, roads, access driveways and parking facilities, swimming pool, tennis court, and/or sport court ONLY when the applicant can adequately demonstrate (in a written narrative) that their construction or alteration will not adversely effect the environment. The written narrative shall also describe the measures taken be as per Montgomery County Soil and Water Conservation District's Erosion and Sediment Control Handbook.

E. Any other grading, excavation, or activity which results in the disturbance or creation of steep slope area one thousand (1000) square feet or larger in surface area.

Section 602.8. Prohibited Uses: The following uses shall be prohibited within the boundaries of the Steep Slope Conservation District:

A. The filling or removal of soil except when related to an activity approved in this Ordinance, or by special exception, as set forth herein.

B. Junkyards, or other outdoor storage of vehicles and materials.

C. On-site sewage disposal systems.

D. Extractive uses, borrow pits, and sanitary land fills.

E. Any other uses not specifically permitted by right or permitted by special exception.

F. The practice of creating steep slopes of twenty-five (25) percent or greater as a result of excavation, grading or other development. Retaining walls are considered to abate steep slope areas when change of grade is proposed.

Section 602.9. Application Procedure: For any use of land in the Steep Slope Conservation

Overlay District, excepting uses existing as of the date of the enactment of this Ordinance, a written application for a Steep Slope use permit shall be filed with the Planning and Zoning Official, who shall make an initial determination on the application.

A. For a use other than those permitted above, an application seeking approval by special exception shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Official.

B. **Plan Required**: Any application concerning a use permitted by special exception in this Section shall be accompanied by a plan certified by a registered professional engineer. This plan shall show:

1. The location of existing and proposed development on the property, with respect to the Steep Slope Conservation Boundaries. These areas are to be identified by means of shading, patterning or other demarcation.

2. Nature of the proposed use.

3. Topographical surveys showing the contours of the property in two (2) foot intervals according to Abington Township Sanitary Sewer Data, as well as typical tract cross-sections at a scale of not more than one (1) inch equals one hundred (100) feet, and typical tract cross-sections at sufficient vertical and horizontal scale.

4. Surface view of construction, grading, or fill elevations.

5. Size, location, and arrangement of all proposed and existing structures on the site; as well as specification for building construction and materials and storage of materials.

6. Location, elevation and specifications for water supply, sanitary facilities, and streets.

7. Soil types, existing vegetation, proposed modifications to the existing topography, vegetative cover, the means of accommodating storm water run-off, and engineering and conservation techniques to be used to prevent erosion and alleviate environmental problems created by the proposed development activities.

C. It will be the responsibility of the applicant to submit a copy of the plans to appropriate watershed associations and other federal, state, or local agencies when required by the Township for review and comment. Review letters by outside agencies must be received by the Township at least ten (10) days prior to the public hearing.

Section 602.10. Procedures for Consideration of a Special Exception: All applications for approval by special exception shall be in writing on Township forms. The Township may require that the application be accompanied by a waiver of the statutory period for review if the application requires review by any other agencies. After submission, the application shall be considered in accordance with the following procedures:

A. The Zoning Hearing Board shall hold a public hearing within forty-five (45) days after a completed application unless a waiver is granted.

B. The Zoning Hearing Board shall request the review and recommendations by the Montgomery County Conservation district at least ten (10) days prior to the public meeting for any proposed development involving five (5) acres or more of disturbed earth.

C. The Zoning Hearing Board may request, at least thirty (30) days prior to the public hearing, the review and recommendations of the Abington Township Planning Commission.

D. The Zoning Hearing Board may require at least thirty (30) days prior to the public hearing, the review and recommendation of the or other planning agencies, to assist in determining the environmental impact of the proposed use, particularly for developments of over ten (10) lots.

ARTICLE VII
Use Regulations

SECTION 700. REGULATION OF USES: Except as provided for by law, no building, structure, land, lot, or premises, shall be used for any purposes other than as permitted in this Ordinance.

SECTION 701. ARTICLE AND SECTION PURPOSE:

A. It is the intent of this Chapter to provide clear and specific definitions of uses permitted within the various Abington Township Zoning Districts.

B. In addition to a definition, permitted uses may have various applicable conditions which are associated with the right to use or occupy a building, premises or structure in such manner. When expressed in this chapter, the use condition is applicable in all districts where the use is permitted. In the event of a conflict with zoning district regulations, the more stringent regulation shall be applicable. If a use is proposed and permitted, it must be able to satisfy the conditions described herein, in addition to the applicable district regulations. If it cannot, then it is not a permitted use.

SECTION 702. DEFINITIONS:

A. Use: A use is any activity, alteration, addition, business, occupation, or operation carried on, or intended to be carried on in a building, structure, lot, or premises. In this Ordinance, all permitted uses are assigned a use code classification.

B. Principal Use: A principal use is the main or primary use of a building, structure, lot or premises, for which a use code classification has been assigned, and which accounts for at least ninety (90) percent of the gross leaseable floor area of the building, structure, lot, or premises.

C. Accessory Use: A minor use of a building, structure, lot, or premises; located on the same lot or premises with an established principal use; and clearly incidental or subordinate to, and operated in conjunction with, the principal use; and not to occupy more than ten (10) percent of the gross leaseable floor area of the building, structure, or premises for commercial uses, and not more than twenty-five (25) percent of the gross first floor area for residential uses.

D. Temporary Use: A minor use of a building, structure, lot, or premises that is instituted for a limited time period not to exceed thirty (30) days, because of an emergency situation or some unique set of circumstances and is located on the same lot or premises with an established principal use.

SECTION 703. APPLICABILITY AND INTERPRETATION

A. When a use is proposed, the Code Enforcement Official, shall determine which use code classification described herein best defines or matches the use being proposed.

B. When a proposed use does not precisely match a use code classification defined herein, the Code Enforcement Official shall determine which described use it most closely matches. If the principal use proposed is similar in most respects to a given describe use, then the proposed use shall be classified according to the use code established herein.

C. A proposed use which cannot be matched with a use code established herein, or which is determined by the Code Enforcement Official to be significantly different from any use described herein, shall be determined to be not permitted under this Ordinance. Any such use shall first require a variance from the Township Zoning Hearing Board prior to being processed for approval as prescribed within this Ordinance.

D. Except for the Mixed Use district and mixed use C-15, a building, structure, lot, or premises shall be permitted only one principal use, unless a grant of variance has been issued by the Township Zoning Hearing Board.

E. A building, structure, lot, or premises shall be permitted multiple accessory uses provided all applicable provision of this Ordinance are satisfied, and provided that the total of such accessory uses does not exceed ten (10) percent of the total gross leaseable floor area assigned to the principal use of the building, structure, lot or premises, as prescribed in this Ordinance.

F. A building, lot, premises, structure, or use may not be altered, partitioned or subdivided in any manner for the purpose of creating an additional principal use, or additional accessory uses, except as may be provided for in this Ordinance.

G. A building, lot, premises, structure or use, which may be permitted to be altered, partitioned, or otherwise subdivided, according to procedures described in this Ordinance, must comply with all applicable condition, regulations, and standards as established in this Ordinance.

H. A temporary use shall be authorized for a time period not to exceed thirty (30) days, and not longer than the circumstances or emergency may warrant. Temporary use approval shall not be granted for periodic or repetitive uses in excess of four (4) times per year.

I. All uses permitted by right, conditional approval, or special exception shall be subject to use regulations, district regulations regarding lot size, yard widths, building, green and impervious coverage, height regulations, buffer yards, easements, off-street parking requirements, other such general, special, or design regulations, and all other provisions as are specified in this Ordinance.

J. In addition to the required compliance to the Zoning Ordinance, all uses subject to the Township Subdivision and Land Development Regulations and other applicable codes and ordinances, shall comply with those regulations.

K. All uses permitted in this Ordinance are, in addition, subject to all applicable, county, state, and federal codes and regulations.

L. The same application and interpretation is applied to accessory uses. An accessory use not

described herein may be permitted in conjunction with a principal use if it can be demonstrated by an applicant that such accessory use is clearly customary, necessary, and incidental to the principal use approved for a building, structure, lot or premises.

SECTION 704. PRINCIPAL USES PERMITTED

A. Use by Right: In any given district, a use is permitted by right, provided it is listed as such in the district regulations; provided it can comply with the applicable use regulations stated herein; and provided a zoning use permit has been duly issued by Abington Township, as specified in this Ordinance.

B. Use by Conditional Use Approval: In any district, a use is permitted by Conditional Use Approval, provided it is listed as such in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Board of Commissioners. If approved, the Board may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See Article 11, Section 1108. - Conditional Uses.

C. Use by Special Exception: In any district, a use is permitted by Special Exception provided it is listed as such in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Township Zoning Hearing Board. If approved, the Board may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See Article 12, Section 1201.B. - Provisions for Special Exception Consideration.

D. Uses Not Permitted: Any use not listed as explained above is not permitted in the district in question.

E. Accessory Uses Permitted:

1. An accessory use is permitted if it is listed as a permitted accessory use in the district use provisions. Accessory uses not listed as such are not permitted.

2. Accessory uses, when permitted, are subject to the district regulations; the provision of the uses regulations established in this section; and all other applicable sections of this Ordinance.

3. For non-residential properties and uses, a principal use described herein may be considered an accessory use, provided it is permitted and approved, and limited in scope and size, as described in this Ordinance. In such cases, the accessory use must meet the conditions expressed in this section, as if it were a principal use.

F. Use by Variance: Any use not permitted in the district regulations or conforming to the use regulations or applicable provisions of this Ordinance, may be permitted if a variance for relief of those requirements is granted by the Township Zoning Hearing Board. If approved, the Board may impose further conditions to insure the protection of adjacent uses, and the health, safety and general welfare of the residents. Following approval and conditions of the Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance. See Article 12, Section 1201.C. - Provision for Variance Consideration.

SECTION 705. LEGAL STATUS OF USES

A. The following terminology is assigned to uses, based upon their method of institution. Refer to the Administration and Procedures section of this Ordinance for treatment of these various circumstances.

1. Conforming Use: The use meets all applicable standards and regulations as established in this Zoning Ordinance.

2. Non-conforming Use: The use does not meet all applicable standards and regulations as established in this Zoning Ordinance.

3. Legally Non-conforming Use: The use does not meet all applicable standards and regulations as established in the Zoning Ordinance, but the use or property received the required Township approval through the variance process; or was legally instituted prior to the adoption of this Ordinance; or predated Zoning Ordinance standards; or was illegally created but legally grandfathered over statutory time periods.

4. Illegal Use: A use which may or may not conform to zoning, but never received the appropriate Township approval.

5. Federal and State property is subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States and the Commonwealth.

B. A use created by conditional use approval, special exception approval, or variance approval, may only undergo alteration, addition, expansion, or intensification of the use by reapplication and re-approval of the Body granting original approval.

SECTION 706. CATEGORIES OF PERMITTED USES

Section 706.A. Accessory Uses:

1. **Use A-1: Residential Accessory Structure:** A building or structure erected for the private use of the owner or occupant of a single-family dwelling unit, which is situated on the same lot as the residence, and used for common household purposes, storage or vehicular parking:

a. The building or structure is limited to one story, or a maximum of fourteen (14) feet in height.

b. On lots less than three-quarter (.75) acres in lot area, the total building area of all detached accessory structures is limited to thirty-five (35) percent of the ground floor area of the principal building, or a maximum area of six-hundred twenty-five feet (625), whichever is greater.

c. On lots less than three-quarter (.75) acres in lot area, detached structures may not be constructed closer than four (4) feet from any side or rear property line. In order to obtain these reduced yard requirements, the structure or building may not be constructed closer than ten (10) feet from the principal building or any other accessory structure on the lot, unless it is contained within the established building envelope.

d. On lots greater than three-quarter (.75) acres area in lot area, a detached structure is limited in size only by the zoning district requirements; however, it may not be constructed closer than ten (10) feet from any side or rear property lines with all other conditions of this section in effect.

e. A detached accessory building or structure may not be erected within the front yard restricted area, public right-of-ways, easements, or storm water swales.

f. Structures for domesticated household pets may not be located closer than ten (10) feet from any property line, and are not permitted in front yard restricted areas.

g. A horse stable may not be erected on any property less than three (3) acres in size, may not be located closer than twenty-five feet to any property line.

2. **Use A-2: Non-Residential Accessory Structure:** Such use shall include a detached accessory building or structure for uses customarily incidental to those permitted in non-residential zoning districts and legally established as the principal use of the premises:

a. For other than storage, a use accessory to a use permitted by special exception or variance shall only be established by special exception or variance hearing.

b. The location of the accessory building shall not violate any district zoning provision or use in which it is located, or any aspect of an approved land development plan. An area already impervious, but not required for parking or other zoning use purposes will not be considered in conflict with an approved development plan.

c. A trailer, freezer, or shipping container, whether or not removed from its wheels, may not be used as an accessory building.

d. Accessory buildings and structures are limited in size to twenty-five (25) percent of the ground floor area of the principal building which it serves.

e. An accessory building or structure may not be located closer than fifteen (15) feet from any other building or property line and may not be located within the front yard area.

f. An accessory building may not be used to establish a new or unrelated use on the premises.

g. Trash enclosures in non-residential districts must be screened according to the landscape provisions of this Ordinance. New trash enclosures in non-residential districts are not permitted in the front yard restricted area. When visible from the public street, the structure must be constructed of brick or stone exterior, with wooden or decorative access gates.

h. Vending machines are not permitted on public property or in right-of-ways, and are only permitted within enclosed buildings or under arcades which are set back greater than one hundred (100) feet from any property line facing a public street or right-of way.

i. Public phones may not be located in the front yard restricted area.

j. Except for banks and financial institutions, money access machines are permitted only within enclosed buildings or under arcades which are set back greater than one hundred (100) feet from any property line facing a public street or right-of way.

3. **Use A-3: Recreational Vehicles:** The temporary or seasonal outdoor storage of boats, campers, motor bikes, and other recreation vehicle in residential zoning districts.

a. The RV's shall be stored only on the premises of the owner of the RV.

b. Storage of the RV shall not diminish the required on-lot parking spaces.

c. Such vehicles may not be longer than twenty-five (25) feet.

4. **Use A-4: Commercial Vehicle:** The parking of tractor trailers, panel, vans and similar vehicles on lots or parcels, whether containing advertising or not.

a. The vehicles must be used by the establishment on whose premises they are parked in the normal conduct of its business, or parked under lease to another commercial business.

b. Commercial vehicles cannot be parked in required buffer yards or right-of-ways.

c. The area on which they are parked cannot be parking spaces required for uses already on the lot.

d. Commercial vehicles greater than twenty-five (25) feet in length, may not be parked in Residential or Community Service zoning districts.

5. *Use A-5: Antenna Systems:*

a. Vertical Antenna: A system of wires, poles, rods, towers, or similar devices used for the reception or transmission of electromagnetic waves external to or attached to the exterior of a building, including the supporting structures for such devices:

(1). Standard, non-satellite, home reception antennas are exempt from the provisions of this section. Transmitting antennas requiring FCC approval are included in this section.

(2). Such antennas shall not be located within the front yard area, and are required to meet regulations of the Township building code.

(3). In residential zoning districts, such antennas are required to meet the height restrictions of the district in which they are located, whether roof or ground mounted.

(4). In non-residential zoning districts, ground-mounted, commercially utilized antennas, and antennas exceeding thirty-five (35) feet in height must be erected at a distance from the property line equal to its height. If such a structure is located on a lot abutting a residential district, it must be located at least two hundred (200) feet from the residential zone.

(5). In non-residential zoning districts, roof-mounted antennas and cellular telephone transmission facilities are permitted above (or below) the height limit in any zoning district as an accessory use on a site where another use (other than residential) is already established as the principal use of the property.

(6). See Article 8, Section 801.D. for height exceptions.

b. Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of shallow dish, cone, or parabolic figure which is larger that twenty-four (24) inches in diameter. Such device is used to receive radio, television or electromagnetic radiation between terrestrially and/or orbital bases:

(1). A satellite antenna may not be located within a front yard, except as a special exception from the Zoning Hearing Board; to whom the applicant must prove that the antenna cannot be feasibly located in any other area on the premises in

question, or if the antenna is not visible from the public street.

(2). Roof mounting is not recommended. If roof mounted, the antenna shall be located on a portion of the roof sloping away from the front yard of the lot, and no portion shall project above the ridge line.

(3). Satellite antennas mounted on non-residential buildings must be architecturally screened if visible from the public street. Ground-mounted antennas installed on non-residential properties must be visually screened from the public street and adjoining residential properties.

(4). An edge of any satellite antenna may not be erected within four (4) feet of any property line.

6. **Use A-6: Fences and Walls:** Any artificially constructed barrier or structure of any material or combination of materials, erected to enclose or screen areas of land located within the yard requirement of the zoning district:

   a. The maximum permitted height shall be four (4) feet in the front yard restricted area and six (6) feet in the side or rear yard.

   b. Corner properties have two front yards; one facing each street. The four (4) foot height limitation applies to both front yards.

   c. A fence may be erected on the property line provided the line is clearly established. An inspector may require a field survey in the event of a location dispute.

   d. A fence may be offset from the property line up to five (5) feet. If an offset is used, the area between the fence and the property lines must be accessible and regularly maintained by the landowner.

   e. A fence may not be erected in, or interfere with the sight triangle for vehicular traffic.

   f. A fence may not be erected within a floodplain area, a swale, or other watercourse system, or impede the flow of storm water from the site or that of an adjoining property.

7. **Use A-7: Home Occupation:** An activity, occupation, or use that is professional and office-oriented in nature; and clearly customary, incidental, and accessory to the use of the premises as a single-family residential dwelling unit; and which does not alter the exterior of the property or affect the residential character of the neighborhood:

   a. The home occupation shall be conducted wholly indoors within a dwelling unit or

structure accessory thereto.

b. There shall be no use of show windows, signs, displays, or advertising visible on the premises, including marking on vehicles parked by occupants of the premises, except as may be provided for in the sign regulations.

c. There shall be no exterior storage of materials or parking of commercial vehicles associated with the home occupation.

d. No external alterations, additions, or changes to the structure shall be permitted in order to accommodate the home occupation. To ensure compliance with the intent of this section, no building permit for an addition to the structure may be issued within two (2) years after the use commences. The date of the use permit shall govern in this matter.

e. Home occupations shall not include any retail or wholesale activity, instructional classes, day care, trade business, boarding and other similar activities. The practice of babysitting on an occasional basis shall not be restricted under this use.

f. Servicing by commercial vehicles for supplies and materials, other than parcel drop-off, shall not be permitted.

g. The business must be conducted solely by the occupants. No employees are permitted to work on the premises.

h. The floor area devoted to such use shall not exceed twenty-five (25) percent of the ground floor area of the principal building, or a maximum of four hundred (400) square feet, whichever is less.

i. Visitation by clients shall be by appointment only, and regulated in such a fashion so that parking on-lot is available for their use.

8. **Use A-8: Storage (Outdoor):** The outdoor keeping of junk, material, merchandise, vehicles, or any goods in an unroofed or open area for more than twenty-four (24) hours.

a. No part of a public right-of-way, buffer area, required front yards, storm water management systems, or required parking spaces may be used for outdoor storage.

b. Where permitted, outside accessory storage areas shall occupy an area less than twenty-five percent (25) of the ground floor area of the principal building or structure.

c. Outside storage area shall be shielded from public view and adjoining properties on ground level by fencing, walls, or high intensity landscaping sufficient to screen the storage area.

d. The parking of tractor trailers, vans, and company vehicles which supply or service establishments in commercial and industrial districts located in the Township shall be permitted.

e. Outside storage area shall not be located closer than fifteen (15) feet to any side or rear property line, nor fifteen (15) feet from any structure on lot.

9. **Use A-9: Swimming Pool:** An artificial or man-made container of water capable of being filled to depth exceeding twelve (12) inches at the lowest point. Wading pools are exempt from the provisions of this Ordinance and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full volume depth of twelve (12) inches at the lowest point, and which are completely emptied of water when not in use:

a. Permanent swimming pools, whether above or below ground, are required to meet the zoning district requirements with respect to lot coverage, and are considered impervious structures.

b. As accessory structures, they are permitted to be located no closer than ten (10) feet to a side or rear property line, and must be located no closer than ten (10) feet from any additional structures, either primary or accessory, located on the lot or premises.

c. Swimming pools are not permitted in the front yard restricted area or within approved swale or storm water management systems.

d. Building, electrical, and plumbing permits are required for the installation, alteration, repair or remodeling of all pools not exempt from this Ordinance, and must meet the code requirements of all applicable Township ordinances.

e. Swimming pools must be discharged according to guidelines established by the Department of Environmental Resources. In no event may water from them be discharged into a public street or storm water management system, nor shall any discharge be directed onto any adjoining property.

f. Approved circulators and filtration systems must be provided for all pools except wading pools.

g. Elevated outdoor lighting, if used, shall be installed with glare shields and not be directed toward adjacent property owners.

h. Water contained in swimming pools must be kept healthy and sanitary at all times, and shall not emit offensive odor that creates a nuisance or unhealthy condition.

i. No pool shall be located under or within ten (10) horizontal feet of a power or

service entry line.

j. Abandoned pools must be removed or appropriately filled in and covered under ground.

k. Above-ground pools may be installed without a survey and engineering grading plan if permitted by the Code Enforcement Official, and where steep slope area are not present. In-ground pools require an engineering plot plan with grading approved by the Township Engineer.

l. Spas or health pools shall meet the same requirements as swimming pools, except that when less than ten (10) feet in width and located on an existing deck or elevated patio adjoining the principal structure, the ten (10) foot separation from structures shall not apply.

m. Cabana or pool houses shall be permitted provided they are separated from the pool water edge and adjoining property lines and other accessory structures by a minimum of ten (10) feet. They must be single-story structures, not exceeding fourteen (14) feet in height, and may not contain permanent cooking equipment.

n. Fencing: Swimming pools at, below or above grade must be completely enclosed with a minimum, four-foot (4) high fence, with locking gate access. Such fence must be constructed of a material that meets the approval of the Building Inspector. Swimming pools equipped with elevated platforms or walkways that are at least four (4) feet above the ground need not be fenced if the design prevents access by ladders or steps which can be made inaccessible and locked when not attended or in use.

10. **Use A-10: Tennis/Sport Courts:** A recreational playing court accessory to residential properties for the sport or game intended. The court consists of the playing surfaces and any structures designed to contain the playing area surrounding the court:

a. The outer edge of the playing area, including any fence designed to contain the playing area, may not be located closer than ten (10) feet from any property line, and may not be located in the front yard restricted area.

b. A fence containing the playing areas may be as high as twelve (12) feet provided the setback of ten feet is maintained.

c. Courts may be lighted provided the light source is shielded from glare effects to the adjoining properties.

d. Unless made of clay or other pervious materials, courts will be calculated into the impervious restriction on the property.

11. **Use A-11: Commercial Accessory Apartment:** Such use shall include a commercial operation consisting of retail or office uses only, less than five thousand (5000) square feet in gross floor area, and which contain one or more dwelling units for temporary residential purposes which may or may not be owner occupied.

    a. The dwelling unit must be completely separated from the commercial operation by separate access, but located in the same principle structure.

    b. The apartment or dwelling use is limited to fifty (50) percent of the gross floor area of the commercial operation.

    c. The commercial use must meet the required minimum lot area.

    d. For each apartment or dwelling unit established in excess of one (1) unit, an additional lot area of two-thousand five-hundred (2,500) square feet per unit shall be provided, and parking requirements shall meet the standards of Use H-1.

12. **Use A-12: Play Structures**: Any device, structure, or combination of materials attached to the ground and erected for long-term use (more than 24 hours), which is intended for climbing, swinging, or other forms of active recreation. Such uses include but are not limited to climbing bars, swing sets, play houses, forts, basketball poles, and the like, but does not include lawn furniture, landscaping designs, picnic tables, game nets or other uses not attached to the ground or structures, provided:

    a. The structure cannot be located within four (4) feet of a property line or public right-of-way.

    b. The structure and not its use, cannot be a hazard or nuisance to an adjoining property.

    c. Such structure shall not require a use permit if erected as described.

Section 706.B. Agricultural Uses:

1. **Use B-1: Agriculture:** A use and related structures on a parcel or lot that is primarily used for soil-dependent cultivation of agricultural crop production and/or the raising of livestock:

    a. A minimum lot size of ten (10) acres which must be held in single ownership by any legal entity.

    b. Any farm structures must be located a minimum of fifty (50) feet from all property lines.

    c. No goods may be sold on the premises.

2. **Use B-2: Kennel:** An establishment licensed by the state to operate and house cats, dogs, or other permitted household pets, and where grooming, breeding, boarding, training or selling of animals is conducted for profit:

   a. The minimum lot size shall be five (5) acres.

   b. No animal shelter or runway shall be located closer than one hundred feet (100) from any property line.

3. **Use B-3: Livestock:** The keeping of animals other than domesticated pets, but including livestock and horses, shall be limited to lots of at least three (3) acres in size, and shall be limited to one (1) head of livestock or horse, or one hundred (100) fowl per acre on lots less than ten (10) acres in size. Riding academies, livery or boarding stables, and commercial kennels are not included in this provision.

4. **Use B-4: Riding Academy/Stable:** Riding academy, livery, or commercial boarding of horses shall be permitted, provided that:

   a. A lot area of not less than ten (10) acres shall be required for any profit-making or commercial operations.

   b. Animal sheds and storage buildings shall not be located closer than one hundred (100) feet to any property line.

Section 706.C. Commercial Uses:

1. **Use C-1: Automotive Sales:** Automotive sales use includes facilities for the sale or lease of new or used automobiles, jeeps, motorcycles, trailers, trucks, and the like. Facilities may include showroom, office, display parking, service/repair, and delivery canopies, provided:

   a. Primary access to the sales facility shall be from an arterial or collector highway.

   b. Customer and employee parking areas are each clearly identified and not used for vehicle display purposes.

   c. Except for incidental emergency repair work, vehicle repairs and service are to be conducted indoors.

   d. Vehicle delivery shall be conducted on-site, or through off-site contract arrangements, but not from public streets or right-of-ways.

   e. Display vehicles shall not be placed on elevated stands or located within five (5) feet of any property line.

   f. Test drives shall not be conducted through residential districts, and specific routes shall be approved by the Township.

   g. Collective accessory uses to the principal use of selling or leasing shall not occupy more than fifty (50) percent of the premises and must be conducted in direct relationship to the principal use.

   h. Vehicle display spaces may be reduced to 8' X 16' and may be stacked up to three cars deep without aisle ways, provided no parking variances have been granted. The first row of front yard display vehicles adjacent to the public right-of-way, may not be parked or displayed any tighter than achieved with ten (10) foot wide parking spaces.

   i. In Mixed Use districts, only small automobile sales uses with less than twenty-five (25) exterior display vehicles are permitted.

   j. Front yard display vehicles may not protrude into the public right-of-way or over buffer areas.

   k. Sound systems shall not be audible off-site.

   l. Delivery canopies shall not be located in restricted yard areas.

2. **Use C-2: Automotive Service:** Such use shall include the general repair of

automobiles, trucks, and the like; specialty repair of vehicles, body, and fender work; and spray painting in conjunction with repair:

a. Tractor trailers and abandoned vehicles may not be stored on the premises.

b. All repair work must be performed within a building.

c. All storage, including parts; tires; refuse; and similar articles must be stored within a building or fully enclosed area.

d. The sale of vehicles shall be prohibited.

e. Retail sales of parts and supplies must be accessory to the principal use.

f. Parking spaces for repair vehicles may be reduced to 8' X 16' and may be stacked up to three (3) cars deep, without aisle ways, provided no variances for parking have been granted for the use.

3. **Use C-3: Bank:** A financial establishment where the primary use is the processing of credit or monetary transactions, including a savings and loan association, credit union, and other financial establishment:

a. A drive-in facility may not be located within the front yard area.

b. Where a drive-in window is proposed, whether for contact with bank personnel, or with an automated teller machine, a stacking lane shall be provided for each window, sufficient to serve a minimum of eight (8) cars. The stacking lane shall not be used for other required parking, and may not be part of, or interfere with aisles, circulation, or required parking spaces.

4. **Use C-4: Building Materials:** The retail sale or wholesale of building supplies such as bricks, concrete, lumber, plumbing, roofing materials, doors, windows, and similar products typically purchased for construction and repair of buildings, whether as a primary or accessory use:

a. All products shall be either stored or displayed behind areas which are clearly defined for such purpose, such as completely enclosed fences, walls or other structures.

b. The display of goods and merchandise shall not be located within the front yard restricted area, nor shall they be visible from the public street.

c. All goods and related structures shall meet the minimum required setbacks for accessory structures in the district.

d. When goods or materials are located in any yard facing a residential district, a positive barrier, such as a fence, wall, or high-intensity screening shall be located between that property and the display or storage of such goods.

e. If customers are permitted to enter outside storage areas, then such area shall be counted as retail floor area.

f. Such uses shall have a defined pick-up area which does not interfere with the flow of internal traffic or required parking areas.

g. Sound systems shall not be audible off site.

h. The storage of all products must conform to the requirements of the Township Fire Marshal.

5. **Use C-5: Car Wash:** A building, structure or area of land with machine or hand-operated facilities used principally for the cleaning, detailing, polishing, washing or waxing of motor vehicles:

a. All washing and drying facilities must be located entirely within an enclosed building or roofed structure.

b. Automatic car washes shall provide sufficient stacking lanes to accommodate a minimum of eighteen (18) off-street vehicles. Self-service car washes shall provide sufficient stacking lanes to accommodate four (4) vehicles per washing bay.

c. No less than one trash receptacle per washing lane, in addition to required dumpster, shall be located near the washing or vacuuming area.

d. On-site drainage systems must be provided to prevent water run-off and freezing on streets and adjoining properties.

6. **Use C-6: Club:** A group of individuals, together with buildings and facilities owned or operated by an association, corporation, or other legal entity, convening for educational, social or recreational purposes, not incidental to other business, and not operated primarily for profit, or to render a service that is customarily carried on as a business enterprise:

a. The use shall be for dues-paying members and their authorized guests only, and such use shall not be open to the general public.

b. A club shall not include uses specifically defined elsewhere within this section of the Ordinance.

c. The rules and by-laws shall be provided to the Township at the time of occupancy

certification.

7. **Use C-7: Commercial School:** Such use shall includes a commercial school, trade school, professional school, music school, dance school, and the like.

8. **Use C-8: Convenience Store:** A convenience store is an individual store or a group of stores on one lot, where retail trade intended for quick sale and carry-out is the principal use. Such use does not specialize in a particular product, but offers an array of different items including but not limited to takeout coffee, dairy products, delicatessen, dry goods, foodstuffs, grocery items, newspapers, tobacco, and similar product lines:

   a. The following accessory uses shall be permitted inside, provided two additional parking spaces per use can be provided:

      1. Automated teller machines and financial services.

      2. Legal lottery sales.

      3. Sale of alcoholic beverages.

      4. Public phone facilities.

   b. Separate and distinct ingress and egress and egress patterns must be provided on lot.

   c. A minimum of two separate and remote trash receptacles must be provided and maintained outdoors.

   d. No outside vending machines, outside sales, ATM's, or phones are permitted.

   e. Facilities for dumpsters must be screened, according to the provisions of this Ordinance, or inside trash compactors and storage must be provided.

   f. The gross retail floor area may not exceed three thousand (3000) square feet.

9. **Use C-9: Drive-in-Facility:** Any building, design, facility, or structure, or portion thereof, from which a business, product or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction:

   a. As an accessory use to the principal operation of a premises, there must be sufficient stacking space for six (6) vehicles, per drive-in-facility.

   b. The stacking area may not interfere with required parking spaces or vehicular aisles.

   c. Ingress to the drive-in-facility must occur from an aisleway within the interior circulation of the lot, and not directly from an arterial highway.

d. Egress from the drive-in-facility may not occur within fifteen (15) feet from an public entrance or exitway to the building.

e. As a primary use or sole use of the premises, there must be sufficient stacking space for ten (10) vehicles.

10. **Use C-10: Dry Cleaners (Drop-Off):** A dry cleaning establishment which does not have any on-site cleaning equipment or processes other than clothes pressing.

11. **Use C-11: Dry Cleaners (On-Site):** Facilities or shops specializing in or providing on-site processing for laundry, dry-cleaning, and or clothes-pressing. Automated coin operated facilities are included in this category if they contain cleaning machinery other than commercial washers utilizing common detergents. Dry cleaning shops which do not contain on-site processing equipment are treated as drop-off centers and are not required to meet the conditions below:

    a. This use shall only be permitted by special exception from the Zoning Hearing Board.

    b. Material safety data sheets for all chemical cleaning agents used on the premises, together with all equipment specification sheets, must be provided to and approved by the Fire Marshal prior to the zoning hearing.

    c. On-site processing shops less than five thousand (5000) square feet in gross floor area, may not accept goods from drop-off establishments located elsewhere.

    d. A truck-parking zone must be designated near the most convenient access to the building, for purposes of servicing the on-site processing equipment. This zone must be large enough to accommodate the vehicle used for servicing, and cannot interfere with required parking spaces or vehicle aisleways.

12. **Use C-12: Funeral Home:** A building or portions thereof used for human funeral services. Such facilities may contain provisions for chapel, embalming, viewing, and other services used in preparation of the dead, including the storage of caskets, supplies, and funeral vehicles.

13. **Use C-13: Hotel/Motel/Inn:** A facility offering transient lodging accommodations on a daily or weekly basis to the general public, and providing additional services such as restaurants, meeting rooms and recreational facilities:

    a. Accessory uses other than a restaurant located on the ground floor, shall be limited in use to paying guests of the hotel. The use must have access to a collector or arterial highway.

    b. The maximum permitted density is thrity-two (32) overnight guest rooms per acre

of land developed for this use.

14. **Use C-14: Laundry (Self-Service):** A business or use that provides home-type washing, cleaning, and drying machines, for hire or rent, to be used by customers on the premises.

15. **Use C-15: Mixed Use Building - Office/Residential/Retail:** A building use or structure, other than a shopping center or mall, comprised of any mixture of office, retail, and residential dwelling units:

    a. The mix of uses is separated by floors within the building, such that similar use classifications are located on the same floor.

    b. If the building contains less than four (4) individual uses, or less than five thousand (5000) square feet, parking is calculated according to the sum of the individual uses and not by complex of uses.

    c. Only one (1) wall sign per street frontage, sized according to district requirements, is permitted, and such sign may not be located higher than the first floor level of the building.

16. **Use C-16: Parking Garage:** As a principal use, a building designed and used for the parking of motor vehicles, operated as business enterprise with a service charge or fee being paid to the owner or operator.

    a. Parking decks may be constructed to the following minimum standards indicated below:

        (1). Parking decks shall have a minimum setback of thirty (30) feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the zoning district in which it is located.

        (2). A minimum twenty (20) foot wide planting strip shall be provided between the face of the parking deck and the public right of way.

        (3). The streetwall of the parking deck facing a public street or right-of-way shall be treated in such a manner as to partially screen street-level parking, and provide visual interest to the pedestrian. This can be accomplished through the use of articulated precast concrete panels, ornamental grillwork, or by other means, such as utilizing a variety of building materials.

        (4). <u>Underground Parking Structures:</u> Underground parking structures are permitted within any required setback, side yard, and rear yard, on any lot in any non-residential zoning district, provided no portion of the underground structure extends above grade more than three (3) feet at any point. A parapet

or railing may extend above the permitted structure height, provided it is not greater than thirty-six (36) inches in height; is set back from the property line at least three (3) feet; and has openings equal to at least fifty (50) percent of its surface along each side. Along any lot line abutting a street, "grade" means the elevation at the center line of the street. Along any lot line not abutting a street, "grade" means ground elevation at the property line. Such structures must conform to any corner site distance requirement. An underground parking structure may encroach upon any area set aside for the buffer, screening, or other planting requirements, so long as there is at least four (4) feet of soil between the above ground surface and the top of the underground parking structure.

17. **Use C-17: Parking Lot:** As a primary use, an area comprising a collective number of individual parking spaces, designed according to the standards of this Ordinance, and not within a building where motor vehicles may be parked for the purpose of temporary, hourly, daily or overnight off-street parking, when such parking is operated as a business enterprise. Parking lots utilized by uses established on the premises where the parking occurs are permitted as accessory uses in all non-residential districts, provided:

    a. Parking lots must be designed, surfaced and striped according to the standards set forth in the parking and transportation section of this Ordinance.

    b. They are not located in required buffer areas.

    c. The re-striping of a parking lot shall require a use permit from the Township to assure inspection for spacing requirements and conformance to approved plans.

18. **Use C-18: Personal Care Business:** A personal care business requires direct, physical contact with the customer in the performance of a personal service, and shall include such uses as barber, beautician, nail manicure, and tattooing. Such uses generally require a license from the State Department of Professional Occupations.

19. **Use C-19: Professional Service Business**: Such use shall include businesses which typically offer service in conjunction with the sale of goods. Such uses differ from retail or office business in that the customer area is usually separated from the service area, and some form of laboratory, fabrication area or processing area is necessary. Such use includes but is not limited to shoe repair, tailor, photography studio, copying service, eyeglass labs, and other similar uses, unless otherwise provide for in this Ordinance.

20. **Use C-20: Radio/TV Station:** Such use shall include areas where electronic equipment and staging is utilized for the purpose of broadcasting radio or television programming, provided that:

    a. If studio seating or auditorium areas are provided, parking spaces shall be separately calculated based on the use classification.

b. *Antennas systems shall not be visible from the public street, and shall meet the* requirements for antennas, as contained in this Ordinance.

21. **Use C-21: Rental Agencies (Vehicles):** A business specializing in providing for the temporary use of vehicles for loan or short term lease. Such use shall include businesses providing short-term transit of customers or their vehicles to and from assigned locations by automobiles, limos, vans, or trucks; and businesses providing the loan or lease of campers, haulers, trailers and other transport devices:

    a. Fleet vehicles, or vehicles used in providing the loan or lease service, must be separated from required customer parking areas.

    b. Campers, haulers, trailers, trucks, and other transport devices may not be parked within the restricted front yard area.

    c. Fleet automobiles parked in front yard areas must be stored neatly and parked in *even rows in required display spaces.*

    d. On-site washing is prohibited unless the premises contains a washing bay located within a building or in the rear of the premises.

    e. Display parking may be reduced to 8' X 16' and may be stacked, up to three cars deep without aisle ways, provided no variance for parking on the site is necessary, or was previously granted.

22. **Use C-22: Repair Shop:** A repair shop shall include any business where the primary function is the repair of items such as appliances, bicycles, computers, guns, lawn mowers, locks, stereos, televisions, VCR's, watches, small business or electronic machines, and similar products:

    a. This use does not include auto or vehicle repair.

    b. All items must be repaired on the premises.

    c. Retail sales must be accessory to the use and are limited to ten (10) percent of the gross floor area.

    d. No outside storage is permitted.

23. **Use C-23: Restaurant:** An establishment, or other retail use, or portion thereof, where food or beverages are sold for direct consumption on the premises to persons seated within the building.

    1. Restaurants specializing in take-out service, or with less than twenty (20) percent of the gross leaseable floor area devoted to seating shall be classified as Take Out

Foods.

2. Conditions for outdoor restaurant areas, where permitted:

   a. The outdoor restaurant area must be directly in front of or adjoining a street-level eating or drinking establishment.

   b. The outdoor area must not infringe on any public sidewalk or right-of-way.

   c. The outdoor area cannot infringe or encroach on the minimum number of required parking spaces or further reduce available parking, in the event of shared parking facilities.

   d. The outdoor area must be physically separated from the public or parking areas by a railing, fence, deck, planting boxes, or a combination thereof.

3. If located adjoining a residential zoning district, odor control devices shall be installed to minimize food odor impacts.

24. **Use C-24: Retail Take Out Foods:** Such use shall include retail shops where specialty foods; such as but not limited to, bakeries, ice cream, pizza, water ice and yogurt, are assembled or dispensed on the premises, primarily for take out; and which may customarily also provide sit-down service, provided the sit-down service is incidental to the take-out function and does not occupy more than twenty percent (20) of the gross leasable floor area of the use. Such requirement is necessary to distinguish this use from restaurant service.

    a. Such facilities shall meet the conditions for outdoor restaurants C-23.

25. **Use C-25: Retail Shop:** A small shop or store where the single principle use of the premises is the retail sale of goods and merchandise, and whose market place draw is considered as largely local in scope or services:

    a. There shall be no outdoor display or storage unless permitted by district regulations.

    b. The making or selling of cooked food shall not be permitted as a accessory use.

    c. Only one business enterprise is permitted on the premises or lot.

    d. The gross leasable floor area devoted to retail use and storage is less than ten thousand (10,000) square feet.

    e. The retail use employs no more than two (2) employees per one thousand (1000)

square feet of gross leasable floor area devoted to retail use.

26. **Use C-26: Retail Store**: A large retail facility where the single principle use of the premises is the retail sale of goods and merchandise, and whose market place draw is considered as local and regional in scope or services. Such use shall include but is not limited to department stores, discount stores, supermarkets, and stores exceeding ten thousand (10,000) square feet in gross floor area. In large retail stores, ninety (90) percent of the gross leasable floor area is devoted to a single tenant:

    a. To qualify for this category, the store must be an individual use located in a free standing building.

    b. The site shall have a minimum of two (2) ingress/egress locations.

    c. In addition to required load/unload zones, the premises shall define a customer pickup area sufficient to maintain at least four (4) vehicles without interference to the normal flow of traffic.

    d. Cart return areas shall be defined on the premises for each vehicle aisle, without reduction to required parking areas. If carts are not required by the proposed use, carts areas shall be maintained as green space in reserve.

    e. Outdoor sales areas are permitted provided the area is enclosed by fencing or screening, directly adjoins the principal building, is not located in a front or buffer yard, and the outdoor area is factored into the total number of required parking spaces.

27. **Use C-27: Supermarket:** A large retail store devoted to the sale of food goods and associated household products customarily incidental to food shopping activity.

    a. The minimum site area shall be one (1) acre for every ten thousand (10,000) square feet of gross floor area.

    b. The conditions of use C-26 (Retail Store) shall be applicable.

28. **Use C-28: Service Station:** Any premises, lot or parcel where the primary use is the storage, dispensing and supply of gasoline, other petroleum fuels, and/or alternative fuels for vehicles are sold; and/or light maintenance activities such as engine tuneups, lubrication, battery and tire replacement; and other minor repairs on vehicles is performed. Service stations shall not include premises or uses where heavy automotive maintenance and repair activities such as engine overhaul, transmission, painting or body work is conducted.

    a. Such use may include facilities for the limited sale of convenience items as an accessory use, provided parking requirements for the retail area are satisfied.

b. No merchandise may be displayed in front of the building line facing a public street, or under canopy area.

c. Canopies shall met the setback requirements of principal structures.

29. **Use C-29: Shopping Center:** A building or group of buildings and related uses, primarily designed to service a limited neighborhood or community area, where more than four (4) retail or service businesses share a single premises or lot with common parking facilities:

a. In order to qualify, such center shall have at least two (2) acres in site area.

b. In order to maintain the retail nature of the center, no more than twenty (20) percent of the gross floor area of the entire complex may be devoted to office or professional service businesses.

c. Where an indoor mall is not provided, anchor stores greater than twenty-five thousand (25,000) square feet in floor area and movie theaters shall be located at the ends of the shopping center or in separate wings.

d. In order to provide architectural variety, no individual section or strip of stores shall exceed one hundred and fifty (150) feet in length without an offset greater than six (6) feet in depth.

e. Parking shall be designed to be as centrally located to each use as possible. No store shall be located in the rear of any center, unless sufficient parking spaces are available on the rear side.

f. Shopping centers with more than four (4) uses shall provide pedestrian and path systems to the collector or arterial highways on which they take ingress and egress, and to adjacent commercial or residential community neighborhoods. Such paths shall be shall be separate and distinct from required parking and aisleways.

g. In addition to the standards expressed in this subsection, anchor or retail stores greater than twenty five thousand (25,000) square feet shall be required to meet the standards for retail stores with respect to customer pickup areas and shopping cart return areas, if applicable.

h. Anchor stores, large retail stores, banks, supermarkets, and other spaces which constitute a separate or detached building on the lot or premises of the shopping center, shall provide a ten (10) foot green buffer along all walls of the building not identified as the main entrance, or containing drive-in facilities.

i. Load/unload zones, dumpsters, and service structures may not be located in front

property line, and are not to be used for the boarding of animals.

Section 706.D. Industrial Uses:

1. **Use D-1: Assembly Plant:** A building, structure, or use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products, but excluding fundamental industrial processing.

2. **Use D-2: Contracting Shop:** Such use includes offices and supply/fabrication shops for services rendered in the building trades, including cabinet-making, carpentry, cement, electric, furniture-making, heating, painting, plumbing, roofing, and the like, provided that all tools and vehicles are located indoors wherever possible.

3. **Use D-3: Distribution Center:** A building, structure, or use designed or utilized for the purpose of handling goods or freight from one location to another, including short-term warehousing.

4. **Use D-4: Dry Cleaning/Laundry Plant:** A facility equipped for on-site cleaning or laundering of material goods delivered from off-site sources or drop-off cleaning uses.

5. **Use D-5: Fuel Storage Facility:** Such use shall include fuel storage, distribution tanks, and related structures, provided that all tanks are located below ground or are otherwise screened from public view. The minimum lot size shall be one (1) acre.

6. **Use D-6: Industrial Repair Shop:** A facility designed or intended for the repair of mechanical parts or equipment, engines, vending machines, and other heavy-duty commercial equipment.

7. **Use D-7: Lumber Yards:** Such use shall include the storage and sale of lumber, including millworking and related accessory use, provided such use conform to the standards of building materials, Use C-4.

8. **Use D-8: Manufacturing Plant:** A building, structure, or use, engaged in the basic processing and manufacturing of materials and products predominately from extracted raw materials; or a use engaged in manufacturing process using flammable materials; or a manufacturing process that involve potentially hazardous or offensive conditions to adjoining uses.

9. **Use D-9: Packaging Plant:** Such use shall include facilities where goods are packed or assembled for shipment to other locations.

10. **Use D-10: Printing/Publishing Shop:** Such use shall include large scale printing and publication services, not including smaller convenience copy centers.

11. **Use D-11: Radio or Television Transmission Tower:** A structure intended for transmitting and receiving television, radio or telephone communications, excluding those used for emergency, military, and dispatch communication. Such uses are permitted by special exception as described in the height exception provisions of this Ordinance.

    a. If such a structure is located on a lot in or abutting a residential district, it must be located at least two hundred (200) feet from all abutting property lines.

12. **Use D-12: Research Facility:** A use, building, structure, or group of buildings and structures, in which are located facilities for scientific research, investigation, experimentation or testing, but not facilities for the manufacture, production, or sale of products, except as incidental to the primary purpose or on limited pilot scale.

    a. Development standards for use F-4 (Office Campus) shall be applicable to multi-building development.

13. **Use D-13: Recycling Drop-Off Facility:** An incidental or accessory use that serves as a neighborhood or municipal drop-off point for the temporary storage of recoverable or recyclable resources. No processing of such item is permitted.

14. **Use D-14: Recycling Facility:** A facility, lot, parcel, building, or group of buildings, together with such necessary equipment, which is not a junkyard, and which recoverable resources such as newspaper, magazines, paper products; glass, metal, and other products are recycled, reprocessed, and treated for return or reuse in industry.

15. **Use D-15: Truck Terminal:** Buildings, lots, parcels, and structures, in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, tractor trailers and/or trailer units are parked and/or stored.

16. **Use D-16: Wholesale Facility**: The sale of goods in large amounts to retailers or supply companies, rather than to consumers directly.

17. **Use D-17: Warehouse / Storage Facility:** A building, structure, lot, parcel, or use engaged in the storage, wholesale, and distribution of manufactured equipment, goods, materials, products or supplies, but excluding bulk storage of chemicals and materials that are explosive, inflammable or hazardous to adjoining properties.

Section 706.E. Community Service Uses:

1. **Use E-1: Cemetery:** Land used or intended to be used for the burial of the dead, dedicated for such purposes and licensed by the state authority having jurisdiction. It includes columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery:

a. The minimum lot size shall be twenty-five (25) acres for any newly proposed cemetery land use.

b. No more than ten percent (10) of the entire area, to a maximum of five (5) acres, may be devoted to above-ground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, bath-houses, greenhouses, work houses, repair shops, and the like. This restriction includes parking facilities.

c. A forty (40) foot buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.

d. For all entrance features including gates, fountains, statuary, identification signs, and the like;

(1). There shall be not more than two (2) signs at such entrance, which shall comply with the sign regulations.

(2). The main portion of entrance features shall be located at least ten (10) feet from the nearest right-of-way line of any public street.

(3). No such entrance features shall exceed twelve (12) feet in height.

e. Where interior roads are provided, they shall be paved according to municipal standards, and shall have a minimum width of twelve (12) feet for one-way and twenty (20) feet for two-way. There shall be no dead-end roads, unless provided with a turn-around having a centerline radius of at least forty (40) feet.

2. **Use E-2: Community Center:** An area, building, structure, or other facility used and open to residents or friends of a neighborhood community, for educational, social or recreational programs and other community uses, and owned and operated by a civic, educational, municipal, philanthropic, religious, or tax exempt entity:

a. The use shall not be conducted as a private, gainful business.

b. No outside recreational area shall be located nearer to any residential lot line than one hundred (100) feet.

3. **Use E-3: Adult/Child Day Care:** Such use shall include a day nursery, nursery school, kindergarten, or other agency giving day care to children or senior citizens, subject to the following additional provisions:

a. Where no more than ten (10) individuals are to be provided day care, the minimum lot size shall be one-half (.5) acre. One additional half (.5) acre shall be provided

for each additional group of ten (10) individuals or fraction thereof of design capacity.

b. In all residential districts the use shall be permitted only as an accessory use to a single-family detached residence, or place of worship.

c. Outdoor play areas shall be screened according to the provisions of this Ordinance so as to protect the neighborhood from inappropriate noise and nuisance.

d. The practice of babysitting on an occasional basis shall not be restricted under this use.

4. **Use E-4: Dormitory:** A building that is owned or operated by a licensed institution, the primary purpose of which is to provide temporary living accommodations for individuals associated with or attending the institution. This use is only permitted as an accessory use by Special Exception.

5. **Use E-5: Hospital:** An institution providing human health-care services primarily as an in-patient facility, and offering clinical, temporary, or emergency medical or surgical care procedures to the sick and injured, and licensed by the State to provide such facilities and services. A hospital includes not only the facilities where such service is rendered, but includes related facilities such as laboratories, out-patient departments, training facilities, central services, and staff offices that are essential to the service delivery:

   a. A lot area of not less than ten (10) acres shall be required.

   b. Where the use adjoins existing residential uses, a twenty-five (25) foot, medium-density screening buffer shall be provided. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.

   c. Such use must have access from a four-lane highway.

6. **Use E-6: Library or Museum:** Such use shall include a library or museum open to the public or connected with a permitted educational use, conducted as a non-profit operation, and not conducted as a private, gainful business.

   a. Retail activity shall not permitted.

7. **Use E-7: Life Care Facility:** A residential facility, building, or complex of buildings, exclusively designed and operated for persons in need of life care arrangements, within which is provided private or semi-private living and sleeping quarters, with private or common eating facilities, together with ancillary services for health care, social, and recreational services. Dependent care includes personal care, congregate care,

intermediate care, and skilled nursing care.

a. **Permitted Uses:**

(1). **Village Dwelling Unit:** A village dwelling unit is a small, detached dwelling unit resembling a single-family dwelling unit, and intended for occupancy by a single family unit, except that it is not individually lotted or subdivided from the life care complex. Village dwelling units must front onto an interior private street or roadway.

(2). **Large Apartment Building:** A multi-family dwelling, with full provisions for independent living, in which each dwelling unit is associated with one or more common areas designated for the exclusive use and benefit of all occupants.

(3). **Dependent Care Facility:** A group of living units which consist of (1) one, or a combination of the following care arrangements, where rooms are not complete dwelling units:

(a). Personal Care Facility
(b). Congregate Care Facility
(c). Intermediate Care Facility
(d). Skilled Nursing Care Facility

(4). **Accessory Uses:**

(a). Auditoriums
(b). Chapel
(c). Community Center
(d). Congregate dining facilities
(e). Offices for the administration, and management of the facility, provided they are used solely to service the residents of the facility.
(f). Parking garage for use by residents and their guests.
(g). Recreational/Social Facilities
(h). Retail services designed solely to accommodate the residents of the community such as, but not limited to a beauty shop, coffee shop, gift shop, and the like.
(i). Structures designed for maintenance, service, or storage-related use of the facility.
(j). Other uses as may be permitted by the Board of Commissioners in a Conditional Use hearing.

b. **Special Development Standards for Life Care Facilities:** In addition to other requirements set forth within this Ordinance, the following special development standards shall apply to Life Care Facilities:

(1). **Permitted Density:** Calculation of the permitted density is based on the declared dwelling unit types per gross site area, according to the following ratios:

(a). Village Dwelling Units are permitted a density of eight (8) dwelling units per acre of land declared for this use.

(b). Apartment Dwelling Units are permitted a density of twenty-four (24) dwelling units per acre of land declared for this use.

(c). Dependent Care Units are permitted a density of thirty-six (36) beds per acre of land declared for this use.

(2). With respect to Life Care Facilities, a mix of housing unit types is encouraged. A minimum of two (2) different dwelling unit types must be provided, and a minimum of twenty-five (25) percent of the total permitted number of dwelling units must be of one type.

(3). Development plans for life care facilities must clearly designate the intended use for each structure and building.

(4). Proposed use and development shall comply with the safety standards as contained in the Minimum Property Standards issued by the U.S. Department of Housing and Urban Development.

(5). Dependent Care Facilities shall be in conformance with the Regulations of the Commonwealth of Pennsylvania.

(6). **Distance Between Buildings:**

(a). All apartment and dependent care buildings shall be separated from one another by a minimum distance of thirty (30) feet.

(b). All village dwellings shall be separated from one another by a minimum distance of fifteen (15) feet on the sides of the dwelling, and thirty (30) feet on the front and rear of the dwelling.

(c). All accessory structures shall be separated from one another and from any principal building by a minimum distance of thirty (30) feet.

(7). Each building used by residents of the facility, with the exception of village dwelling units, shall be provided with a minimum of one (1) drop-off area for

use by personal vehicles and vans.

(8). All buildings and facilities used by residents of the facility must be provided with a six (6) foot wide pedestrian walkway which interconnects the facility.

(9). All roads shall be privately owned and maintained, but shall be built according to Township specifications.

(10). All green space area is intended to be privately owned, and shall be planted and maintained according to the standards for open space established in this Ordinance. Open Space may be used for passive recreation only. Any proposed recreation facilities are allocated to the permitted site coverage.

8. **Use E-8: Municipal Complex:** Such use shall include a municipal administration building, police barracks, library, or road maintenance faci y.

9. **Use E-9: Nursing Home:** Such use shall include a licensed nursing or convalescent home, subject to the following additional provisions:

   a. The minimum lot area in all districts shall be five (5) acres.

   b. The maximum residential density permitted shall be thirty-six (36) beds per acre.

   c. Dwelling areas containing beds are not permitted to be self-contained dwelling units complete with kitchen facilities.

10. **Use E-10: Place of Worship:** A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities related to religious ceremonies. The term church shall include those buildings and structures in which the religious services are held:

   a. The minimum lot size for a newly proposed place of worship, and related residential facilities shall be five (5) acres.

   b. If the place of worship is located on a parcel or property in conjunction with a school as defined in this article, the minimum lot size shall be ten (10) acres, and use conditions associated with schools shall also apply.

   c. For places of worship located in residential zoning districts, accessory uses which occur with a frequency greater than once a month, may only be permitted by special exception approval. Supporting residential housing facilities is not an applicable accessory use. Uses included in this requirement are amusements, classes, counseling services, dances, day care programs, fund raising events, meetings and events open to the public at large, plays, tailgate sales, outreach programs and the like.

   d. In granting a special exception for accessory uses, the Zoning Hearing Board shall

consider the impact of the proposed activities on the ability of the site to sustain it and the impact on the surrounding neighborhood. Demand on available parking, scheduling and coordination of events, the hours of operation, and special restrictions shall be evaluated.

e. In order to promote available parking within the Township, places of worship may rent or lease parking spaces to other uses and entities during days or times when church facilities or other functions are not in operation. Such agreement must be approved by the Township through the issuance of a use permit.

11. **Use E-11: School - Public / Private:** A facility, building, lot, parcel, use, or group of facilities, buildings and uses that provides a broad educational curriculum to individuals enrolled therein,and is licensed by the State Department of Education, including private and public kindergartens, elementary, junior and senior high schools, and colleges and universities:

    a. The minimum lot area shall be five (5) acres.

    b. Access shall be from an arterial or collector road as identified in the Comprehensive Plan.

    c. Outdoor play area and fields shall be shielded with a high intensity screen when any portion thereof is located within one hundred (100) feet of an off-site, residential land use.

    d. Temporary classroom trailers are permitted provided they meet the district yard requirements.

Section 706.F. Office Uses:

1. **Use F-1: Office Building:** Such use shall include a building, structure, or use containing single or multiple tenant spaces in which the uses are primarily office functions in nature. While client and non-client office use is permitted, retail as an accessory use is not permitted. With the exception of first floor uses facing the public street, all uses have access through main building entrances.

    a. Apartment dwelling units are not permitted in office tenant spaces.

2. **Use F-2: Medical Clinic:** Such use shall include a building or group of buildings for the office of more than one dentist and/or physician, or for multiple offices by a group of dentists and physicians whose practices are not related, and are used for the diagnosis, examination, or treatment of persons as outpatients and for laboratories incidental thereto.

3. **Use F-3: Medical Office:** Such use shall include an office for the services of a dentist, doctor, or chiropractor, including such assistants as are necessary to perform the service, but not including other doctor's with separate practices.

4. **Use F-4: Office Campus:** Such use shall include multiple office buildings greater than ten thousand (10,000) square feet in total gross leasable floor area on a single site, or combination of sites:

   a. All "F" use code classifications are permitted. Retail as a mixed or accessory use is not permitted.

   b. All buildings must be separated by a minimum of thirty (30) feet, and provided with direct access from an internal or public street.

   c. Parking spaces must be evenly distributed among the individual buildings or uses.

   d. Off-street parking, dumpsters, and loading space shall be provided in accordance with the requirements of this Ordinance, and shall be located immediately contiguous to the building served.

   e. All paved areas shall be constructed to specifications defined by the Township Engineer.

5. **Use F-5: Professional Services:** Such use shall include a building, structure, or use for an office by an architect, counselor, engineer, insurance agent, lawyer, real estate broker, manufacture's representative, and similar professional offices, excluding dental, health, medical or personal care uses, which do not include the exchange or delivery of merchandise on the premises, or storage of goods which are more than accessory to a standard office environment:

   a. The office use may not contain a store front or any other retail commercial characteristics.

   b. Buildings and structures designed and utilized for professional service uses, after the effective date of this Ordinance, shall not contain any dwelling units.

Section 706.G. Entertainment/Recreational Uses:

1. **Use G-1: Amusement Arcade:** A building, structure, or portions thereof in which three (3) or more pinball machines, video games, mechanical rides, or other similar electronic, player-operated amusement devices are maintained for use and profit-making ventures:

   a. As an accessory use, the maximum floor area devoted to such use shall not exceed five hundred (500) square feet.

   b. As a primary use, the facility must be located within a shopping center or shopping mall.

c. Virtual reality rides shall be located in enclosed buildings.

d. Refer to the Township's Amusement Ordinance for additional conditions.

2. **Use G-2: Amusement Park:** An outdoor entertainment facility designed for mechanical or electronic rides, games and accessory uses such as booths, snack bars, and special exhibit halls. The conditions below do not restrict temporary uses for promotional or special events:

   a. The minimum required lot size shall be twenty (20) acres.

   b. A high-density screening buffer is required along any lot adjoining a residential zoning district, which shall not be more than seventy-five (75) feet in depth.

   c. This use may not be an accessory use.

3. **Use G-3: Athletic/Health Club:** A building, facility or structure, which through membership and/or compensation, offers facilities and programs operated by a non-governmental agency for athletic, health or recreational workout and training, including but not limited to gymnasiums, exercise and weight rooms, game courts, locker rooms, jacuzzi and sauna, reduction and tanning salons, weight control programs, classes, group instruction, and accessory pro and health food snack shops:

   a. If outdoor courts are provided, they shall meet approved playing size standards exclusive of any required buffer areas.

   b. If outdoor playing courts are provided, a twenty-five (25) foot-wide screening buffer is required to surround the playing area, which shall be landscaped according to the standards of this Ordinance.

   c. Without revision to the required parking standards in order to accommodate extra uses, accessory uses of all types, including restaurants, retail areas and classrooms, are collectively limited to ten (10) percent of the gross floor area.

4. **Use G-4: Golf Course:** A golf course may include a club house, restaurant, and other accessory uses; provided these are clearly accessory to the golf course, and shall be subject to the following provisions:

   a. A lot area of not less than sixty (60) acres shall be required.

   b. No building shall be closer than one hundred (100) feet to any lot line.

   c. A seventy-five (75) foot screening buffer shall be provided, in accordance with the provisions of this Ordinance, along all side and rear property lines.

5. **Use G-5: Movie Theater:** A building, structure, or use, primarily designed for the showing of on-screen films, movies, or videos, with one or more than one (1) theater for viewing. The term multiplex is applied to such uses with more than three (3) theaters or screens:

   a. Theaters containing more than two (2) screens and located within enclosed shopping malls, are not permitted shared parking provisions.

   b. Theaters containing more than two (2) screens shall provide pedestrian stacking room on sidewalk areas located directly adjacent to the building or showbox entrance, sufficient to contain fifty (50) persons per theater or screen, in single-file lanes. Pedestrian stacking lanes shall be positively separated from vehicular traffic flow areas.

   c. All exit points from the theater shall be lighted at night, and exit areas shall have at least two (2) directions of travel which lead directly to the parking areas.

   d. The front or showbox entrance shall have a layby area sufficient to stack at least one (1) car per screen, which is independent of vehicle access flow.

   e. Community impact statements, security provisions, and traffic impact studies are required for multiplex theaters.

6. **Use G-6: Outdoor Recreation:** Public or private miniature golf courses, swimming pools, ball courts, tennis courts, ball fields, trails, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis, primarily for the use of patrons who do not reside on the same lot or premises. Outdoor recreation shall include any accessory use, such as snack bars, pro shops, club houses, county clubs, or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use. Outdoor recreation shall not include amusement parks, open space recreational uses, overnight camping parks. or other uses specifically provided herein.

7. **Use G-7: Indoor Recreation:** An indoor facility designed to accommodate sports such as bowling, ice skating, roller skating, roller blading, skateboarding, roller ball and the like.

8. **Use G-8: Theater (Performing):** An indoor facility, theater or auditorium, or other building or structure designed, intended, or used primarily for dance, dramatic, oratorical, musical, or other performance purposes.

Section 706.H. Residential Uses:

1. **Use H-1: Apartment Building/ Multiplex Unit:** A multiplex or apartment dwelling is a single, detached, residential building containing at least three (3), separate dwelling

units, with units arranged in a variety of combinations including side-by-side, over and under, or back to back with another dwelling unit:

a. The dwelling units may share outside access and internal hallways, lobbies and similar facilities.

b. The dwelling units are usually contained on one (1) floor of the building and do not abut single-family dwelling units.

c. The dwelling units cannot be individually lotted, but must share a lot or parcel on which the building is located; except under condominium law.

d. The building and grounds are usually under one (1) operating unit, such as a rental or condominium management service.

e. Parking spaces shall be located as conveniently as possible to the dwelling units and may be common or shared areas. All parking must be designed so that cars may enter and leave without the need to move other parked vehicles.

f. **Dimensional requirements unless specified differently in the zoning district containing the use:**

(1). The minimum lot area per apartment or multiplex building use shall be ten thousand (10,000) square feet.

(2). The minimum lot area per dwelling unit and minimum floor area per dwelling unit shall be calculated according to the following ratios:

Unit Size	Lot Area/DU	Minimum Floor Area/DU
Efficiency	1,000 sq. ft.	400 sq. ft.
1 Bedroom	1,500 sq. ft.	500 sq. ft.
2 Bedroom	2,000 sq. ft.	650 sq. ft.
3 Bedroom	2,500 sq. ft.	800 sq. ft.
4 Bedroom	3,000 sq. ft.	950 sq. ft.

g. Use of an apartment and of accessory uses that relate to business activity are not permitted.

h. Adequate provision shall be made for useable outdoor recreation and accessory storage areas.

2. **Use H-2: Apartment Campus:** An apartment campus is a group of more than one apartment or multiplex buildings contained and developed on a single lot or premises:

a. The maximum length of any such building shall be one hundred and sixty (160) feet.

b. Apartment campuses containing more than three (3) buildings shall be arranged in groups or clusters, and not in long rows or parallel to street lines.

c. Each building shall contain its own screened dumpster area in accordance with township code.

d. Apartment campuses containing more than one (1) building shall have each building separated by a minimum distance of thirty (30) feet, in addition to required yard setbacks.

e. Parking spaces shall not be located with five (5) feet of any structure or property line.

f. Internal access roads shall be constructed to Township specifications.

g. **Dimensional requirements common to all zoning districts:**

(a). The minimum lot area per apartment campus use shall be one (1) acre.

(b). The maximum permitted density shall be sixteen (16) dwelling units per acre.

(c). The minimum lot area per dwelling unit and minimum floor area per dwelling unit shall be calculated according to the following ratios:

Unit Size	**Lot Area/DU**	Minimum Floor Area/DU
Efficiency	1,000 sq. ft.	400 sq. ft.
1 Bedroom	1,500 sq. ft.	500 sq. ft.
2 Bedroom	2,000 sq. ft.	650 sq. ft.
3 Bedroom	2,500 sq. ft.	800 sq. ft.
4 Bedroom	3,000 sq. ft.	950 sq. ft.

h. Individual apartment/multiplex buildings shall also comply with the standards for use classification H-1.

3. **Use H-3: Boarding House:** An establishment, building, or dwelling that is the primary residence of the owner, and in which rooms and meals are provided for compensation to not more than five (5) unrelated persons, and where food is placed upon the table family style in central kitchen or dining areas, without service or ordering of individual portions from a menu. The maximum density shall be three (3) boarder bedrooms per seventy-five hundred square feet of lot.

4. **Use H-4: Duplex Unit: (Multi-Family semi-attached):** A two-family building with one dwelling unit placed above the other, so that each unit shares one and only one common partition, which in the case of a duplex is a horizontal partition:

   a. The duplex must be located entirely on one (1) lot, with front, rear, and two (2) side yards of the required depth for the district in which it is located.

   b. Separate ingress and egress must be provided to each unit.

   c. For approved building lots public water and public sewer must be provided.

   d. The minimum lot size for duplex dwellings shall be seven thousand five-hundred (7500) square feet, unless specified differently in the district containing the use. The minimum lot size for duplex conversion on non-conforming lots in disticts where the use is permitted shall be five thousand square feet when authorized as a special exception.

   e. The maximum bedroom capacity for all duplex units shall be three (3) bedrooms.

   f. Parking spaces may be 9' X 18' for single family use.

   g. Single-car garages may not be utilized as required parking spaces.

5. **Use H-5: Estate Dwelling Unit (single family):** A large, privately-owned lot, comprising all or part of an area of deed-restricted open space, and limited to a small buildable area. The purpose of the estate lot is to provide surrounding residents with visual access to open land while keeping the land under private ownership and maintenance. See the Land Preservation District Overlay for dimensional regulations.

6. **Use H-6: Mobile Home Development:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more lots, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of mobile homes. A Mobile Home Development may be allowed by the Board of Commissioners only as a conditional use where such use is permitted. The burden of providing compliance with these standards shall be on the applicant.

   a. The tract of land to be developed shall be in one (1) ownership, or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.

   b. Any parcel to be used for Mobile Home Development must have a minimum tract area of fifteen (15) contiguous acres of land.

   c. At least fifty (50) percent of the site must be composed of developable land as defined in this Ordinance.

d. Any tract intended for Mobile Home Development must have direct access to a primary road (or on a road of a higher classification), as defined by the Township Comprehensive Plan. Plans showing provision for safe and efficient ingress and egress to and from the public streets and highways servicing the Mobile Home Development,without causing undue congestion, danger, confusion or interference with the normal traffic flow, shall be prepared by a qualified Traffic Engineer.

e. **Density:** The maximum permitted density in the Mobile Home Developments shall be eight and seven tenths (8.7) dwelling units per acre, and shall be calculated from the gross site area excluding the rights-of-way of existing public roads.

f. **Dimensional Regulations:** The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
5,000 sq ft	50 ft	100 feet
MINIMUM YARD DIMENSION		
Front	**Side**	**Rear**
20 feet	10 feet	25 feet
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
40 Percent	55 Percent	45 Percent
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35 ft. max.	100 ft.max.	20 ft. min.

Note: Residential Buffer requirements may change minimum yard size.

g. **Site Design Requirements:**

(1). Arrangement of Structures and Facilities. The tract, including mobile home stands, patios, other dwellings and structures, and all tract improvements, shall be organized in relation to topography, slope of the plot, and the shape, size, and position of structures and common facilities. Special attention shall be given to new mobile home designs and to common appurtenances that are available.

(2). Courts and Spaces. Groups or clusters of units, so placed as to create interior spaces and courtyards shall be incorporated whenever feasible.

(3). Setback from Tract Boundary: No mobile home or other primary building may be located closer than forty (40) feet to any boundary of a Mobile Home Development, regardless of whether that boundary abuts a lot, water body,

road, or other right-of-way. In the event a Mobile Home Development abuts another such development, this distance may be reduced to twenty-five (25) feet.

(4). **Setback from Street:** In no case shall the long side of a mobile home, or any side of another primary building or accessory use be located closer than twenty-five (25) feet to the ultimate right-of-way line of any public street; to the edge of the cartway, to the equivalent right-of-way line on a private interior roadway, if applicable; or to the edge of any common pedestrian walkway within a Mobile Home Development. The short side of a mobile home may be located no closer to these facilities than fifteen (15) feet. No more than six (6) homes in a row shall have the same setback; where varied setbacks are utilized, the difference shall be at least four (4) Feet.

(5). Setback for Common Facilities: No mobile home or accessory use shall be located within twenty-five (25) feet of any common parking area or common open space.

(6). Streets: All streets shall be considered residential streets for design purposes, and shall be constructed according to Township subdivision standards. Street layout shall avoid gridiron layouts.

h. Open Space Requirements:

(1). At least twenty (20) percent of the site area of the Mobile Home Development must be in common open space; no more than one third (1/3) of which may be required buffer area.

(2). The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of The Board of Commissioners that two (2) or more separate areas would be preferable. The open space shall have identifiable pedestrian accessibility to all residents of the development, although all units do not have to abut the common open space.

(3). Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the development. Not less than twenty-five (25) percent of the required open space area, exclusive of lands within the required buffers, shall be of a size and shape that is conducive to active and passive recreation.

i. Buffers and Landscaping: A twenty-five foot (25) buffer shall completely surround the perimeter of the mobile home site, and shall be planted according to the landscape provision of this Ordinance.

j. Construction: No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.

(1). Each mobile home pad shall be at least equal in length and width to the

dimensions of the mobile home to be placed thereon.

(2). The pad, at least six (6) inches in thickness, shall be constructed from concrete, asphalt concrete, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six (6) tie-downs such as concrete "dead men", screw augers arrowhead anchors, or other devices suitable to withstand a tension of at least two thousand eight-hundred (2,800) pounds.

(3). Each mobile home shall be set level on sturdy and substantial supports.

(4). Skirts. All mobile homes placed within a Mobile Home Development shall, prior to occupancy or other use, have skirts installed which are designed to compliment the appearance of the mobile home park.

(5). Mobile homes shall meet the requirements of all county, state and federal regulatory agencies having jurisdiction in such development.

k. No lot shall be occupied until the streets, utilities, and all other required improvements, including the common open space to serve the occupants, shall be installed and approved by the Township.

l. No part of a mobile home park shall be used for non-residential purposes, except common open space, which shall be used for the pleasure and recreation of the park residents,

m. The mobile home park shall have a central water supply and distribution system.

n. Mobile home parks may be used only where municipally operated sewer and water services are available. Individual lateral connections to the street sewer and to the mobile home shall conform to applicable Township and State regulations.

o. It shall be unlawful to operate a mobile home park within the Township unless a license has been issued by the Township, and unless a certificate of registration has been Issued by DER.

7. **Use II-7: Planned Residential Development:** A Planned Residential Development (PRD) consists of land under unified control and ownership, to be built and developed as a single entity in a single or phased development operation, in which a mixture of land use is provided. A PRD includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. The development is built according to detailed, approved plans, including all uses, buildings, lots, streets, utilities, and improvements of any nature. A PRD includes a program for the provision, operation, and maintenance of areas and facilities, such as open space,

recreational space, and other improvements, that are intended for common use by some or all of the occupants of the PRD and not used or maintained at the general public expense, unless specifically agreed to by the Board of Commissioners. A PRD may also contain land reserved for convenience commercial, primarily intended for use by residents of the development:

a. Land Preservation: The use is only permitted in conjunction with land preservation, where fifty (50) percent the development site is preserved as deed-restricted open space.

b. The following uses only are permitted within the PRD:

(1). H-12: Village Dwelling Unit
(2). H-10: Townhouse Dwelling Unit
(3). C- 8: Convenience Store

c. Dwelling Unit Density Yield: The maximum permitted number of dwelling units is determined by application of the following formula, where the gross site area measured in acres is multiplied by a land preservation factor of fifty percent (.50) times seven (7) dwelling units per acre. The gross site area excludes all land within existing right-of-ways:

Density = Gross Site Area in Acres X 0.50 X 7 DU

d. Commercial Density Yield: The maximum permitted amount of commercial use is determined by application of the following formula, where the gross site area measured in acres is multiplied by a land preservation factor of fifty percent (.50) times two percent (.02). The gross site area excludes all land within existing right-of-ways:

Density = Gross Site Area in Acres X 0.50 X .02

e. Dimensional Regulations for Village and Townhouse Uses:

Requirement:	Village	Townhouse
Min. Tract Size	25 Acres	25 Acres
Min. Common Open Space	50 %	50 %
Min. Lot Area	4000 sf	2500 sf
Min. Lot Width	40 ft.	25 ft - 40 end
Min. Lot Depth	100 ft.	100 ft.
Min. Front Yard	20 ft.	25 ft.
Min. Side Yard	8 ft.	15 ft. end unit
Min Rear Yard	25 ft.	25 ft.
Max. Bldg. Cover	40 %	50 %
Max. Impervious	55 %	65 %
Max. Bldg. Height	35 ft.	35 ft.

Min. Bldg. Separation	16 ft.	30 ft. end unit

f. Dimensional Regulations for Commercial Use are limited only by a perimeter yard requirement of twenty five (25) feet and the required number of parking spaces for the building area, subject to any conditions imposed by the Board of Commissioners.

g. The open space preservation area is subject to use and restrictions as set forth in the open space provisions of this Ordinance.

h. A maintenance plan must be provided for all open space and planned recreational use areas.

8. **Use H-8: Single-Family Detached Dwelling:** A dwelling unit designed and used exclusively as the residence for only one (1) family unit, is the only dwelling unit located on the parcel it is situated on, and is not attached to any other structures or dwelling units, except accessory structures permitted in this Ordinance:

   a. For approved building lots less than one (1) acre in size, public water and public sewer must be provided.

   b. The minimum lot size for single-family detached dwellings shall be five thousand (5000) square feet, unless specified differently in the zoning district containing the use.

   c. Parking spaces may be 9' X 18' for single-family use.

   d. Single-car garages may not be utilized as required parking spaces.

   e. A single-family dwelling unit may only contain on kitchen facility.

9. **Use H-9: Single-Family Cluster Development**: A zoning use and development design technique that concentrates buildings and related land development facilities in a specific area of a site, and in specified density, in order to allow remaining portions of the site to be used for open space, recreation, or the preservation of environmentally sensitive features. In the Land Preservation District, cluster development is mandatory.

10. **Use H-10: Townhouse Dwelling Unit: (Single-Family Attached)**: A townhouse or rowhouse is a single-family attached or semi-attached dwelling within a multi-dwelling building, consisting of at least three (3) such dwelling units, with each unit occupying the total space from ground to roof, and joined to each other by not more than two (2) vertical, common party walls, which also serve as the lot line dividing the properties. Townhouses may be one- (1), two- (2), or three- (3) level dwelling units, provided they do not exceed the district height limitation:

a. Townhouses shall be arranged in groups or clusters, and not in long rows parallel to street lines. Townhouse buildings shall have no more than eight (8) units in a row. A row of townhouses shall not exceed one hundred eighty (180) feet. A minimum eighteen (18) inch variation in setback shall occur at least every second dwelling unit.

b. For approved building lots, public water and public sewer must be provided.

c. The minimum lot size for town or row house dwellings shall be two thousand five hundred (2500) square feet, unless specified differently in the zoning district permitting the use.

d. Parking spaces may be 9' X 18' and must be single width for interior units, with double-width spaces permitted on end units.

e. A minimum of a twelve- (12) inch planting strip must be provided between adjoining driveways.

f. Single-car garages may not be utilized as required parking spaces, unless a basement is provided.

g. All newly proposed townhouse units, and alterations or additions to existing townhouses approved under previous cluster regulations, shall comply with the dimensional regulations for townhouses as specified in use H-7.

11. **Use H-11: Twin Houses (Single-Family semi-detached)**: A two-family building with dwelling units placed side-by-side, with each unit occupying the total space from ground to roof, and joined to each other by a vertical, common party wall which also serves as the lot line dividing the properties, but is otherwise surrounded by required yard areas:

a. For approved building lots, public water and public sewer must be provided.

b. The minimum lot size for single-family semi-detached dwellings shall be three thousand seven hundred and fifty (3750) square feet, unless specified differently in the zoning district permitting the use.

c. Parking spaces may be 9' X 18'.

d. Single-car garages may not be utilized as required parking spaces.

12. **Use H-12: Village Dwelling Unit:** A single-family detached house, differing from traditional single-family dwellings in lot area and lot design. The front yard is shallow and individually distinguished by one of the following elements:

a. An unenclosed porch, at least seven (7) feet deep, running across at least three

quarters (.75) of the front house wall.

b. A front yard raised above street or sidewalk grade by at least thirty (30) inches, with a minimum retaining wall of twenty (20) inches.

c. A fence between twenty-four (24) inches and forty-eight (48) inches in height, enclosing the front yard area, half of which area must be planted with flowering shrubs.

d. A stone or brick front facade, or a brick or stone driveway and front yard walkway.

Section 706.I. Utility Uses:

1. **Use J-1: Conservation/Recreation Facility:** A lot, parcel, or area of land which is dedicated or deed-restricted for open space, forest, stream, or wildlife preservation, or for some other general conservation purpose. Areas so dedicated in conjunction with subdivision or land development plans shall follow the RC district guidelines, and deed-restricted open space areas shall follow the open space provisions of this Ordinance. Such use shall also include a recreational facility or park, owned or operated by the municipality or other governmental agency.

2. **Use J-2: Emergency Services:** Such use shall include ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature.

3. **Use J-3: Utility Operating Facility:** Such use shall include a transformer station, pumping station, relay station, electric or telephone towers, substation, sewage treatment plant, and any similar or related installation, not including an incinerator or landfill. Such use shall also include public transportation structures such as train stations and bus shelters.

   a. No public business office, retail activity, or storage is permitted in connection with the use.

   b. Except when located in utility or public rights-of-way, such structures and uses other than bus shelters shall meet the required dimensional criteria for the district in which they are located.

   c. Wherever possible, such uses shall be located underground.

   d. Uses other than towers shall be screened according to the landscape provisions of this Ordinance.

   e. Bus shelters may not exceed one hundred (100) square feet in roof area, cannot be erected closer than three (3) feet from any cartway edge, and the specific design must be approved by the Township.

ARTICLE VIII
Supplementary District Regulations

SECTION 800. PURPOSE: The requirements of this chapter shall be applicable to all permitted uses in all zoning districts, unless specified otherwise in this Ordinance.

SECTION 801. GENERAL REGULATIONS:

Section 801.A. Standards Applicable to Zoning Uses

1. All zoning uses allowed under this Ordinance shall only be permitted provided all dimensional zoning and special development regulations applicable to the district where the use is permitted shall be satisfied.

2. Where maximum or minimum dimensional criteria are specified, the standard for one criteria may not be achieved at the expense of another. For example, a permitted use is not entitled to thirty percent (30) maximum building coverage if required parking is not achievable.

3. Except in Mixed Use zoning districts, no more than one (1) principal use shall be permitted on a lot or parcel. Ten (10) percent of the total gross leasable floor area for non-residential uses may be devoted to permitted accessory uses.

4. Zoning uses which are permitted as a result of decisions by the Township Zoning Hearing Board may not be altered or expanded, except by action of the Zoning Hearing Board.

5. Alteration and additions to single family residential land uses which may exist in the TC, SC or SI zoning districts, shall comply with the dimensional regulations of the residential zoning district which most closely matches their lot size area.

Section 801.B. Lot Standards

1. As a result of the consolidation of six (6) residential zoning districts, established under previous Zoning Ordinances into four basic residential zoning districts, no subdivision plan shall be approved which involves existing lots that would create a new buildable lot between or among them, even if such subdivision results in conforming lot standards.

2. Uses on previously existing lots which are non-conforming with respect to lot size under the provisions of this Ordinance, may be expanded provided all other dimensional zoning criteria, such as, but not limited to setback, yard area, building coverage, and impervious coverage, are satisfied.

3. Vacant lots may be used for permitted accessory uses when, and only when, they adjoin the lot and use they are accessory to; provided all other dimensional zoning criteria is

satisfied.

4. No structure or use other than parking may encroach into an adjoining lot, unless such parcels are held in common ownership, unsubdivided, or joined in common deed. All existing lots which are vacant or contain no principal use, and which have yard or lot line encroachments with structures or uses from adjoining lots, shall be considered as non-building lots and locked in zoning land use, unless such structures and uses are removed and all other district criteria is satisfied.

5. Any proposed subdivision or land development may not create a non-conforming lot, nor a non-conforming condition on any adjoining lots or uses.

6. Nothing in this section exempts any property from the provisions of the Township subdivision ordinance, which regulates the division of land. When there appears to be contradicting or overlapping standards or requirements, the more restrictive condition will control, unless a waiver to the subdivision ordinance requirement is granted by the Township.

7. Every lot must abut a street for the minimum required district lot width, and no building, structure, or use of land for any purpose may be placed on a lot which does not abut a public or private street, except for the following conditions:

   a. Lots used for agricultural, open space, or recreational purposes.

   b. Accessory uses, when such is in conjunction with a principal use on an adjoining lot, and both lots are held in the same ownership.

   c. Lots or uses which are part of larger development sites such as apartment complexes; business campuses; shopping centers; and the like, need not abut a street, so long as the overall site abuts a street and is designed in such a manner that access is furnished to all interior lots or building sites.

   d. Cul-de-Sac Lots: Residential lots fronting onto cul-de-sac bulbs may reduce the required lot width to thirty (30) feet, provided the conditions for d.1 and 2 are satisfied.

8. The principal use located on a non-conforming residential lot may be expanded provided all other dimensional criteria, including yard areas, are satisfied.

Section 801.C. Yard Requirements

1. No principal building, use, or structure, shall be located within any setback or required yard, except as may be provided elsewhere in this Ordinance.

2. Unless otherwise provided for in this Ordinance, no accessory building, use, or structure,

other than fences, walkways, walls, parking lots exclusive of buffer area, landscaping and residential play structures, shall be permitted in front yard areas.

3. No outdoor storage of goods, materials, or refuse containers may be located within any required front yard which abuts a street, except for the temporary placement of refuse containers for curbside pick-up.

4. Special Yard Configurations:

   a. Corner properties shall have two (2) front yards and two (2) side yards.

   b. Where multiple front yard standards are expressed for corner properties; for example a 50/40 foot setback in R-1, new construction shall follow the yard setback established by the existing or proposed units in the block or row which contains the greater number of buildings.

   c. Through-lots (lots fronting onto two streets), shall have two (2) front yards and two (2) side yards.

   d. Triangular or pie shaped lots shall have one (1) front yard and two (2) side yards.

   e. The location of required yards on irregularly shaped lots will be determined by the Zoning Official. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings on lots.

   f. In TC, SC, and M Commercial Districts, if a lot is fronted on three sides by streets, the front yard setback requirement for the district shall be applied only on the two opposing street fronts. The required yard on the third street front must be at least one-half the required front yard in that district. If the lot is fronted on four sides by streets, two opposing streets shall have the required front-yard setback, and the other two streets shall have front yards of at least one-half the required front yard in that district.

   g. Side or rear yards will not be required for lots used for non-residential purposes when such side or rear yard would be adjacent to railroad rights-of-way in non-residential zoning districts.

5. Aggregate Side Yards: When multiple side yard requirements, or aggregate side yards are expressed, the aggregate standard shall be maintained between adjoining properties, such that adjoining buildings are no closer than the aggregate standard.

6. Non-Conforming Yards: Alterations or additions on existing single family dwelling units with non-conforming yards are exempt from the side and rear yard requirements of this Ordinance, and the principal structure may be expanded along the line of the existing non-conformity, provided the existing non-conforming yard dimension is not

further diminished or reduced, and provided all other dimensional criteria such as but not limited to building and impervious coverage are satisfied.

7. Projection into Yards: No principal building, or portion thereof, shall be erected within, or project into any required yard, except as follows:

   a. Bay windows, structural buttresses, cornices, eaves, gutters, and chimneys projecting not more than twenty four (24) inches.

   b. Grade level and uncovered driveways, patios, parking areas, and walkways are permitted yard encroachments provided they do not violate buffer and green area requirements. Grade level is at or within two (2) inches of surrounding grade elevation, without artificial earth mounding.

   c. Solar roof overhangs used in conjunction with a designed solar home may project up to four (4) feet into required yard areas.

   d. Covered or uncovered fire escapes may project up to four (4) feet into any required side or rear yard, unless they would obstruct driveways used for service or emergency vehicles.

   e. Covered or uncovered handicapped ramps, used exclusively for ADA compliance, may project into any required setback or yard area.

   f. Elevated or covered pedestrian walkways, including those over parking lots and driveways, may be located in any side yard provided they do not create an obstruction for fire equipment or motor vehicle traffic. Such walkways shall be essentially perpendicular to the buildings they serve.

   g. Security stations, guard houses, bus shelters, and pollution recovery shelters, may be located within any setback or required yard provided they do not exceed one hundred and fifty (150) square feet in building area, and their number does not exceed one per three hundred feet (1:300) of street frontage, or one (1) per major entrance to a campus or complex.

8. Resource Yard Requirements: Wherever a natural resource such as a floodplain, wetland, stream, public right-of-way or easement exists on a lot proposed for construction, yard requirements shall be measured from the inside edge of the resource right-of-way or easement.

9. Setback Yard Conformity: When vacant residential building lots are developed and any yard requirement contained herein is substantially different from those of the existing community, the yard setbacks may be altered to conform with the character of the community upon proof by the applicant of the existing standard. In so calculating this provision, the average yard setbacks for all properties within three hundred (300) feet of

the property in question shall be used. Shall calculations shall be certified by a registered professional surveyor.

Section 801.D. Height Exceptions

1. In non-residential zoning districts, the height limitation prescribed in the district standards may be exceeded as follows:

   a. Vertical projections on existing and permitted buildings: The district limitations as to height do not include or restrict the height of any spire, chimney, clock tower, flagpole, smokestack, phone, radio or television aerial, skylight, penthouse structure for housing air conditioners, elevators, or water tanks, or any similar use which constitutes a customary vertical projection of a permitted building or structure.

   b. A freestanding structure, such as a radio or television tower, smokestack, tower, or similar structure accessory to a permitted use, may exceed the height limitations of the district in which it is located when authorized as a special exception by the Zoning Hearing Board. The Board shall only grant the exception provided that:

      (1). Such height is necessary for the proper functioning of the facility, and alternative horizontal designs are not feasible.

      (2). No advertising shall be affixed thereto.

      (3). Adequate measures are taken to safeguard the character of the surrounding area, including treatment of such items as construction quality, architecture, and color.

      (4). That the structure is located for minimal impact if damaged or felled, including the imposition of additional setback to property lines where deemed appropriate.

      (5). That the structure or its use does not constitute a known health or safety hazard to surrounding uses.

2. The structures listed for non-residential uses above are also permitted to exceed the height limit set in residential districts when authorized as a special exception in Section 801.D.1.a. and Section 801.D.1.b. Any part of such a structure which extends above the height limit must be separated from any abutting property line by a distance equal to its height measured from the ground.

Section 801.E. Density Calculation

1. The maximum residential density per lot or building site is calculated by dividing the gross land area minus any existing dedicated right-of-way incorporated within the

property, by the minimum lot area for permitted dwelling types, with all other provisions of this Ordinance being satisfied.

2. Maximum commercial density is regulated by the permitted building coverage after site compliance with the district and general requirements of this Ordinance.

Section 801.F. Standards for Impervious Surface Areas

1. Partially impervious or partially pervious macadam materials are encouraged for residential uses, and may be used in lieu of standard macadam materials. For patios and sports courts only, the impervious district limitation is calculated according to the percent of impervious indicated by the manufacturer of the product being proposed; provided certified documentation is provided to the Township for review.

2. Pervious paving materials may be used in lieu of impervious materials on non-residential uses, provided such material is approved by the Zoning Official and the Township Engineer, will not pose a hazard or unsafe condition for public use, and does not increase development potential.

3. In order to achieve the maximum impervious coverage on an existing lot proposed for alteration or expansion, other existing impervious area or materials may be removed in exchange for new construction rights.

4. Existing non-conforming impervious surface coverage may not be increased.

5. Water run-off from all impervious materials must not be directed in a manner which will be adverse to an adjoining property. All water run-off management systems must be approved by the Township Engineer.

6. Residential driveways may be left in stone if desired, provided at least ten (10) feet of paved area exists behind the property line which the driveway intersects.

Section 801.G. Zoning Standards Applicable to Streets

1. Public and private streets, public easements, parks and right-of-ways, are subject to the zoning ordinance restrictions of the district in which they are located.

2. No zoning restrictions shall apply to work performed by Abington Township or higher governmental agencies, on public streets, easements, parks, or right-of-ways.

3. On residential properties, one driveway cut is permitted for every one hundred (100) feet of street frontage, except for corner properties which are permitted one on each street frontage.

Section 801.H. Expansion Rights Under This Ordinance

1. Existing non-residential sites or uses constructed at or near maximum capacity under previous zoning ordinances may expand as follows, where changes in this Ordinance may yield new development potential:

   a. If a building or use is expanded in conjunction with a parking surplus generated by the standards established in this Ordinance, fifty (50) percent of the excess impervious parking space area must be converted back into green space area, unless the principal existing use is demolished, in which case the green area becomes the district standard. In the case of expansion, all non-conforming buffers shall be increased to conform to the standards of this Ordinance, except where existing building structure prevents such compliance.

   b. All remaining non-conformities shall be corrected to the maximum extent possible.

2. In addition to the above, surplus parking may be shared with surrounding uses to the extent permitted under the parking provisions of This Ordinance, and provided that non-conforming buffers are converted into conforming buffer areas.

Section 801.I. Grading, Storm Water, and Erosion Control Requirements

1. No grading of rock or soil, and no cutting, displacing, relocating, removing, or uncovering of soil shall occur on any lot, including the removing of vegetative cover, excavation, or land balancing, unless a grading permit shall first be issued by the Township.

2. No grading permit shall be issued unless the plans and specifications indicate and clearly describe all measures and improvements which are to be undertaken to control, eliminate, or reduce erosion during construction and development, along with appropriate schedules for measures to be taken based on time and stage of construction.

3. No site plan or development shall be approved unless it shows all improvements completed both during and after completion of development, including basins, channels, dams, traps, walls, other structures, and vegetation which may be necessary to prevent soil erosion.

4. Applications for building permits involving any change in grade shall include the following information:

   a. Site plan of the property at a minimum scale of one (1) inch equals thirty (30) feet, indicating existing grades with contour lines at two (2) foot intervals, and proposed grades within the area of the proposed construction;

   b. Landscaping plan indicating proposed paved areas, storm drainage facilities, retaining

walls, and ground cover, as well as the locations of trees and ornamental shrubs;

c. Architectural plans, elevations, and sections of the structures and related improvements;

d. A statement prepared by a qualified registered architect or engineer stating an explanation of the methods to be used in overcoming foundation and other structural problems created by slope conditions, in preserving the natural watersheds, and in preventing soil erosion.

e. A plan submitted under the seal of a registered professional engineer showing and certifying the following:

(1). All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;

(2). The calculated volume of water run-off from the slopes and from the lot in question, as improved;

(3). The existence, location, and capacity of all natural and artificial drainage courses and facilities within five hundred (500) feet of the lot, which are or will be used to carry or contain the water run-off from the slope and the lot; and

(4). The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.

f. <u>Exemptions:</u>

(1). Areas of steep slope development for residential land use that are less than one thousand (1,000) square feet shall be exempted from these standards, unless requested to comply by the Township Engineer.

(2). Grading required for agricultural or horticultural activities.

(3). The construction of any driveway which does not at any point vary from the surrounding grade by more than one (1) foot.

(4). Roadway repair work performed by the Township.

(5). Construction or repair of a septic system or associated drainage fields.

(6). The installation of a dry well for drainage control.

(7). The installation of an above-ground swimming pool, which is set less than one (1) foot into existing surrounding grade.

(8). The installation of a retaining wall less than three (3) feet above existing grade.

5. No permanent certificate of occupancy shall be issued unless necessary and required improvements shown on the plan have been constructed and completed.

6. All measures to control and prevent storm water run-off and soil erosion must comply with the standards established by the Pennsylvania Department of Environmental Resources and the Montgomery County Soil and Water Conservation District.

7. All developments shall protect streams, lakes, and ponds from sedimentation damage and shall control erosion in accordance with the "Clean Streams Law" P.L. 1987, Chapter 102, except that in addition all developments shall submit a soil erosion and sedimentation control plan as required by the municipal subdivision and land development ordinance as part of the preliminary land development plan for all sites which are two (2) areas or larger in size.

8. All developments shall limit the rate of storm water runoff so that no greater rate of runoff is permitted than that of the site in its pre-development condition. Where farm field or disturbed earth is the pre-development condition, meadow shall be used as the starting base for such calculations instead of the actual pre-development condition. All runoff calculations shall be based on one hundred (100) year, twenty-four (24) hour storms.

9. No increased water run-off may occur which will materially and adversely affect any property other than the lot to be developed. Any changes or alterations to any component of the storm water control system for any lot or use must discharge the runoff on-lot, or to an approved storm water control system.

10. Excavation or grading not shall include the stripping or removal of topsoil for sale or for use other than on the premises from which the soil originated, unless the Township Engineer shall determine that such soil cannot be redistributed on the site. In such cases, an minimum of six (6) inches, or the original depth of topsoil shall remain over the undeveloped or green areas.

11. No development proposal shall change existing grade within one hundred (100) feet of a property line, by more than three (3) feet, except by special exception, when adequate reasons for use or development shall be demonstrated.

12. Uses which require grade alteration in the course of their business needs may do so provided the standards of this section have been satisfied and a grading permit is issued by the Township.

13. The Code Enforcement Official shall require where necessary, the construction of silt traps, temporary and permanent planting, diversions, channel linings, grade stabilization

structures and bank protection structures, and may act to impose other limits and restraints which are necessary and reasonable to prevent erosion.

Section 801.J. Mechanical Equipment Standards

1. All roof-mounted equipment shall be architecturally screened from public view on adjoining streets and public thoroughfares for a minimal distance of one thousand (1000) feet beyond the property line, as measured at a height of six (6) feet above street grade.

    a. When any question arises as to the adequacy of proposed roof screening, the applicant for a development proposal shall provide triangulated elevations demonstrating compliance with the above standard.

    b. If existing gradient at one thousand (1000) feet from the property line is greater than twenty (20) percent, the applicant is exempt from this provision.

2. When non-residential land uses abut a residential land use or residential zoning district, all air conditioners, compressors, fans, motors, refrigerators, and other mechanical equipment shall be either roof-mounted in muffled compartment enclosures, or ground mounted as remote as possible from the residential use, and mounted in muffled compartment enclosures or sound screening devices. Equipment specifications shall comply with the noise provisions of this Ordinance.

Section 801.K. Trash Containment Standards

1. Trash containment and storage shall be provided inside the principal building or located as remote as possible from adjoining residential uses and screened according to the landscape provisions of this Ordinance. In no case, may trash containment occur closer than fifteen (15) feet to a adjoining residential uses or residential districts.

2. When stored external to the principal building, in addition to screening, trash containers must utilize self-closing lids, or be placed in self-confining containers, in order to provide odor control.

3. Trash containers shall be emptied and removed from the premises with such frequency so as to eliminate overflow, unsanitary conditions, and noxious odors.

4. Temporary trash containers used in conjunction with construction, or for any other reason, shall, wherever possible, be located on the site utilizing the container. When such is not the case, a trash container may only be located on a public or private street where parking is normally permitted, upon obtaining a permit, and provided that:

    a. The owner of the property utilizing the container shall be monetarily responsible for any damage to the street, curb, or sidewalk.

b. Reflective tape or reflective markings must be located on the container sides to identify it after sunset hours.

Section 801.L. Community Security Standards

1. Rear walls of non-residential buildings and other building walls hidden from public view shall contain as few window openings as possible, and all window openings shall be located at least eight (8) feet from ground level.

2. Front walls of buildings, and other wall exposed to view from public streets and thoroughfares, may not utilize exterior gates or panels to cover window openings. All security gates or panels so located shall be interior to the building, and shall not block view into the interior of the premises.

3. All building and site design shall avoid exterior dead end accessways, corridors and loading areas.

4. The rear wall of buildings, and other building walls hidden from public view shall contain motion-detector lights. Other low level security lighting devices are encouraged. Such lighting must meet glare and nuisance standards contained in the lighting provision of this Ordinance.

5. All twenty-four (24) hour operations must present a business safety plan to minimize security incidents during off-peak hours. Such plan shall be approved by the Township Safety Officer, and shall contain such provisions as:

   a. Video surveillance camera equipment.
   b. Automatic dial and panic alarms.
   c. Two person shifts.
   d. No-cash-on-hand or exact-change policies.
   e. Cashier separation designs.

6. Property Abandonment

   a. Whenever a building, structure, or use is abandoned for more than a seasonal or temporary period not longer than three (3) months, the building and site shall be secured in the following manner.

      (1). All curb cuts shall be sealed off from use by metal or concrete bollards secured into the ground, so as to form a positive barrier to access by non-emergency vehicles or the site shall be secured through a plan for abandonment approved by the Township Safety Officer.

      (2). All debris accumulating on the site shall be removed on a periodic basis.

(3). Lawn or weeds shall be cut on a periodic basis so they do not reach a height greater than twelve (12) inches.

(4). Broken windows or doors shall be promptly repaired or boarded over.

7. On any corner lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained, such that it may cause danger to traffic on a street or public road by obscuring the view.

Section 801.M. Lighting Standards

1. All on-lot public parking areas, aisles, and accessways for any non-residential use shall be provided with a minimum of one half (.5) foot candles of light at any point on the ground. Carry-over illumination off-site shall not be greater than one (1) foot candle of light at a distance measured ten (10) feet from the property line.

2. All new land development applications shall provide an illumination plan reflecting compliance with this standard.

3. Lighting standards in parking areas shall not be located farther than two hundred (200) feet apart, and may not be taller than twenty (20) feet in height.

4. All exterior lighting shall be directed in such a manner so as not to create direct glare on adjoining residential properties.

5. In every district, all lighting shall be arranged so as to protect the street or highway from direct glare or hazardous interference of any kind.

6. All lighting devices shall be equipped with a glare shielding device so that the point source shall not be visible from any location off the premises.

7. Lights and reflectors permitted in conjunction with exterior signs shall be equipped with restraining hoods or shields to concentrate the illumination upon the area of the sign, and to prevent glare upon a street or adjoining property.

Section 801.N. Display and Storage of Goods

1. Except as may be permitted in the Town Commercial and Mixed Use districts, the temporary, seasonal, or permanent storage or sale of articles, equipment, or merchandise shall not be permitted outside of a fully enclosed building.

2. Except as may be permitted in Town Commercial and Mixed Use Districts, no articles, equipment, or merchandise, shall be displayed or offered for sale beyond the front lines of the principal building.

3. Where permitted, outdoor display and sale of articles, equipment, and merchandise, must not be located on public sidewalk property or interfere with the minimal requirements for safe pedestrian access.

4. No outdoor vending machines, newspaper stands, or public phones shall be erected or placed in any zoning district.

5. Where permitted, outside storage must be screened according to the provisions of this Ordinance.

Section 801.O. Commercial Subdivision: Such use shall include the division or allocation of existing non-residential space within a principal use or building not dedicated or approved as a mixed use building, for the purpose of creating or establishing a new principal use which functions separately or independently of the existing or established use. Such use shall be permitted only under the following conditions:

1. No expansion of a non-conforming condition shall be permitted in order to accommodate the additional use.

2. All local, state and federal building, fire and other applicable codes are satisfied.

3. No retail use shall be permitted on the second or third floor of an existing commercial use.

4. The minimum subdividable, interior non-residential space shall be five hundred (500) square feet.

5. Each new or subdivided use must be issued a separate occupancy certificate by the Township, and must be registered for tax purposes.

6. The new use cannot make the allocated space more intense than the previous use, unless such intensification (i.e. parking requirements) can be satisfied according to the provisions of this Ordinance.

7. Additional sign rights are not permitted in order to accommodate the new use. Sign rights may be shared equally among the tenants.

8. A new address may not be assigned to the new use unless the building is converted as a condominium.

9. Mixed or shared use parking reductions as provided for in this Ordinance shall not be applicable to interior subdivision unless the total area for non-residential use within the building or structure is greater than three thousand (3000) square feet.

Section 801.P. Environmental Restrictions

1. Requirements for All Uses

a. No use shall be permitted which is noxious or offensive in the immediate surrounding areas by reason of odor, dust, smoke, gas, vibration, illumination, noise, or which constitutes a public hazard whether by fire, explosion, or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the proposed use shall not:

(1). Constitute any nuisance whatsoever beyond the boundary of a site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust. All fixed equipment shall be operated by electric power, gas, or other smokeless fuel;

(2). Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line;

(3). Endanger surrounding areas by reason of fire or explosion;

(4). Produce objectionable heat, glare, or radiation beyond the property line;

(5). Result in major electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located, when such equipment can be shown to be of good design and in proper functional condition;

(6). Discharge any untreated sewage or industrial waste into any stream, or otherwise contribute to the pollution of surface or underground waters in accordance with Act 537;

(7). Create any other objectionable condition in an adjoining area which will endanger public health or safety or be detrimental to the proper use of the surrounding area.

(8). No use of sprays or sprayers shall be permitted if the emission from such sprayers cannot be contained inside the property line of the property being sprayed. The use of sprays or sprayers, or the emission from the use thereof shall not create any objectionable condition by reason of odor, gas, or drift of noxious, toxic, hazardous or otherwise offensive substances.

(9). No use shall create any congestion or hazardous traffic condition on a public or private street, or in an adjacent area, nor generate a nuisance to surrounding property by reason of truck or delivery traffic.

b. When required by the municipality, an applicant for a proposed use shall demonstrate, as a condition of approval, that adequate provisions will be made to reduce and

minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and impartial expert judgments, and the municipality may require the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary; the costs of which shall be borne by the applicant.

Section 801.Q. Open Space Standards: Where proposed, or where required in Low Density Residential Zoning Districts, the creation of open space in conjunction with land development or subdivision shall meet the following requirements:

1. **Open Space Standards**

   a. The open space area designated for land preservation shall be designed and located so as to afford the maximum protection to existing natural features such as prime agricultural soils, floodplain, steep slope, stream, wetland, and woodland areas. In addition, it shall also protect cultural landscape, historic features, and natural scenic views of the site.

   b. Except for required buffers and where common open space strips separate dwelling-unit types in order to form distinct individual communities within the development site, open space shall be contiguous, in large clusters or zones. There shall be no more than three (3) non-contiguous open space areas (exclusive of areas counted on estate lots), and each open space area must be a minimum of one (1) acre in size, including land counted on estate lots.

   c. Permitted structures cannot be located in the buffer area, and shall be otherwise setback a minimum of fifty (50) feet from any tract boundary, property line or roadway.

   d. Open space area must have safe and convenient pedestrian and maintenance access, without obstruction of intervening lot, structures, fences, or other impediments. Public access to an estate lot is not required unless easements are necessary to fulfill recreation standards under the subdivision and land development regulations.

   e. Proposed open space area shall be comprised of no more than seventy-five (75) percent of the designated flood hazard districts, steep slopes in excess of twenty-five (25) percent, or wetland areas.

   f. Any area designated as contiguous open space area shall be no less than one hundred (100) feet in width. The ratio of the longest to shortest dimension shall be encouraged not to exceed a four (4) to one (1) ratio, except areas serving as buffers or pedestrian access links.

   g. All areas designated as land preservation district open spaces shall be restricted in

perpetuity from further subdivision and/or land development by deed restriction; conservation easement; or other agreement, in a form acceptable to the municipality, and notated as such on the final record plan. All documents and plans shall be duly recorded in the Office of the Recorder of Deeds for Montgomery County.

h. A plan for the disposition, insurance, operation, and maintenance of land preservation open space, including provisions for funding, shall be provided to and approved by the Board of Commissioners as a condition for preliminary plan approval. The Board may permit or require all or portions of common open space and facilities to be divided among permitted individual and legal entities, and may confer responsibility for maintenance of such upon those individuals or legal entities.

i. Common open space area shall be available for use by those having ownership interest in the tract at the time of its approval. Portions of the common open space may be dedicated or designated for use by the general public in the plan-approval stage.

2. **Permitted Open Space Uses**

a. Conservation of natural resources and passive use of land, including forest preserve, nature center, or wildlife sanctuary.

b. Low impact park and recreation uses including bicycling trails, bridle trails, golf course (excluding driving range and miniature golf), hiking and walking trails, picnic areas, and similar uses.

c. Buildings and structures related to the above uses shall be permitted with the approval of the Board of Commissioners, but may not exceed five (5) percent of the total land preservation area in their gross site area, including accessory parking facilities, if applicable.

d. Storm water management systems for the proposed community, which may be maintained by an association, or dedicated to the municipality at the discretion of the Governing Body, or used for a larger, watershed storm water management plan approved by the municipality.

e. Water supply and individual or community sewage disposal systems for individual lots within the land preservation district development site, provided maintenance agreements are created to the satisfaction of the Township.

f. Estate lots with a minimum size of three (3) acres and a maximum of forty thousand (40,000) square feet of buildable lot area for the single-family use. The balance of the estate lot may not be designated as developable land, but may be counted with the required percentage of preserved open space.

g. Utilities as may be necessary.

h. Only emergency, municipal, maintenance or farm motor vehicles are permitted. Access by municipal officials is permitted by right.

i. Maintenance permitted includes buffer-area landscaping, detention basin or meadow management, reforestation, stream bank protection, and woodland management with municipal approval.

j. Historic structures.

k. Driveways and roads approved by the Board of Commissioners.

3. **Open Space Maintenance Requirements**

a. The applicant for a proposal under the land preservation district shall, at the time of preliminary plan submission, provide a plan and agreement for the maintenance and operation of all open space and common facilities, which shall:

(1). Define established ownership.

(2). Define the manner in which the open space is to be utilized and maintained.

(3). Establish the necessary and periodic operation and maintenance requirements for the proposed use of the land.

(4). Establish the responsibilities for operation and maintenance.

(5). Estimate the needs and cost of the operation and maintenance, and the means of funding same and insurance provisions. The estimate shall be specific for each type of maintenance item required in the open space area and insurance provisions.

(6). Prescribe corrective procedures for the failure to operate and maintain the grounds as set forth.

b. A maintenance agreement shall be subject to approval by the Township Solicitor.

c. When land preservation areas are proposed for reforestation or return to the natural environmental state, a minimum requirement shall be the periodic mowing of open space land adjoining any proposed lot, or for areas comprising any required or proposed buffer area.

4. **Ownership and Methods of Conveyance:** All open apace shown on the final development plan as filed with the municipality and subsequently recorded in the Office

of the Recorder of Deeds of Montgomery County must be owned and conveyed in accordance with one or more of the following methods:

a. Dedication in fee-simple to the municipality: The municipality may, at the discretion of the Board of Commissioners, accept any portion or portions of the open space, provided:

   (1). If, upon the recommendation of the Township Park and Recreation Department or the Township Planning Commission, it is determined that such land is suitable regarding size, shape, location, and access, the Board of Commissioners may determine that such lands will benefit the general public of the municipality, and accept dedication thereof.

   (2). The municipality agrees to and has access to maintain such lands;

   (3). The titles are conveyed to the municipality without costs; and

   (4). The Board of Commissioners shall adopt a resolution accepting a deed of dedication from the land owner together with an amount of monies as determined by the Board, and which shall be deposited in a special municipal account that shall be used only for the purposes of maintaining the land.

b. Conveyance of title (including beneficial ownership) to a conservancy, corporation, association, funded community, trust, condominium, individual, or other legal entity:

   (1). The terms of such instrument of conveyance must include provisions suitable to the municipality assuming such organization shall guarantee:

      (a). The continued use of such land for the intended purpose in perpetuity;

      (b). Continuity of proper maintenance for those portions of the open space requiring maintenance;

      (c). Available funds required for such maintenance;

      (d). Adequate insurance protection;

      (e). Provision for payment of applicable taxes;

      (f). Recovery for loss sustained by casualty, condemnation, or otherwise;

      (g). The right of the municipality to enter upon and maintain such property at the expense of the organization, in the event the organization fails to maintain the property; and

(h). Such other covenants and/or easements to fulfill the purposes and intent of this Ordinance.

(2). The following are prerequisites for a corporation or association:

(a). It must be approved by the municipality, prior to final plan approval, and the linens recorded before any homes or dwelling units are sold, leased, or otherwise conveyed.

(b). Membership must be mandatory for each buyer and/or lessee. The organizational paper shall specify the voting rights as per adult, per unit or per bedroom. The organizational papers shall set forth the manner and time of transference of the organization and its assets from developer to homeowner.

(c). It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance and associated administrative costs incurred by the municipality.

(d). Members or beneficiaries must pay their pro rata share of the costs, and the assessment levied can become a lien on the property including any maintenance and associated administrative costs incurred by the municipality.

(e). It must be able to adjust the assessment to meet conditions by a stated margin of votes.

(f). Such corporation or association shall not be dissolved, nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the municipality before any such sale or disposition of the open space occurs.

(3). The dedication of open space, streets, or other lands in common ownership of the corporation, association, individual, or other legal entity or the municipality shall be absolute and not subject to reversion for possible future use for further development.

c. Private Homeownership: At the option of the municipality, by conveyance of the restrictive covenants, conservation easements, deed restriction, or other legal device to a private landowner, or other legal entity, the open space may remain totally lotted to adjacent fee-simple lots, provided:

(1). The terms of such instrument of conveyance must include provisions to the municipality for guaranteeing:

(a). The continued use of such land for the preservation of open space;

(b). Such other conveyance and/or easement that the municipality shall deem desirable to fulfill the purposes and intent of this Ordinance,

(2). The following are prerequisites for the conveyance of easements, etc.:

(a). Such conveyance of the total easements, etc., must transpire prior to any lots or dwelling units being sold, leased, or otherwise conveyed;

(b). Each owner of the open space shall be responsible for liability insurance, other insurance, taxes, recovery of loss sustained by casualty, condemnation, or otherwise, and the general maintenance thereon.

d. Conveyance of title to an individual for agricultural purposes:

(1). Open space may be retained by the original landowner, subdivided, or sold separately, provided the terms of the instrument of conveyance include provisions suitable to the municipality which shall guarantee:

(a). The continued use of such land for the preservation of open space in perpetuity; and

(b). Such other conveyance and/or easement that the municipality shall deem desirable to fulfill the purposes and intent of this Ordinance.

5. No form of ownership, change in method of ownership, or change in owner of the open space may occur without the approval of the municipality; along with by-laws, agreements, and conditions, subject to the satisfaction of the municipality.

6. Estate lots shall require appropriate agreements for the maintenance of the open land.

7. Land designated as open space area under these provisions shall be deed restricted from further development opportunity through declarations and restrictive covenants acceptable to the Township Solicitor and consistent with provisions herein. Such restrictions shall be simultaneously recorded with an approved development plan.

Section 801.R. Well Water Regulations

1. Where no public water service is available within five hundred (500) feet of a site undergoing subdivision or land development, the subdivider, developer, or plan applicant may, upon approval of the Board of Commissioners, be permitted to construct a well on each lot, provided the standards herein have been satisfied.

2. Minimum Requirements:

a. Lot Area:	One (1) Acre
b. Yard Setback:	25 Feet
c. Structure Setback:	25 feet
d. Sewage Disposal Radius:	100 feet
e. Flow Rate:	Six (6) gallons per minute as certified by the well driller.
f. Potability:	Satisfactory as reported by a certified water analysis test.

3. Fire Prevention: The subdivider, developer, or plan applicant shall comply with all of the fire prevention requirements for water flow as required by the Township Fire Marshal. If flow rates sufficient for adequate fire fighting purposes cannot be provided by the well flow rate, the plan shall not be approved.

4. All wells shall be constructed according to the rules and regulations of the Montgomery County Department of Health.

5. The proposed location of wells shall be shown on the preliminary and final plans for each lot and shall indicate the sewage disposal radius. In addition, all existing wells on all adjoining lots must be indicated on the plan.

6. When the effect of proposed wells on surrounding properties is in question by the Board of Commissioners, they may require additional water data and tests to determine if any adverse condition may result from the proposed well. If an adverse condition can be demonstrate, the proposal may be denied.

7. A circular area surrounding the well site with a radius conforming to one hundred (100) feet denotes the clear space in which no sewage disposal system can be located.

8. Well water may not be utilized by non-residential land uses.

Section 801.S. Plan Requirements: Whenever uses proposed under the terms of this Ordinance require the submission of land development or subdivision plans, such plans shall be prepared according to the standards expressed in the Abington Township Subdivision and Land Development Regulations. In addition, the following shall be applicable:

1. All land development and subdivision plans, together with revisions and portions thereof, shall be supplied to the Township in CADD format, in a version of AutoCad or other computer-aided design software acceptable to the Township Engineer. Computerized versions of the plan shall be supplied on three and one half inch disks, CD rom, or other transfer medium acceptable to the Township Engineer.

2. Effect of Approved Plan: When an approved subdivision or land development plan is duly recorded, standards relative to buffer; green area; building/impervious coverage; setback; and other dimensional issues expressively depicted on the plan shall prevail as

the approved zoning standards, provided they are not less than the minimal requirements of this Ordinance, unless previously approved by variance from the Zoning Hearing Board.

Section 801.T. Community Development Standards: In order to ensure that uses permitted under the provisions of this Ordinance do not generate negative impact on the existing community character, the following standards shall be applicable:

1. **Site over-development:** In order to prevent the over-development of land as originally projected in comprehensive land use studies, the total building and impervious land areas permitted by district regulations on a lot or parcel of land prior to subdivision shall not be exceeded as a result of the subdivision of said land.

2. **Public Right-of-Way Improvements:** When the Board of Commissioners has adopted specific improvement plans for designated commercial corridors, street improvements elements such as banners, benches, kiosks, light poles, planters, trees and other similar uses shall be permitted in the zoning districts affected by the plan.

3. **Hours of Operation:** In order to ensure harmony with existing communities, the following shall be applicable:

   a. No delivery of inventory, merchandise, goods, or other products shall occur between the hours of 10:00 p.m. and 6:00 a.m. to any property adjoining a residential zoning district, unless such single site is larger than ten (10) acres in lot area.

   b. No trash or rubbish removal shall occur between the hours of 10:00 p.m. and 6:00 a.m. to any property adjoining a residential zoning district, unless such single site is larger than ten (10) acres in gross lot area.

   c. Twenty-four (24) hour operations are permitted by state Law to the extent they are not detrimental to the health, safety, and welfare of the community. If such finding shall be made by the Township based upon incident history, the hours of operation for any such use may be restricted. Commercial uses abutting residential properties and not separated by a street shall not operate between the hours of 12 midnight and 6:00 a.m., as this is determined to be detrimental to the health, safety and welfare of the surrounding community.

4. **Traffic Safety:** In order to ensure that non-residential site development does not adversely affect the character of existing residential neighborhoods, a traffic study shall be provided when warranted by conditions described in Section 906.

5. **Site Re-Use:** When existing buildings or structures larger than fifty thousand (50,000) square feet are proposed for re-use, any change in use code classification, or the number of tenants, shall require a land development submission, in order to determine what site alterations may be necessary for the proposed change in use.

Section 801.U. Landscaping Standards

1. Buffer Areas: Buffers areas of the width as indicated in the district regulations shall be provided according to the following specifications.

   a. Buffers may not interfere with sight triangle standards contained in the Subdivision and Land Development Regulations.

   b. The buffer area may be included within the front, side, or rear yard setbacks, and may be included in the calculation of green area requirements.

   c. The buffer area shall be a contiguous pervious planting area consisting of trees and shrubs, grass or groundcover, as described herein.

   d. All buffer areas shall be located upon the lot or tract on which the use requiring the buffer is located.

   e. Required buffers shall not be located on any portion of an existing, dedicated or reserved easement or right-of-way unless such area is capable of supporting buffer plantings without interference to the easement or right-of-way use.

   f. Buffer areas may be utilized for the following purposes:

      1. Fences, except for front yard buffer areas.

      2. Benches and other decorative landscape structures not occupying more than five (5) percent of the buffer in the associated yard area.

      3. Passive recreation and walkways utilized in pedestrian site access systems, if the walk is essentially perpendicular to the buffer area.

      4. Accessways or driveways used for vehicular ingress and egress to and from private or public street provided there are not more than two (2) such accessways per every three hundred (300) feet of street frontage, and provided that the accessway does not exceed thirty five (35) feet in width and is essentially perpendicular to the buffer.

      5. Cross-lot right-of-ways or easements for pedestrian and vehicular access created after a subdivision or land development approval, provided that the number of such accessways is limited to one (1), that it is not greater than twenty four (24) feet in width, and provided that removed landscaping is equivalently relocated or replaced elsewhere on the site.

      6. Signs, provided they meet the requirements of this Ordinance.

7. Storm water management basins and structures.

g. Buffers areas may not be used for:

1. The parking of vehicles.
2. Accessory structures or uses, including sheds, dumpsters and tanks.
3. Storage of goods of any nature.
4. Removal of landscape or any use for which it was not intended.
5. Any other use which detracts from the purpose of buffers.

h. The required plant material shall be evenly distributed over the entire length and width of the buffer area.

i. Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.

j. Plants shall be spaced to provide optimum growing conditions. The minimum required landscape planting material per one hundred (100) feet of buffer length shall be determined by the following chart:

Planting Material per Buffer Depth

Buffer Depth	Deciduous Trees	Evergreen Trees	Shrubs
3 Feet	0	0	10
5 Feet	1	0	5
10 Feet	1	1	5
15 Feet	2	1	7
20 Feet	2	2	9
25 Feet	3	2	10
50 Feet	5	5	15
75 Feet	8	7	20
100 Feet	10	10	25

Note: Residential Buffer requirements may change minimum yard size.

k. Buffer depths for dimensions not shown in the chart above shall use the largest buffer increment shown, times the number of such increments contained in the depth.

l. A variety of tree species is required as follows:

NUMBER MINIMUM NUMBER MAXIMUM % OF

OF TREES	OF TREE SPECIES	ANY ONE SPECIES
0 - 5	1	100 %
6 - 15	2	50 %
16 - 30	3	40 %
31 - 50	4	30 %
51+	6	20 %

m. Existing healthy trees, shrubs, or woodlands may be substituted for part or for all of the required plant material when in the determination of the Township, the minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

n. All buffers shall be maintained in an attractive and clean fashion. Dead or diseased buffer plantings shall be replaced by the landowner/tenant of the premises within 6 months, with the equivalent type of plantings.

o. Landscape plans prepared by a registered landscape architect are required for non-residential buffer areas, and for buffer areas on major residential subdivisions.

2. **Screening Requirements**

a. Site element screens of the type indicated below, shall be required with all site alteration and change in land use classification when any of the following are located partially or fully within one hundred (100) feet of the property line, a residential use, or existing road right-of way:

(1). Low Intensity Screening

(a). A dumpster or trash containment area.

(b). An electrical or utility equipment box.

(c). A hazardous material extraction unit.

(2). Medium Intensity Screening

(a). Parking or storage of commercial vehicles.

(b). Non-residential uses and apartment parking lots facing a residential zoning district.

(c). A sewage treatment plant or pumping station facing residential land use.

(3). High Intensity Screening

(a). A loading dock facility.

(b). A drive-in facility facing a residential zoning district.

(c). An outdoor play or recreation area facing a residential zoning district.

b. Site elements not included in the above list, that have similar visual impact, shall be screened in accordance with requirements for the most similar elements as determined by the Township.

c. Screen Location: The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

d. **Screen Types and Design Criteria:** The following types of site element screens may be utilized with Township approval, if appropriate for the site condition:

(1). **Low Intensity Screens**

(a). **Evergreen or Deciduous Shrubs.** Shrubs shall be placed three (3) feet on center in a minimum five (5)-foot-wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of three and a half (3.5) feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit.

(b). **Evergreen Hedge.** An evergreen hedge (such as arborvitae, chamaecyparis, etc.) minimum height at planting of six-foot (6') plants, three (3) feet on center, maximum.

(c). **Berm.** A two- to three-foot high continuous, curvilinear berm consisting of grass and shrubs, with a maximum slope of three to one (3:1).

(2). **Medium Intensity Screens**

(a). **Decorative Wall.** A wall of brick or stone, not less than three (3) and not more than four (4) feet in height surrounding the site element on at least three (3) sides.

(b). **Opaque Fence.** A six (6) foot opaque fence surrounding the site element on at least three (3) sides.

(c). **Berm with Ornamental Trees.** A two- to three-foot-high continuous curvilinear berm with ornamental trees at the rate of one (1) tree for every twenty (20) feet, clustered or arranged informally with ten (10) shrubs per one hundred feet. The maximum slope of the berm shall be three to one (3:1).

(3). **High Intensity Screens**

(a). **Double Row of Evergreen Trees.** A double row of evergreen trees shall be placed ten (10) feet on center and offset ten (10) feet to provide a continuous screen at a minimum height of twelve (12) feet at maturity.

(b). **Opaque Fence with Trees and Shrubs.** A six (6) foot opaque fence surrounding the site element with plantings at the minimum rate of three shrubs and two trees for each ten (10) linear feet of proposed fence, arranged formally or informally next to the fence.

(c). **Architectural Extension of the Building.** An eight (8) foot minimum height architectural extension of the building, such as a wing wall, using building materials and style consistent with the main building architecture, with shrubs surrounding the exterior wall in a three foot wide planting bed.

e. When high intensity site element screening occurs within a buffer area, required buffer plantings are omitted in the site element area, in favor of the screening materials.

3. **Plant Materials, Specifications, and Maintenance:** The following standards shall apply to all plant materials or transplanted trees as required under This Ordinance.

a. **General Requirements**

(1). The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.

(2). Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way; underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.

(3). Planted areas must be protected with the use of wheel stops, curbing, or other suitable material.

b. **Plant Specifications**

(1). All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards for Nursery Stock, ANSI 260.1.

(2). All plant material shall be hardy and within the USDA Hardiness Zone 6 applicable to Montgomery County, PA.

(3). Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of thirty (30) feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half (2.5) inches at planting, measured twelve (12) inches above ground level.

(4). Ornamental trees or large shrubs shall reach a typical minimum height of fifteen (15) feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have two and a half (2.5) inch caliper, measured twelve (12) inches above ground level. New large shrubs shall have a minimum height of two and a half (2.5) to three (3) feet at time of planting.

(5). Small shrubs may be evergreen or deciduous and shall have a maximum height at maturity of four (4) feet, based on AAN Standards. New shrubs shall have a minimum height of eighteen (18) inches at time of planting.

(6). Evergreen trees shall reach a typical minimum height of twenty (20) feet at maturity based on AAN Standards for that species, and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six (6) feet.

c. **Maintenance**

(1). Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to insure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next growing season.

(2). Safety: All sight triangles shall remain clear, and any plant material that could endanger safety such as unsuitable limbs shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings insure a safe environment.

(3). Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel to insure that the design's buffering and screening concepts are continued.

(4). Any tree or shrub that dies after eighteen (18) months of planting shall be replaced by the current land owner or developer. Any tree or shrub that

within eighteen (18) months of planting or replanting is deemed, in the opinion of the municipality, not to have survived or not to have grown in a manner characteristic of its type, shall be replaced. Substitutions for certain species of plants may be made only when approved by the municipality.

d. **Preservation Of Existing Vegetation**

(1). Any single site disturbance activity on existing lots which proposes disturbance of one thousand (1000) square feet of land or greater will require tree replacement, if the site contains a stand alone tree with a caliper of at least ten (10) inches, and such tree(s) are removed. Where such disturbance is proposed, stand alone trees shall be preserved wherever possible, and those removed shall be replaced on-site by the number of two (2) inch or larger caliper trees equal to the total diameter of those trees removed.

(2). Any single site disturbance activity on existing lots which proposes disturbance of one thousand (1000) square feet of land or greater will require tree replacement, if the site contains woodland areas as defined in this Ordinance, and such woodland areas are removed. Where such disturbance is proposed, twenty-five (25) percent of the total tree canopy cover shall be protected and preserved from disturbance. In instances where preservation of less than twenty-five (25) percent is unavoidable or is considered desirable by sound preservation practices, the tree canopy area encroached in excess of the twenty-five (25) percent preservation factor shall be replaced on-site by an area of two (2) inch caliper trees equal to the total tree canopy area of those trees removed. The replacement trees shall be planted no closer than ten (10) feet apart in all directions.

(3). Where any site disturbance activity is proposed for any multi-lot development on areas involving one quarter (1/4) acre or greater of woodland areas, as defined in this Ordinance, twenty-five (25) percent of the total tree canopy cover comprising woodland areas, on that portion of the site which constitutes developable acreage, shall be protected and preserved from disturbance. In instances where preservation of less than twenty-five (25) percent is unavoidable or is considered desirable by sound preservation practices, that tree canopy area encroached in excess of the twenty-five (25) percent preservation factor shall be replaced on-site by a tree canopy area of two (2) inch caliper trees equal to the total area of those trees removed. The replacement trees shall be planted no closer than ten (10) feet apart in all directions.

e. **Recommended Plant Material List:** Trees and shrubs suitable for planting in buffer and screening areas shall include those species identified in the Township Subdivision and Land Development Regulations.

ARTICLE IX
Parking and Transportation Standards

SECTION 900: OFF-STREET PARKING REQUIREMENTS:

A. The number, size and type of parking spaces required for particular zoning uses shall be determined according to the standards described herein. The applicable standard with respect to the number of required spaces shall be that which most closely identifies the principal intended use, unless otherwise specified for in this Ordinance.

B. In cases where accessory uses are customary to a principal use, the off-street accessory use parking requirement is listed with the primary use requirement. Other uses which are accessory in nature, but which are classified in this Ordinance as a primary land use, are required to have the associated number of parking spaces in addition to those required by the declared principal use.

C. Parking spaces are required to be located on the site (off-street) for which they are intended, unless shared parking provisions or on-street parking provisions are applicable.

D. When the word "parking" or "parking requirement" is referenced, it refers to both the size and number of the spaces.

Section 900.1. Application and Interpretation:

A. **Existing Non-Conforming Land Uses:** Existing land uses which are non-conforming with respect to the parking requirements established herein shall be exempt from compliance unless an addition, alteration, or change in use occurs. Existing non-conformities are recognized with respect to both the number of existing parking spaces and the size of existing parking spaces.

1. **Additions:** When a use which is non-conforming with respect to parking is increased with an addition to the property or structure, parking must be provided for the additional use area according to the provisions expressed herein. The existing use area may continue to operate without increasing parking provisions for that use, provided the number of parking spaces originally existing is not reduced in number or size.

2. **Alterations:** When a use which is non-conforming with respect to parking is changed through an alteration to property, structure or use, the alteration may not reduce the amount of parking originally available in either number or size of spaces. An alteration which generates increased use or demand on the premises may only occur provided the required number of parking spaces are installed on the site.

3. **Change in Use:** When a parcel, property, structure or use which is nonconforming with respect to parking requirements is changed to a different use classification as described herein, the change may only occur provided corresponding parking requirements can be

achieved.

a. **More Intense Use:** A change in use which generates more parking requirements than previously contained on the site, or than can be added in compliance with the zoning district provisions, must see variance approval from the Township Zoning Hearing Board.

b. **Less Intense Use:** A change in use which generates less parking requirements than previously contained on the site, or than can be added in compliance with the zoning district provisions, may be permitted without a variance, provided the following applies:

(1). The number of available parking spaces for the proposed use is within seventy five (75) percent of the number required under the provisions of this Ordinance.

(2). The number of available parking spaces originally contained on the site is not reduced by alterations, additions, or other zoning criteria required for the proposed new use.

Section 900.2. Existing Conforming Land Uses: Existing land uses which are conforming with respect to the parking requirements established herein may not undergo addition, alteration, or change in use which creates non-conforming parking conditions, unless a variance is obtained from the Township Zoning Hearing Board.

A. **Additions:** Conforming parking spaces must be provided for the additional use area, according to the provisions expressed herein.

B. **Alterations:** Conforming parking spaces must be provided for the alteration, according to the provisions expressed herein.

C. **Change in Use:** A change in use which would create non-conforming parking shall follow requirements stipulated for non-conforming properties and uses above.

D. **New Land Uses:** A parcel, property, structure, or use which requires permit approval, conditional use approval, subdivision, or land development approval according to the requirements of this Ordinance and other adopted codes or ordinances of the Township, shall comply with the intent and parking regulations established herein.

Section 900.3. Remedies for Alleviating Parking Deficiencies in Non-Conforming Buildings and Uses:

A. In order to help prevent the vacancy of commercial buildings and properties which are non-conforming with respect to parking requirements, a building may be partially utilized or employ shared-use provisions in order to achieve the highest degree of parking

compliance. This provision may be accomplished through the permit process and does not require Zoning Hearing Board action.

B. When such options are utilized, the allocation of use must be clearly identified on a floor plan layout of the building or premises submitted with the permit application, and the shared allocation of parking spaces must be stated on the Certificate of Occupancy for the building, property, structure, or use, as a condition of use and occupancy approval.

C. **Partial Use Reduction:** In a building which is occupied under a partial-use provision, a portion of the building is restricted from use and must conform in the following manner:

1. Wherever possible, the non-useable portion shall be restricted on a floor-by-floor basis, as opposed to dividing non-useable area within the same building floor.

2. The non-useable portion of the building shall be completed separated from the normal occupancy flow by a positive design.

3. The non-useable portion may be used for storage only.

4. The non-useable portion may only be activated upon variance approval by the Zoning Hearing Board or through rectification of parking deficiency as provided for within this Ordinance.

D. **Provision for Shared Parking Facilities:**

1. All properties located within Commercial Districts are encouraged to provide shared parking facilities with adjoining land uses wherever site topography, existing layouts, and property owner cooperation permit.

2. Two adjoining properties with shared parking facilities are identified as a **parking cell**, and the uses are permitted to apply the reduction principle described herein.

3. Four (4) or more individual lots utilizing shared parking facilities are identified as a **parking complex**, and each use within the complex may then apply the parking reduction principle described herein.

4. In order to reduce parking lot aisle widths and increase the pervious land area, parking cells, or shared parking lots for adjoining land uses, are encouraged to design one-way traffic loops. In this design, traffic enters on one property side, flows in a single direction, and crosses the lot line to exit in a single directional lane on the adjoining lot.

5. When existing or proposed parking lots do not adjoin at the property line, a parking cell may still be created through the use of a driveway loop which connects the two

parking lots in the rear of the site or parking area. In this alternative, one-way travel design is still encouraged.

6. A parking complex may only be created between uses when a complete, shared, internal access driveway is established. In this case, not all uses have direct street access. The internal access drive may be located in the front, side or rear of the buildings.

7. When an internal access drive is created in the front of buildings, the sidewalk design is encouraged to be indented from its traditional position adjoining the street, and to be and separated from the street line by a buffer area. The buffer area contains the required street trees and plantings as stipulated in the landscape provisions of this Ordinance.

8. Parking cells and parking complexes are designed primarily for smaller lot properties. All properties larger than three (3) acres are required to be interconnected to their adjoining sites by an internal access driveway, wherever possible.

9. Interconnecting driveways must be a minimum of ten (10) feet wide for one-way travel, and twenty (20) feet for two-way travel.

10. In redesigning sites for the shared parking application, a property line buffer adjoining a residential land use may not be encroached upon. Required side yard buffer area may be encroached upon or eliminated to create shared parking between adjoining commercial uses.

SECTION 901. PARKING USE REQUIREMENTS: The following parking requirements shall be provided for uses as established below.

Section 901.1. Accessory Land Uses

Use A-2: Non-Residential Accessory Structure: As the use requires.

Use A-7: Home Occupation: At least one (1) additional parking space, and not more than two (2) additional off-street parking spaces shall be provided in addition to those required for approved residential use. Such parking shall be provide on the lot of the residence.

Use A-11: Commercial Accessory Apartment: Same as Use H-1.

Section 901.2. Agricultural Land Uses: One (1) space for every one thousand (1000) square feet under building cover.

Section 901.3. Commercial Land Uses:

Use C-1: Automotive Sales: One (1) off-street display space for each vehicle displayed or intended for sale (see use classification for size of display spaces), plus one (1) standard size parking space for every two hundred (200) square feet of gross floor area devoted to office, sales, showroom or stockroom use, plus parking spaces required for Repair (Use C-2), if applicable. Where building floor area is not provided in conjunction with vehicle sales, as with used car lots, in addition to vehicle display spaces, one (1) off-street parking space shall be provided for every one thousand (1000) square feet of parking lot area.

Use C-2: Automotive Repair: Whether a separate use or in conjunction with Automotive Sales (Use C-1) or Service Stations (Use C-28), one (1) off-street parking space for every (200) square feet of gross floor area, plus five (5) off-street parking spaces for every service stall or similar area located within or adjacent to the service station.

Use C-3: Bank: One (1) off-street parking space for every three hundred (300) square feet of gross leasable floor area, plus stacking spaces required for drive-in facilities, plus one (1) space for each exterior or foyer walk-up money access facility.

Use C-4: Building Materials: Whether a separate use, or in conjunction with general retail use, one off-street parking space for every five hundred square feet of gross floor area devoted to such use.

Use C-5: Car Wash: One (1) off-street parking space for every (200) square feet of gross leasable floor area not contained in the washing area; plus not less than twelve (12) spaces for vehicle stacking, per washing lane, prior to servicing; and not less than three (3) spaces for vehicle stacking, per washing lane, after servicing; plus one (1) space for every special service area other than washing areas.

Use C-6: Club: One (1) off-street parking space for every one hundred (100) square feet of floor area used or intended to be used for service to customers, patrons, clients, guests or members.

Use C-7: Commercial School: No less than one and one quarter (1.25) off-street parking space per faculty member, plus two (2) spaces for every three (3) students, if students are of driving age.

Use C-8: Convenience Store: No less than one (1) off-street parking space for every two hundred (200) square feet of gross leasable floor area; plus one (1) additional parking space for each money access machine, where permitted; plus three (3) additional parking spaces for each lottery terminal, where permitted.

Use C-9: Drive-in Facility: Whether used as a primary facility or as an accessory use, all drive-in facilities must provide sufficient on-site stacking space for six (6) vehicles, independent of the main traffic aisle, and which do not block site entrance flow to the main traffic aisle. Required parking for the principal use shall conform to the use requirement of the most closely related use, and the addition of a drive-in facility cannot reduce the parking spaces required or

existing for the principal use. If the drive-in facility is a primary use, in addition to stacking spaces, one (1) off-street parking space for every three (300) hundred square feet of gross leasable floor area must also be provided.

Use C-10: Dry Cleaning Drop-off: No less than one (1) off-street parking space for every three hundred (300) square feet of gross leasable floor area, plus stacking spaces required for drive-in facilities, if applicable.

Use C-11: Dry Cleaning On-site: No less than one (1) off-street parking space for every three hundred (300) square feet of gross leasable floor area, plus loading berths as required under this Ordinance.

Use C-12: Funeral Home: No less than one (1) off-street parking space for every three (3) seats provided for patron use, or at least one (1) off-street parking space for every fifty (50) square feet of gross floor used or intended to be used in the operation of the establishment (exclusive of body preparation rooms), whichever requires the greater number of off-street parking spaces.

Use C-13: Hotel/Motel/Inn: No less than one (1) off-street parking space for every guest room provided on the premises, plus required parking spaces for accessory uses such as entertainment, restaurants, and the like, as established herein.

Use C-14: Self-Service Laundry: No less than one (1) off-street parking space for every three (3) cleaning or drying machines provided on the premises.

Use C-15: Mixed Use Building (retail/office): Parking requirements are determined according to the requirements of the primary use of the building as stipulated herein, provided accessory uses are limited to ten (10) percent or less of the gross leasable floor area. When the accessory use or the mix of use exceeds ten (10) percent of the Gross Leasable Floor Area, the required parking is calculated according to the respective percentage of Gross Leasable Floor Area for each use as stipulated herein. Restaurants and entertainment facilities are considered primary uses for parking calculations.

Use C-16 & 17: Parking Garage: One (1) space for each vehicle factored into the parking design, plus one additional space for every three hundred (300) square feet of office use contained on the premises.

Use C-18: Personal Care Business: No less than one (1) off-street parking space for every one hundred (100) square feet of gross leasable floor area.

Use C-19: Professional Service Business: No less than one (1) off-street parking space for every two hundred and fifty (250) square feet of gross leasable floor area.

Use C-20: Radio/TV Station: No less than one (1) off-street parking space for every three hundred (300) square feet of gross leasable floor area, plus one (1) parking space for each company vehicle reporting to or stationed at the facility.

Use C-21: Rental Agency: One (1) off-street display space for each vehicle displayed or intended for rental, plus one (1) standard size parking space for every two hundred (200) square feet of gross floor area devoted to office, sales, showroom, or stockroom use.

Use C-22: Repair Shop: One (1) off-street parking space for every two hundred (200) square feet of gross leasable floor area.

Use C-23: Restaurant: One (1) off-street parking space for every fifty (50) square feet of gross leasable floor area devoted to customer or patron use for sit-down restaurants, or one off-street parking space for every three (3) seats, whichever requires the lesser number of spaces. Outdoor eating areas require one (1) off-street parking space for every three (3) seats.

Use C-24: Retail Foods (Take-Out): One (1) off-street parking space for every seventy-five (75) square feet of gross leasable floor area devoted to customer or patron use, plus one off-street parking space for every three (3) seats provided.

Use C-25 & C-26: Retail Shop/Retail Store: When a retail facility is operated as a singular primary use, or as a single business entity on a single lot or premises, the parking space requirements shall be calculated at the ratio of one (1) off-street parking space for every two hundred (200) square feet of gross leasable floor area.

Use C-27: Supermarket: One (1) off-street parking space for every one hundred (100) square feet of gross leasable floor area.

Use C-28: Service Station: Whether a separate use, or in conjunction with Automotive Sales (Use C-1), or Automotive Repair (Use C-2), one (1) off-street parking space for every two hundred (200) square feet of gross floor area, plus one (1) space at every gasoline pump, plus spaces required for Repair (Use C-2), if applicable. In addition, one (1) off-street parking space for every two hundred (200) square feet of gross leasable floor area devoted to convenience retail.

Use C-29: Shopping Center: When individual retail facilities are operated in conjunction with other retail facilities under common management, or are on common property with shared parking facilities such that a shopping center or interconnected shopping complex is created, the parking space requirements shall be calculated at the ratio of one (1) off-street parking space for every two hundred and fifty (250) square feet of gross leasable floor area. This standard applies when the gross leasable floor area of all buildings comprising the shopping center are greater than ten thousand (10,000) square feet and less than four hundred thousand (400,000) square feet. Uses greater than four hundred thousand (400,000) square feet shall use C-30 standards.

Use C-30: Shopping Mall: When individual retail facilities are operated in conjunction with other retail facilities under common management or are on common property with shared parking facilities, and the gross leasable floor area of all buildings comprising the center is greater than four hundred thousand (400,000) square feet, the parking space requirements shall

be calculated at the ratio of one (1) off-street parking space for every two hundred and twenty square feet of gross leasable floor area.

Use C-31: Storage Facility: One (1) off-street parking space for every five hundred (500) square feet of leasable floor area for storage use, plus parking for office space as required herein. When storage is compartmentalized into individual storage stalls, one (1) parking space will be required for each stall.

Use C-32: Tavern/Bar: Same as Use C-23, plus any parking required for outdoor use.

Use C-33: Veterinary Clinic: Five (5) off-street parking spaces for each doctor operating on the premises, plus parking as required for Use B-4, if applicable, or one (1) off-street parking space for every two hundred (200) square feet of gross leasable floor area, whichever is greater.

Section 901.4. Industrial Uses: One (1) off-street parking space for every five hundred (500) square feet of gross leasable floor area devoted to industrial use, including storage area; plus one (1) off-street parking space for every three hundred (300) square feet of gross leasable floor area devoted to office use.

Section 901.5. Community Service Uses:

Use E-1: Cemetery: One (1) parking space for every two hundred (200) square feet of office area, plus one (1) space for every three (3) seats in chapels with fixed seating.

Use E-2: Community Center: One (1) parking space for every eight hundred (800) square feet of floor area.

Use E-3: Day Care: One (1) parking space for every two hundred (200) square feet of floor area devoted to the use; or one space for each employee, plus one space for every ten (10) persons of license capacity.

Use E-4: Dormitory: One (1) parking space for every ten (10) individuals residing at such facility for educational use. One space for every two (2) individuals, if used for other than educational related use.

Use E-5: Hospital: One (1) parking space for every seven hundred fifty (750) square feet of gross floor area; or one (1) space for every three (3) beds, plus one (1) space for every five (5) average daily outpatient treatments; whichever requires the greater number.

Use E-6: Library or Museum: One (1) parking space for every five hundred (500) square feet of gross floor area, or one (1) space for every five (5) seats; whichever requires the greater number.

Use E-7: Life Care Facility: One (1) parking space for every five hundred (500) square feet of gross floor area devoted to clinical care plus one (1) parking space for every three (3) beds

devoted to assisted living, and one (1) parking space for every independent living unit.

Use E-8: Municipal Complex: As determined by the Municipality.

Use E-9: Nursing Home: One (1) parking space for every three (3) beds.

Use E-10: Place of Worship: One (1) parking space for every three (3) fixed seating areas; plus one (1) space for every one hundred (100) square feet of gross open floor area devoted to or capable of being used for assembly by patrons, guests, or members; plus one (1) space for every two hundred (200) square feet of office area; plus one (1) space for every two (2) beds, if residential use is involved.

Use E-11: Schools: Elementary and secondary schools require one (1) parking space for every classroom plus one (1) space for every four (4) students of driving age, plus one (1) space for every ten (10) fixed auditorium seats. Colleges and universities require one (1) parking space for every classroom, plus one (1) space for every two students, plus one (1) space for every ten (10) fixed auditorium seats, plus one (1) space for every three hundred (300) square feet of gross office area.

Section 901.6. Office Uses:

Use F-1: Office Building: One (1) parking space for every three hundred (300) square feet of gross floor area.

Use F-2: Medical Office: One (1) parking space for every one hundred and fifty (150) square feet of gross floor area.

Use F-3: Medical Clinic: One (1) parking space for every one hundred (100) square feet of gross floor area.

Use F-4: Office Campus: One (1) parking space for every three hundred and thirty (330) square feet of gross floor area for corporate office area not utilizing client interface. Gross leasable floor area devoted to uses F-2, F-3, and F-5 shall be calculated separately.

Use F-5: Professional Services: One (1) parking space for every two hundred and fifty (250) square feet of gross floor area.

Section 901.7. Entertainment/Recreational Uses:

Use G-1: Amusement Arcade: One (1) space for every one hundred and fifty (150) square feet unless located in a shopping center, mall, or as an accessory use.

Use G-2: Amusement Park: One (1) parking space for every one thousand (1000) square feet of lot area devoted to such use.

Use G-3: Athletic Club: One (1) parking space for every four (4) seats of design capacity.

Use G-4: Golf Course: One (1) parking space for every three (3) persons of total design capacity, plus spaces for accessory uses as described herein.

Use G-5: Movie Theater: One (1) parking space for every three (3) fixed seats.

1. No shared parking or parking reduction standards of any type shall be applicable for this use.

Use G-6: Outdoor Recreation: One (1) space for every four (4) seats of design capacity, plus four spaces for every ball court.

Use G-7: Indoor Recreation: One (1) parking space for every four (4) seats of design capacity, plus one (1) space for every fifty (50) square feet of rink area. Bowling alleys shall have four (4) parking spaces for every lane.

Use G-14: Theater (performing): One (1) parking space for every three (3) fixed seats.

Section 901.8. Residential Uses:

Use H-1: Apartment/Multiplex Building: Off-street parking spaces shall be provide per dwelling units as follows:

Efficiency Units	
1.0/DU	
One Bedroom Units	
1.5/DU	
Two Bedroom Units	
2.0/DU	
Three Bedroom Units	2.5/DU
Four Bedroom Units	3.0/DU

Use H-2: Apartment Campus: Same as Use H-1, plus one quarter (1/4) parking spaces per dwelling unit for visitors and overflow parking if proposed in land development with where greater than sixteen units (16) involving the creation of new streets or drives.

Use H-3: Boarding House: One (1) off-street parking space for each room.

Use H-4: Duplex Unit: Four (4) off-street parking spaces shall be provided.

Use H-5: Estate Dwelling Unit (SF): Same as Use H-8.

Use H-6: Mobile Home Development: Two (2) off-street parking spaces per dwelling unit plus one quarter (1/4) parking spaces per dwelling unit, for visitors and overflow parking.

Use H-7: Planned Residential Development: Each permitted dwelling unit type shall be

provided with parking as described in this Ordinance.

Use H-8: Single Family Detached: Two (2) off-street parking spaces exclusive of garage space.

Use H-9: Single Family Cluster Development: Each permitted dwelling unit type shall be provided with parking as described herein.

Use H-10: Townhouse Dwelling Unit: Same as Use H-8 plus one quarter (1/4) parking spaces per dwelling unit for visitors and overflow parking if proposed in a subdivision where greater than sixteen (16) units and involving the creation of new streets or drives.

Use H-11: Twin Dwelling Unit: Same as Use H-8.

Use H-12: Village Dwelling Unit: Two (2) off-street parking spaces, which may include the garage.

Section 901.9. Utility Uses: These uses are determined by the most closely-related use described above.

SECTION 902. PARKING SPACE COMPUTATION

A. In computing the number of required parking spaces, if the computation results in a fraction, one (1) additional space shall be required for the fractional amount.

B. Unless otherwise stated, parking space requirements are calculated using the Gross Leasable Floor Area of a building. The gross leasable floor area is calculated by determining the sum of all floor areas of a building capable of being devoted to a principal or accessory use of an occupant or tenant, as measured by the exterior building walls, minus floor areas of the building devoted to:

- basement and crawl space utilized strictly as storage use.
- mechanical and building utility spaces such as elevator shafts, water closets, and building equipment rooms.
- permanent common hallways and stairways
- permanent aesthetic lobbies used for architectural enhancement or display, and not used or intended for business use.
- mezzanines devoted exclusively to storage use.
- permanent bathroom facilities for use by common tenants or the general public utilizing the building.
- garage area utilized in the required parking space count for the principal building use,

and not devoted to storage use.

- design elements for handicapped accessibility.

C. The gross leasable floor area may not be altered without consideration and adjustment to the available or producible parking spaces on the premises. Once floor area is omitted from the gross leasable floor area calculation, it cannot be converted into other uses unless the appropriate parking adjustment is satisfied.

D. Unless specifically provided for herein, when multiple uses occur within the same building or upon the same premises, the collective parking requirement shall be calculated as the sum of the square footage required for each individual use. This provision does not apply to uses identified as qualifying for multiple use reduction, as provided herein.

E. **Parking Space Formula:** The required number of off-street parking spaces may be calculated according to the following formula, where the formula components are applicable:

Spaces required for principal use	_____	
Spaces required for accessory uses	_____	
Total number of spaces required	_____	(N)
Public Transit Reduction Factor	_____	(%)
Multiple Use Reduction Factor	_____	(%)
Off-Site Reduction Factor	_____	(%)
Public Parking Garage Reduction	_____	(%)
On-Street Reduction Factor	_____	(%)
Time Share Reduction factor	_____	(%)
Total Reduction Percentage	_____	(P) Percent may not exceed 30)
Total required off-street spaces (T = N minus .PN)	_____	(T)
Number of oversized spaces in addition to above (See Non-Automobile Requirements below	_____	
Number of disability spaces included in above (See Disability Requirements below)	_____	

Section 902.1. Parking Space Design Standards

A. A parking space shall be a minimum size of ten (10) feet wide by eighteen (18) feet long, for a useable area of no less than one hundred and eighty (180) square feet, exclusive of aisles, maneuvering areas, planter strips, and sidewalks.

B. Individual parking spaces shall be separately marked with double line stripping centered on

the ten (10) foot width mark. Unless directed otherwise by the Township, parking space lines shall be painted in white-color paint.

C. Parking spaces may not be located within any required buffer, screening, or landscape area required by this Ordinance.

D. Outdoor parking spaces and the associated aisles and drives for uses open to the general public, must be graded, paved, and drained, according to Township specifications.

E. Parking lot areas must be properly maintained, both with respect to paving conditions and space identification.

F. Employee parking areas for uses greater than ten thousand (10000) square feet must be separately identified on the site. If employee parking areas are designated in remote sections of the site and are clearly identified as such, the employee spaces may be reduced in size to nine (9) feet by eighteen (18) feet. No more than ten (10) percent of the total required number of parking spaces may be reduced in size for employee accommodation.

G. Remote parking areas, which are defined as areas in the rear of a building or complex which are more than four hundred (400) feet from an entrance to a use and are not regularly used except during peak shopping seasons, may be left in stone, block, or other pervious material in order to reduce the macadam effect. This provision applies to multiple use and regional shopping centers only. No more than twenty-five (25) percent of the total required number of parking areas may be so designated. If parking shortages become apparent, the land owner is required to complete remote parking areas according to Township specification upon notice by the Township.

Section 902.2. Mobility Requirements

A. Multiple use retail centers and planned business complexes greater than one hundred thousand (100000) square feet in total gross building area, are required to provide parking spaces for buses at the ratio of one (1) off-street space for every one hundred thousand (100000) square feet of gross floor area. Bus spaces must be other than required parking for general vehicles, and may not occupy required fire lanes.

B. Multiple use retail centers and planned business complexes greater than one hundred thousand (100,000) square feet in total gross building area are required to provide a single lane drop-off area for van pool and paratransit vehicles. Drop-off facilities may not occupy other required areas and must be clearly identified with permitted signage and lane markers.

C. Multiple use retail centers and planned business complexes greater than one hundred thousand (100000) square feet in total gross building area are required to provide bicycle storage areas near the principal building entrance area.

Section 902.3. Parking for Individuals with Disabilities:

A. Accessible parking spaces shall be provided for any place of public accommodation or any commercial facility, pursuant to the Americans With Disabilities Act of 1990, as amended, and

shall be designed in accordance with the Rules and Regulations of said Act, as amended, in accordance with the table on the following page:

Accessible Parking Space Requirements

Total Parking Spaces in Lot	Required Minimum Number of Accessible 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 1000	2 % of the total spaces
1001 and over	20 plus 1 for each 100 spaces over 1000

B. For outpatient units and facilities, ten percent (10%) of the total number of required parking spaces shall be accessible parking spaces.

C. For units and facilities that specialize in treatment or services for persons with mobility impairments, twenty percent (20%) of the total number of required parking spaces shall be accessible parking spaces.

D. Two (2) accessible parking spaces may share a common access aisle.

E. One (1) in every eight (8) accessible spaces, but not fewer than one (1), shall be served by an access aisle at least eight (8) feet wide and shall be designated "Van Accessible."

F. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parking in the space, and shall not be in conflict with sign regulations contained within this Ordinance.

G. Mixed or multiple uses. In the case of mixed or multiple uses within a single building or structure, the amount of accessible off-street parking required shall be determined by the sum of the requirements of the various uses computed separately as expressed herein.

H. All required accessible parking spaces shall be paved with bituminous concrete or equal and

shall be painted with lines to denote the spaces.

Section 902.4. Parking Space Reduction Factors: The required number of off-street parking spaces described above may be reduced as provided below when the applicable standard applies, and provided the total reduction achieved does not exceed thirty (30) percent of the required number of spaces.

A. Public Transportation Reduction Factors:

1. Uses located within one quarter (1/4) mile of a commuter railway station are permitted a one (1) percent reduction in the required number of automobile parking spaces.

2. Uses within two hundred (200) feet of a bus shelter station are permitted a two (2) percent reduction in the required number of automobile parking spaces.

3. Uses with defined pedestrian walkway and bicycle trail systems leading to surrounding residential neighborhoods are permitted a three (3) percent reduction in the required number of automobile parking spaces.

4. Businesses supporting or sponsoring a private or municipal transportation system which services the facility and residential neighborhoods on a regular and long-term basis are permitted a four (4) percent reduction in the required number of automobile parking spaces.

B. Multiple Use Reduction Factors for Existing Uses Only:

1. Reduction for Parking Cells: When two adjoining land uses create shared parking facilities through the formation of a parking cell, the collective parking requirements may be reduced by ten (10) percent.

2. Reduction for Parking Complex: When a minimum of four (4) adjoining land uses create shared parking facilities through the formation of a parking complex, the collective parking requirements may be reduced by twenty (20) percent.

3. Reduction for Off-Site Parking: The required number of off-street parking spaces may be reduced by a maximum of fifteen (15) percent when an off-site parking area not adjacent to the site in question contains sufficient surplus parking spaces to provide the deficient off-street parking for a given use, provided the following conditions are satisfied:

    a. The off-site parking area shall be located within four hundred (400) feet of an entrance regularly used by the patrons of the facility seeking this reduction.

    b. The land owner shall be able to provide proof that the surplus parking actually exists, and use of the off-site location does not diminish the required parking for that site.

c. An agreement, lease, and easement must be provided which secures the off-site parking for the life of the use obtaining the surplus parking.

d. Termination of the agreement, lease, easement, or use of the off-site parking shall render the use non-conforming and applicable to conditions for non-conforming properties.

4. Reduction for Public Parking Garages/Lots: The required number of off-street parking spaces may be reduced by a maximum of twenty (20) percent when a nearby public off-site parking area or parking garage contains sufficient surplus parking spaces to provide the deficient off-street parking for a given use, provided the following conditions are satisfied:

   a. The off-site parking area must be a public facility, located within seven hundred fifty (750) feet of an entrance regularly used by the patrons of the facility seeking this reduction.

   b. Conditions b, c, and d, under reduction for Off-Site Parking Facilities shall be applicable.

5. Reduction for On-street Parking Spaces: The required number of off-street parking spaces may be reduced for business establishments under fifteen hundred (1500) square feet of gross leasable floor space by the amount of available on-street parking spaces available along the frontage of the property, provided the following is achieved:

   a. The business owner shall pay for the installation of parking meters, if non-existent, in order to produce parking space maintenance revenue for the Township, or shall contribute an annual fee in-lieu-of, in an amount to be determined by the Township.

   b. The percent of reduction is calculated by dividing the on-street number by the required number of parking spaces.

6. Reduction for Time Sharing: Joint use of up to twenty-five (25) percent of the required parking spaces may be permitted for two (2) or more uses located on the same or adjoining lots, provided the owners or developer can demonstrate that the uses are long term in nature, and will not overlap in hours of operation or in demand for the shared spaces.

7. **Impervious Reduction:** The total number of parking spaces required under this Ordinance for new land uses may be reduced, and the land area equal to the reduction shall be denoted "Parking Reserve Area", and held as green space, provided the following conditions are achieved:

   a. The landowner or developer shall certify that the parking needs for the use intended are less than those required under this Ordinance, and the Township shall so agree.

b. Such reserved parking shall be fully engineered and designated as such on the approved subdivision or land development plan.

c. The reserved parking area shall be planted, landscaped, and shall not be used for purposes other than passive recreation, and such area shall not be counted as any green area otherwise required.

d. The reserved area shall be fully maintained at the sole expense of the landowner.

e. The reserve parking area, or any portion thereof, shall be immediately converted to parking areas, as required by Township specifications, at such time as the landowner or developer further certifies that the need for additional parking has arisen, or if ordered to do so in writing by the Township.

SECTION 903. PARKING LOT AND FRONTAGE DEVELOPMENT STANDARDS:

A. The minimum width of drives and parking aisles shall be twenty-four (24) feet for two-way travel and twelve (12) feet for one-way travel.

B. All dead-end parking aisles shall be designed to provide sufficient backup area for the end stalls of the parking lot.

C. Drives and parking aisles shall be designed so that each motor vehicle may proceed to and from a parking space without requiring the moving of any other motor vehicle.

D. Walkway Protection: When utilized, internal walkways through parking lots shall be protected with six (6) inch raised curbing and shall be a minimum of four (4) feet wide, exclusive of the vehicle overhang area.

E. Parking Access and Traffic Control:

1. In order to minimize traffic congestion and hazard, no area for off-street parking or for the display; storage; sale; or movement of motor vehicles shall abut directly a public street or highway unless separated from the street or highway by a raised curb and barrier planting strip; wall; or other effective barrier against traffic, except at necessary accessways.

2. Parking lots shall have access from interior site aisles or accessways. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. Except for flares and curb returns, no such accessway shall be more than thirty-five (35) feet clear in width.

3. Each use with less than one hundred (100) feet of frontage on a public street shall not have more than one (1) accessway for each street. Each parking lot shall have not more

than two (2) accessways to any one (1) public street or highway for each five hundred (500) feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. Except for flares and curb returns, no such accessway shall be more than thirty-five (35) feet clear in width.

4. For shopping centers, malls, campus use, and other group development on lots two (2) acres or larger in size, all points of vehicular access to and from a public street shall be located not less than two hundred (200) feet from the intersection of any public street line. Any such point of vehicular access which converts a pre-existing T-intersection into an intersection of two (2) streets which cross each other, shall be permitted.

5. All streets and accessways shall conform to the specifications of the Township Engineer.

6. Provisions shall be made for turning and standby deceleration lanes, adequate signalization, and for similar facilities when deemed necessary by the Township Engineer.

7. No dwelling shall be erected without direct access from a street or roadway, nor shall any building be erected in a manner in which the present means of access to an existing dwelling would be closed or reduced.

8. Where, pursuant to this Ordinance, the depth of commercial properties has been increased to an adjoining residential street, a high density landscape buffer of not less than thirty (30) feet in depth shall be required, and except for emergency vehicles, parking lot ingress and egress shall not be permitted on the residential street.

9. In order to promote economic development, rear access to commercially zoned properties shall be permitted via an interior roadway or driveway system utilizing common ingress and egress points from a collector or side street serving the site.

10. No section of a parking lot, ingress/egress drives, or aprons shall be surface painted or changed in color, except for directional markers, parking spaces, and safety zones, as approved by the Township.

F. **Shopping Cart Storage:** Any establishment which provides shopping carts for transport of goods to parking areas must furnishes cart storage locations with the following standards:

1. The cart storage area shall be clearly marked as such with signage consistent with this Ordinance.

2. The cart storage area must be protected with a see-through barrier or bollards to prevent carts from drifting.

3. The cart storage area may not be covered.

4. The cart storage areas may not diminish the required number of parking spaces.

Section 903.1. Parking Lot Use Restrictions:

A. No parking area shall be used for any purpose that interferes with its availability for the parking need it is required to serve.

B. All parking lots shall be operated and maintained in accordance with all of the following conditions:

1. They shall not be used for the sale, repair, or dismantling of any vehicles, equipment, materials or supplies.

2. They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt, or any dust-free surfacing.
3. All parking lots shall be maintained in good condition; free of weeds, dust, trash or debris.

4. They shall be provided with access drives located so as to minimize the effect of headlight glare.

5. They shall be provided with adequate lighting facilities.

SECTION 904. OFF-STREET LOADING REQUIREMENTS: In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this subsection:

A. Areas provided for the loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuels, and other service vehicles, shall be arranged so that they may be used without blocking or interfering with the use of accessways, automobile, parking facilities, or pedestrian ways, or backing out into a street.

B. All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane.

1. **Exception:** Loading and unloading of motor vehicles for delivery to automobile sales agencies may be arranged for and conducted in an alternative location in order to reduce the impact of noise to adjoining residential districts. The alternative location may not be one which creates the same noise impact to another residential area.

C. No loading facilities shall be constructed in any required buffer area.

D. All off-street loading areas shall be adequately screened from adjacent streets and properties

and landscaped in accordance with an overall plan, designed according to the provisions herein.

E. A required off-street loading berth shall be at least fifteen (15) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least sixteen (16) feet.

1. **Exception:** Where it can be demonstrated that loading and unloading will only be performed by small trucks or vans, the loading berth size may be reduced upon agreement by the Township. The approved plan shall contain a note which so restricts the type of loading permitted, and subsequent uses shall be restricted as necessary.

F. Each required off-street loading berth shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with existing or planned traffic movements

G. All open off-street loading berths shall be paved in accordance with the regulations of the Township Subdivision and Land Development Ordinance.

H. No storage of any kind or motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading berth.

I. Space allocated to an off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

J. **Required Number of Loading Berths:** Each building, premises, structure, or use erected or altered after the adoption of this Ordinance shall provide loading berths as described below:

Use:	**Gross Floor Area**	**# of Berths**
Business and Professional Office Uses	First 10,000 sq.ft.	1
	Next 40,000 sq. ft.	1
	Each additional 50,000 sq. ft. or fraction	1
Retail Uses	First 5,000 sq, ft.	
	Next 5,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction	1

Use:	**Gross Floor Area**	**# of Berths**
Industrial Uses	First 3,000 sq. ft.	1
	Next 7,000 sq. ft.	
	Each additional 20,000 sq. ft. or fraction	1

Other Uses as deemed necessary	First 20,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction	1

SECTION 905. SPECIAL TRANSPORTATION PROVISIONS:

A. Minor changes, alterations, or additions to existing buildings and uses that do not meet the minimum requirements for off-street parking spaces may be made, provided such use or change does not represent an additional parking requirement of more than two (2) off street parking spaces. Such consideration starts from the effective date of this Ordinance, and is not cumulative. This provision is primarily intended for ADA compliance, bathrooms, storage closets, and vestibule additions.

B. "Traffic-Calming" Measures: In order to ensure that traffic moves safely through residential communities and designated zoning districts which promote pedestrian mobility, land development and subdivision plans shall employ combinations of the following "traffic-calming" principles, when requested by the Planning Commission, Township Engineer, or traffic study findings:

1. Street landscaping which promotes a tree canopy effect over the traffic lanes.
2. Distinct and contrasting crosswalks through intersections and mid-streets to define pedestrian travel lanes.
3. Curved streets to pace vehicular speeds.
4. Curb/sidewalk barriers which promote pedestrian safety on sidewalks.
5. Narrower roadways than traditionally approved.
6. Parallel parking techniques.
7. Reduced curb radius.
8. Short two-phased traffic signals.
9. Shorter but more frequent intersection delays.
10. Lower maximum speeds.
11. Multiple alternative routing.
12. The use of circular commons or green areas in street design.

SECTION 906. TRANSPORTATION STUDY: When required by the provisions of this Ordinance, the applicant of a proposed use shall submit an analysis which evaluates the transportation impact generated by the proposed use.

A. A transportation study is required for zoning change amendments, certain Zoning Hearing Board applications, and for conditional uses generating two hundred abd fifty (250) or more trips per day.

B. Traffic Study: A traffic study shall be required of the plan applicant for all non-residential land development when the conditions listed below exist. The Township may commission an

independent review of the applicant's traffic study, at the applicant's expense, order to ensure that proper traffic safety issues are indentified in conjunction with the proposal. Street classifications for specific locations are found in the Township's Comprehensive Plan.

1. The site is greater than one (1) acre in size.

2. It is requested by the Township or anticipated that the use may generate an increase in peak hour traffic greater than five (5) percent of the existing volume to surrounding residential communities.

3. Daily trip generation rates are greater than five hundred (500) trips per one thousand (1000) square feet of gross leasable floor area, as found in the Trip Generation Chart in Article IX, Section 906 of this Ordinance.

C. The Transportation Impact Study will enable the Township to assess the impact of a proposed use on the traffic system. Its purpose is to ensure that a proposed use does not adversely affect the traffic network, and to identify any traffic problems associated with access from the site onto the existing roads. The study's purpose is also to delineate solutions to potential problems and to present improvements for consideration with the proposed use.

D. In preparing the traffic analysis, the trip generation chart shall be used as the applicable reference. The number of trips per day is determined by using the Trip Generation Rate table on the following page. The proposed use or development is identified using the column "Type of Land Use/Development." The size of the proposed use or development (the number of dwelling units, gross square footage, number of beds, etc.) is multiplied by the appropriate rate listed in the column "Average Trip Generation Rates" determining the trips per day.

TYPE OF LAND USE/ DEVELOPMENT	TRIP GENERATION RATES
Residential	
Single-family	9.5 trips/DU*
Multi-family	7.8 trips/DU
Apartment	6.6 trips/DU
Mobile Home	4.8 trips/DU
Retirement Community	3.3 trips/DU
Commercial	
Shopping Centers	
350,000 sq.ft. +	42 trips/1000 sq.ft. GLFA*
100,000 - 350,000 sq.ft.	66 trips/1000 sq.ft. GLFA
100,000 - 50,000 sq.ft.	82 trips/1000 sq.ft. GLFA
50,000 - 1,000 sq.ft.	118 trips/1000 sq.ft. GLFA
Retail Store	
80 trips/1000 sq.ft. GLFA	
Restaurants	
Quality Dining	75 trips/1000 sq.ft. GLFA
Typical Sit Down	165 trips/1000 sq.ft. GLFA
Fast Food Restaurant	553 trips/1000 sq.ft. GLFA
Motel	10 trips/unit
Bank	192 trips/1000 sq.ft. GLFA

Auto Sales	48 trips/1000 sq.ft. GLFA
Service Station	748 trips/1000 sq.ft. GLFA
24 hr.24 hr. Convenience Market	625 trips/1000 sq.ft. GLFA
Supermarket	125 trips/1000 sq.ft. GLFA

Office

Medical Office	55 trips/1000 sq.ft. GLFA
Business Office	15 trips/1000 sq.ft. GLFA

Institutional

Colleges	2.5 trips/student
Junior Colleges	1.5 trips/student
High School	1.5 trips/student
Elementary School	0.5 trips/student
Hospital	12 trips/bed
Library	42 trips/1000 sq.ft. GLFA
Nursing Home	2.6 trips/bed

Industrial

Industrial Park	9.8 trips/1000 sq.ft. GLFA
Single Building	5 trips/1000 sq.ft. GLFA

* GLFA = Gross Floor Area DU = Dwelling Unit

Note: Capacities for arterial and collector roads shall be considered to be PennDOT Level C. All hazardous or congested areas, existing or to be created, shall be identified. Recommended improvements and their costs shall be listed.

ARTICLE X
Sign Regulations

SECTION 1000. PURPOSE

Signs perform important functions in the community, such as advertising; directing; displaying; and identifying. The regulation of signs is necessary in order to reduce hazards to pedestrians and vehicles, control the visual impact of signage, preserve community character, protect property values, prevent the obstruction of lawfully erected signs, and to insure safe construction standards. The type and size of signs permitted throughout the Township will vary in order to promote consistency and compatibility with the zoning district intent. The purpose of this aarticle is to promote sign design regulations which:

A. Enhance the appearance of commercial districts and ensure visually compatibility with their surroundings by virtue of the size, type, and number of signs permitted.

B. Allow adequate signage for the economic vitality of businesses and the appropriateness of use while minimizing clutter, confusion, and the unsightliness of excessive signage.

C. To encourage high-quality signage which utilizes logos, pictures and symbols for rapid comprehension and identification, and which permits artistic expression of the purpose intended.

SECTION 1001. SCOPE AND APPLICABILITY

A. In all zoning districts, signs may be used only when in compliance with the provisions of this Ordinance. The words used herein shall include: altered, demolished, erected, located, moved, placed, or repaired.

B. Under this Chapter, the use of any sign is regulated unless a sign is specifically excluded from regulation.

C. All regulated signs require the issuance of a sign permit by the Township prior to their installation. The application for a sign permit shall include a sketch of the proposed sign drawn to scale, a scaled or dimensioned building facade sketch for wall signs, and a site location plan for all non-building-mounted signs. The number, size, and location of all existing signs shall also be supplied.

D. Signs existing at the time of the adoption of this Ordinance which were legally erected, and which do not conform to the requirements herein, shall be considered non-conforming signs and, shall be bound by the regulations of this Ordinance regarding non-conforming signs.

E. Any sign shall be considered abandoned when it fails to perform its intended use for a period of one (1) year, when it is in such poor condition that it can no longer perform its intended use, or is left in an unsafe condition after notification to correct the problem is provided by the

Township.

SECTION 1002. MAINTENANCE REQUIREMENTS

A. All signs shall be kept in good and proper repair including all items appurtenant thereto, such as electrical fittings, lighting, poles, and foundations.

B. No sign shall be permitted to fall into such disrepair that it cannot perform its intended use, or such that it creates a safety hazard. All such signs shall be considered abandoned by the owner, and shall be removed upon notification of the Township.

C. When a non-residential building or use is vacated, all existing signs must be removed, painted-over, or covered with material approved by the Township so that advertisement or identification of the former use is no longer visible.

D. Real Estate advertisement indicating "For Sale" or "For Lease" of vacated non-residential uses must be placed on the vacated signs of the former use, when such exists.

E. All off-site signs must be maintained by the individual, business, or legal entity which they serve; as described above.

SECTION 1003. CLASSIFICATION OF SIGNS

A. Temporary - used or erected for a designated period of time.
B. Permanent - intended to remain for the life of the use they serve.
C. On-Site - erected on the premises to which they apply.
D. Off-Site - located on premises other than to which they apply.
E. Illuminated - have direct or indirect lighting.
F. Non-illuminated - are not lighted.
G. Private - serving private interests.
H. Public - serving governmental purposes or those approved by governmental agencies to serve the common good.

SECTION 1004. TYPES OF SIGNS

A. Banner/Pennant Sign: A sign made of fabric or any non-rigid material, with no enclosed framework.

B. Canopy Sign. A sign attached to, placed upon, or hung from any covered structure projecting from and supported by uprights or walls, and which is itself free standing or extends beyond the facade of the building wall; such as an awning, canopy, or similar structure.

C. Flag Signs: For the purpose of these regulations, governmental flags are not considered signs. Decorative flags, which may or may not contain advertisement or wording are considered a flag sign type regulated by this Ordinance.

D. Freestanding Sign. A sign supported by one or more upright poles which are permanently anchored into the ground.

E. Logo Sign: A sign, or portion thereof, representing a significant element, symbol, or representation of the entity to which it applies, but which does not contain any direct advertisement or wording. A special form of logo signs, identified herein as artistic logo signs, are permitted for the purpose of adding artistic design to signage and for the purpose of advancing diversity and quality in the appearance of signs through the commercial districts. See Section 1011 for details on this sign type.

F. Monument Sign: A sign attached to a brick, stone, or masonry wall or structure which forms a supporting base for the sign display. The wall area is not counted in the sign display area.

G. Portable Sign. Any sign, including vehicular signs, not permanently attached to the ground or a building.

H. Projecting Sign: A sign which is affixed to a building, wall, or structure, and extending more than twelve (12) inches horizontally from the facade or plane of the structure.

I. Roof Sign. A rectangular sign on or above the lowest roof line or eaves of a building. In the case of an extended facade or parapet, the uppermost height of the parapet shall apply.

J. Wall Sign. A sign erected on, or mounted parallel to a building wall or parapet, projecting not more than twelve (12) inches from the plane or facade, and not more than twelve (12) inches above the roof line or parapet.

K. Window Sign. A sign, mounted or painted on a window, or inside a structure, such that it can be seen through the window from the street.

SECTION 1005. GENERAL SIGN REGULATIONS

A. Area of a Sign:

1. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background on which it is displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or decorative trim which is incidental to the copy content of the display itself. For signs without background, the area of the lettering shall be measured by forming a maximum of three (3) rectangles to encompass the wording. In such case, the sign area is the sum of the three (3) rectangles.

2. Signs can be double-sided. In the computation of the square foot area of a double-sided sign, only one side shall be considered; provided all faces are identical in size. If the interior angle formed by the faces of a double-sided sign is greater than ninety (90) degrees, then all sides of such sign shall be considered in calculating the sign area.

3. A sign supported by more than one means (and therefore to which more than one type definition may be applied, such as freestanding, wall, roof, projecting sign, etc.) shall have its area and height calculation determined by the type definition which has the most restrictive standards.

4. Wall sign area is calculated as a percentage of the total first floor facade area of the building or individual use which is essentially parallel to the street frontage.

B. Height of a Sign:

1. Maximum height of a sign is calculated at the top of the sign as measured from the ground level where the sign is located. The height of any earth mound on which a sign is mounted shall be included in the allowable height.

2. Unless specifically restricted or specified in the zoning district sign chart, all canopy, projecting, roof, and wall signs must be contained within the current building height restrictions of the zoning district in which it is located.

C. Location of a Sign:

1. No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position, color, or reflective surface.

2. A sign located along the right-of-way of a state or federal highway shall comply with any requirements of the state or federal government relating thereto; which may be more restrictive than those of this Ordinance.

3. In cases where a local right-of-way abuts a structure, except for historic structures and signs of governmental authority, the following shall apply:

   a. No sign, except official traffic signs or those approved by Abington Township, is permitted within an existing street legal right-of-way.

   b. No sign shall project over a public sidewalk, and no supporting structure shall be located closer to an existing street right-of-way or lot line than ten (10) feet.

   c. The lowest edge of a projecting sign shall not be less than seven and one-half (7.5) feet above the ground-level elevation.

4. No sign shall be permitted within a sight triangle of an accessway or street right-of-way.

5. All signs, except off-site directional and permitted off-site temporary signs, shall only be erected on the premises to which the use relates, and no sign erected or maintained on any property shall advertise anything other than that which is offered for sale or

service on said property.

6. No sign shall be erected within any parking space, fire lane, easement, or pedestrian walkway.

7. No sign shall be located on any utility pole or their attached wires, on any fence, lighting standards, tree, park bench, bus shelter or accessory building.

8. No sign shall be painted or drawn on any building wall, rock, or other natural feature.

D. Illumination of Signs:

1. A light illuminating a sign shall be so arranged that the point source of light is not visible from any point off the lot, and so that only the sign is illuminated thereby.

2. Where permitted, illumination may be:

   a. Direct. Illumination of a sign designed to give forth artificial light directly through transparent or translucent materials from a source of light within such sign;

   b. Indirect. Illumination of a sign with an external light, shielded so that no direct rays are visible elsewhere than on the lot where said illumination occurs.

3. The intensity of light provided for illumination shall be the minimal amount necessary to reasonably observe the sign after dusk at a maximum distance of five hundred (500) feet from the sign. Where sign illumination interferes with the perception of nighttime at surrounding residential properties, the intensity shall be reduced.

4. A sign that uses any method of illumination which causes glare is prohibited, and shall be adjusted as follows:

   a. It must be effectively shielded so that glaring beams or rays of light are not directed to any portion of a street, highway, or adjacent property or structure.

   b. It must be less than one quarter (1/4) foot candles in intensity, as measured from the curb line or shoulder, so as not to cause glare or impair the vision of any motorist, or otherwise interfere with a driver's operation of his motor vehicle.

5. All illuminated signs shall be turned off within one-half (½) hour of the close of business, and shall remain off until one-half (½) hour before opening.

6. In Residential and Recreation/Conservation Districts, permitted signs shall be illuminated by white light only.

7. Except for traffic control signals, red or green lights are prohibited within one hundred (100) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.

E. Construction of Signs

1. Supports for a sign or sign structure shall conform with the requirements set forth in the BOCA Building Code and/or building code adopted or amended by the Township.

2. The supports for a sign or sign structure shall be located upon private property.

3. A sign using electricity shall be installed in conformance with the latest National Electric Code (NEC). All sign not attached to a building shall be connected by underground service only.

4. Every sign permitted in this article must be constructed with durable materials and must be kept in good condition and repair, or must be removed.

5. Canvas awning signs are permitted, provided such material is fire-retardant; is firmly and tightly attached to secure and durable framing; and all vertical sections shall be rigidly attached to the main frame.

6. Except for roof signs, no sign shall have guide wires for structural support; all necessary supports for projecting signs shall be rigid rods.

SECTION 1006. SIGNS EXEMPT FROM PERMITS

The following signs, to the extent indicated, are exempt from the permit provisions of this Ordinance:

A. Street Signs - Official highway signs, street name, directional or other traffic signs erected in accordance with the Pennsylvania Motor Vehicle Code.

B. No Trespassing Signs - A sign not exceeding two (2) square feet, indicating the prohibition or control of fishing, hunting, trespassing, etc., or a sign indicating the private nature of a road.

C. Residential Identification Sign - A sign not exceeding two (2) square feet, and placed not more than five (5) feet high, bearing only property number, street address, post box number and/or the names of the occupants of a residence, or the name of the dwelling, except those for certified historic structures.

D. Governmental Flag or Insignia.

E. Legal Notice of a Governmental Agency.

F. Permanent Window Sign - A sign applied to a window pane, giving business hours or the name or names of credit or charge institutions, when the total area of any such sign or all signs together does not exceed three (3) square feet.

G. Barber Pole - Revolving barber shop pole sign provided that it does not exceed thirty-six (36) inches in height, and that it is erected only in a commercial district in conjunction with a barber shop.

H. Temporary Sign Advertising Mechanics, Artisans, Contractor and/or Architects. A temporary sign erected and maintained during the period that any of the above are performing work on the premises. No one sign shall exceed six (6) square feet. Only one (1) sign may be erected for each business or contractor. There shall be no more than three (3) such signs displayed on the property at any one time.

I. Temporary Window Sign - A business advertising sign displayed for a period not to exceed fourteen (14) days. The total window area covered by all temporary window signs shall not exceed twenty five (25) percent of the total glazed area facing a public street or right-of-way.

J. Yard Sale Sign - An on-site sign advertising a yard sale, provided the sign does not exceed four (4) square feet in area, remains up only during the sale but in no case longer than three (3) days and does not appear more than once every six (6) months on the same premises. Not more than one (1) such sign shall be placed on any given property on which the yard sale shall occur unless such property fronts on more than one (1) street, in which case, one (1) such sign shall be permitted along each street.

K. Public Sign: A public monument, historic, or public park identification sign or plaque erected by a government agency. No more than one (1) such sign shall be placed on a structure or building and no more than one (1) such sign shall be placed at each entrance to the site. A public sign may be a free-standing or wall sign. Its maximum area shall be eight (8) square feet. Its maximum height shall be six (6) feet. Such signs may be non-illuminated or indirectly illuminated.

L. Architectural Sign: A sign which is a permanent architectural feature of a building or structure, such as a cornerstone, datestone, or identifying letters carved or embossed on a building, provided the letters are not made of reflective material.

M. **Real Estate "For Sale/Rent/Lease" Sign:** A temporary sign advertising the property for lease, rental or sale, or signs indicating it has been sold, provided that:

1. Such sign shall be erected only on the premises to which it relates.

2. Such sign is not illuminated.

3. The area of the sign shall not exceed six (6) square feet.

4. No more than one (1) such sign shall be placed on any property unless such property fronts upon more than one (1) public street; in which case, one such sign may be erected

on each street frontage.

5. Such sign may also indicate that the property has been sold, but shall be removed within two (2) weeks after an agreement of sale or rental has been entered into whether there are any conditions in the agreement or not.

6. No such sign shall be placed in the public right-of-way.

7. Directional signs for open houses may not be erected sooner than forty-eight (48) hours prior to the open, and must be removed promptly after the open.

N. **Political Signs:** Temporary signs advertising political candidates or parties for election may be erected and maintained, provided that:

1. No more than one sign for any candidate or party may be erected on any property held in single and separate ownership.

2. The signs shall be non-illuminated.

3. The property owner must grant permission for the sign.

4. The size of any such sign shall not be greater than sixteen (16) square feet.

5. No political signs may be placed on church, governmental, parkland, school district, or other public property.

6. No signs shall be placed on abandoned or vacant parcels nor erected in non-residential districts without landowner permission.

7. Political signs shall not be erected sooner than thirty (30) days prior to the election, and must be removed within ten days following the election. Successful primary candidates may not leave signs erected through to the general election.

SECTION 1007. PROHIBITED SIGNS

A. The following types of signs are exclusively prohibited from being erected or displayed.

1. Any sign which states that a property may be used for a non-permitted or unlawful use.

2. Any sign which flashes, moves, rotates, revolves, oscillates, or swings, or which has movable parts or reflectors, or which flaps in the wind, (with the exception of barber poles).

3. Any sign which is illuminated by the use of an inert gas or any form of exposed tubes.

4. Any sign which emits smoke, visible vapors or particles, sound or odor.

5. Any illuminated sign in residential zoning districts, except as may be provided for in this

article.

6. No advertising sign, banner, balloon, pennant, valance, spinners or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials shall be erected, suspended or hung on any property, except temporary signs as may be permitted by the Township, or as is described in the construction standards of this chapter.

7. No sign shall be permitted which is erected on any device or structure which is not intended or manufactured as an integral part of the sign.

8. Any novelty sign, including but not limited to an object (e.g.,tire, automobile, food product, etc.) except that novelty signs shall be permitted in the Town Commercial districts.

9. Any roof sign, except within the SI - Suburban Industrial District.

10. Any advertising sign on a vehicle parked periodically or longer than twenty-four (24) hours on a public right-of-way.

11. Any sign which imitates any official traffic sign, signal, or device. No sign may use the word "Stop," "Look," "Danger," or any other word or character which attempts or appears to attempt to direct the movement of traffic, or which interferes with or resembles any official sign or device within one hundred (100) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.

12. Any sign in the public right-of-way, and any banner sign across a street or on any private property, except for such temporary signs which are approved by the Township for the general benefit of the municipality or for public convenience, necessity or welfare, and which meet the requirements for temporary signs herein.

13. Any vehicle or trailer which is parked on a public right-of-way, or on public or private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property, or any other premises. This section shall not prohibit any form of vehicular sign such as a sign attached to a bus or lettered on a motor vehicle where the vehicle is not used for the basic purpose of providing advertisement or direction as set forth above.

14. Any off-premise sign except governmental signs, directory signs for service organizations and churches, temporary signs displayed for a period not to exceed two (2) weeks, signs approved by the municipality, or as otherwise may be permitted herein.

15. Any sign now or hereafter existing which no longer advertises a bona-fide business conducted on the property on which said sign is erected must be removed within fourteen

(14) days following the close of business, or in such case thereafter, upon written notification from the Code Official. Upon failure to comply with such notice, the Code Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located.

SECTION 1008. SIGNS REQUIRING A PERMIT

Section 1008.1. Temporary Signs

A. Agency Sign for Single Property Sale, Lease, or Rental - A sign advertising the sale, lease, or rental of non-residential or commercial uses, when such sign is larger than the standard, exempt, six (6) square foot sign, provided:

1. Such sign shall be erected only on the relating premises.

2. The area of one (1) side of any such sign shall not exceed twenty four (24) square feet on a parcel less than one acre, or thirty-five (35) square feet on a parcel larger than one (1) acre.

3. No more than one (1) such sign shall be placed on any property held in single and separate ownership except that where such property abuts more than one (1) public street, one (1) such sign may be erected on each street frontage.

4. Such sign may also indicate that the property has been sold, but shall be removed within two (2) weeks after an agreement of sale or rental has been entered into whether there are any conditions in the agreement or not.

5. In conjunction with the settlement of any property or business, a "Coming Soon" sign, subject to the criteria above may be erected on a premises, provided an occupancy permit has been applied for by the arriving business.

B. Multiple Property Sale or Development Sale - A sign advertising the sale or development of the premises upon which it is erected, when erected in connection with the residential development of the premises by a builder, contractor, or developer or other person(s) interested in such sale or development, provided:

1. Such sign shall be erected only on the premises to which it relates.

2. The area of one side of any such sign shall not exceed twenty-four (24) square feet in subdivisions or developments containing less than ten (10) lots, and thirty-five (35) square feet in subdivisions or developments containing ten (10) or more lots.

3. No more than one (1) such sign shall be placed upon any property held in single and separate ownership; except that, where such property abuts more than one (1) public street, one (1) sign may be erected on each street frontage.

4. Such sign may also indicate that the property has been sold, but shall be removed within two (2) weeks after an agreement of sale or rental for the last lot has been entered into whether there are any conditions in the agreement or not.

C. Activity Sign: A sign advertising civil, social or political gatherings, or non-profit fund-raising activities, may be erected off-site and maintained, provided that:

1. A sign may be erected no earlier than thirty (30) days prior to the activity to which the sign relates.

2. The application for the sign permit shall specific all sign location(s).

3. The applicant shall obtain written permission to erect such signs from all property owners involved, or from the Township if such signs are to be placed in the public areas.

4. The size of any such sign shall not exceed of twenty-four (24) square feet in residential zoning districts, and thirty-five (35) square feet in commercial zoning districts.

5. No more than one (1) such sign shall be permitted on a single lot or premises, nor shall more than one be placed in any street block.

6. County or state approval must be obtained if such signs are to be displayed on property or right-of-ways under their jurisdiction.

D. Commercial Sales - A sign advertising an intermittent special commercial sale in districts where permitted, and which are located in other than window areas, provided that:

1. The application for the sign permit shall specify sign location and dates of display.

2. The sign may be erected only on the property where the sale is to be held.

3. The size of the sign is not in excess of twenty-four (24) square feet.

4. No more than one (1) such sign shall be permitted on a single lot or premises, except that if such property fronts upon more than one (1) street, one (1) sign may be erected on each frontage.

5. Any such individual sign shall not be erected or displayed longer than thirty (30) days, and all such signs together shall not appear on any one (1) lot or premises for more than four (4) times or longer than one hundred and twenty (120) days in any one (1) calendar year.

E. Bunting, pennants, and similar materials: Signs used to announce the opening of a new business, provided that:

1. They are erected no more than three (3) days prior to and removed within seven (7) days after the opening day or first day of business.

2. The owner/manager of the business must inform the Township Zoning Officer on the permit application of the opening day or the first day of business, together with a

description of sign materials, two weeks prior to erection.

3. Only the following types of signs shall be permitted:

   a. One banner sign across the front or top of the structure which says "Grand Opening Sale" or similar language.

   b. Pennant flags may be neatly attached to the building perimeter, but not suspended in air.

4. Hot air balloons, novelty signs, and roof displays are not permitted.

Section 1008.2. Permanent Signs

The following types of permanent signs may be erected, maintained and used in each zoning district, as designed below:

Section 1008.2.A. Residential and Recreation/Conservation Zoning Districts: In addition to signs exempt from the permit requirements, the following types of sings shall be permitted:

1. Professional, home occupation sign, or name signs indicating the profession and/or activity, and/or name of the occupant of the dwelling, provide that:

   a. Sign type, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	3 sq. ft.	5 feet	none
Wall	6 sq. ft.	10 feet	none

   Note: Residential Buffer requirements may change minimum yard size.

   b. Not more than on (1) such sign shall be located on the premises.

   c. Such sign can only be erected or used on the lot or premises wherein the use is located.

   d. A sign is permitted only for uses that are registered with the Township and have obtained a zoning use permit.

2. Subdivision or Development Identification: Such sign may identify the name of the subdivision or development and, in the case of a rental complex, the name of the owner or management organization, provided that:

a. Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	12 sq. ft.	4 feet	indirect
Monument	24 sq. ft.	6 feet	indirect

Note: Residential Buffer requirements may change minimum yard size.

b. No more than one (1) such sign shall be erected at each vehicular entrance to the subdivision, and not more than two (2) such signs shall be erected on any one (1) street frontage.

3. **Identification signs** for non-conforming uses such as schools, churches, hospitals and permitted buildings and uses other than dwelling units, provided that the area on one (1) side of any such sign shall not exceed twenty (20) square feet and not more than two (2) such signs shall be placed on premises held in single and separate ownership, unless such premises front on more than one (1) street, in which case two (2) such signs may be erected on each street frontage.

Section 1008.2.B. Commercial Zoning Districts

1. **Town Commercial and Mixed Use Districts:**

a. Individual or Single Use of Property: In addition to signs exempt, temporary signs, and signs common to all districts, individual commercial uses located on their own lot may display any two of the following types of signs, provided that:

(1). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Canopy	20 sq. ft.	At canopy ht.	none
Freestanding *	35 sq. ft.	15 feet	direct**
Projecting *	12 sq. ft.	15 feet	indirect
Wall	15 % of facade 100 sq.ft.max	20 feet	indirect/direct

Note: Residential Buffer requirements may change minimum yard size.

* These signs can only be made of wood or wood initiation materials.

** provided only lettering and symbols are illuminated, such that the face plate surrounds are opaque.

(2). Signs can only be placed on the lot premises which they serve.

(3). Canopy or projecting signs may not protrude over the public sidewalk areas.
(4). Residential uses in mixed use districts shall use residential district sign standards.

b. Joint use properties. Uses with two (2) or more tenants on a single property may increase their freestanding sign area to fifty (50) sq. ft., provided the sign is used to identify the complex and all uses share the sign area.

2. **Special Commercial and Planned Business Districts:**

a. Individual or Single Use of Property: In addition to signs exempt, temporary signs, and signs common to all districts, individual commercial uses located on their own lot may display any two of the following types of signs, provided that:

(1). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Canopy	30 sq. ft.	At canopy ht.	direct
Freestanding	50 sq. ft	20 feet	direct
Monument	75 sq. ft.	10 feet	indirect
Wall	15 % of facade 200 sq. ft. max.	25 feet	direct

Note: Residential Buffer requirements may change minimum yard size.

(2). Signs can only be placed on the lot premises which they serve.

b. Joint Use of Property:

(1). Common Signs: In addition to signs exempt, temporary signs, and signs common to all districts; shopping centers, shopping malls, and properties utilizing common parking facilities are permitted any one of the following types of signs for property or complex identification, provided that:

(a). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	75 sq. ft.	20 sq. ft.	direct
Monument	100 sq. ft.	10 sq. ft.	indirect
Wall	15 % of facade 250 sq. ft. max.	30 feet	direct

Note: Residential Buffer requirements may change minimum yard size.

(b). In the case of a motor vehicle sales agency having a new car franchise, the owner/tenant may select one (1) street front and, in addition to the two signs permitted above on said premises, be permitted one (1) wall sign for each make of new automobile or truck offered for sale on the premises, provided that no such additional sign shall exceed twenty (20) square feet.

(c). No more than one (1) freestanding or monument sign shall be erected on any single complex unless such property fronts onto more than one (1) street, then one such sign shall be permitted along each street frontage

(d). At least thirty (30) percent of a freestanding or monument sign shall be occupied by complex identification, the remainder may be divided equally or unequally among the individual complex users.

(e). Roof signs may only be erected on parapets forming an integral part of the architectural design of the building, and individual lettering may not exceed two (2) feet in height.

(f). Where more than one (1) vehicle entrance/exit site exists along a single street frontage, additional freestanding or monument signs may be erected, provided the total permitted sign area is divided among the entrance/exit sites.

(g). For large site identification, an additional freestanding or monument sign may be erected for every five hundred (500) foot increment, or fraction thereof, of additional street frontage. In utilizing this exception, the additional signs may not be used for single user identification.

(2). Individual Signs: In addition to signs exempt, temporary signs, and signs common to all districts, individual uses of shopping centers, shopping malls, and properties utilizing common parking facilities are permitted any one of the following types of signs for their identification, provided that:

(a). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Roof	15 % of parapet	30 feet	direct
Wall	10 % of facade 200 sq. ft. max.	25 feet	direct

Note: Residential Buffer requirements may change minimum yard size.

(b). Roof signs may only be erected on parapets forming an integral part of the architectural design of the building.

(c). Individual lettering for roof and wall signs may not exceed two feet in height.

3. **Apartment/Office Districts:**

a. In addition to signs exempt, temporary signs, and signs common to all districts; apartment/office campus use and properties utilizing common parking facilities are permitted any one of the following types of signs for property or complex identification, provided that:

(1). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	50 sq. ft.	20 feet	indirect
Monument	100 sq. ft.	10 feet	indirect
Wall	10 % of facade 150 sq.ft. max.	20 feet	indirect

Note: Residential Buffer requirements may change minimum yard size.

(2). Individual uses not permitted to display or erect wall signs.

Section 1008.2.C. Special Zoning Districts

1. **Community Service Districts:**

a. In addition to signs exempt, temporary signs, and signs common to all districts; hospitals, schools, and other community service uses are permitted any one of the following types of signs for property or complex identification, provided that:

(1). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	35 sq. ft.	15 feet	direct
Monument	75 sq. ft.	10 feet*	indirect
Wall	10 % of facade 150 sq.ft. max.	20 feet	direct

* Signs on Easton Road, Route 611, Huntindon Pike only.

Note: Residential Buffer requirements may change minimum yard size.

b. No more than one freestanding or monument sign shall be erected on any single property, unless such property fronts onto more than one (1) street, then one (1) such sign shall be permitted along each street frontage.

c. Uses forming a campus or complex of buildings may erect one (1) wall sign per building unless such building fronts onto more than one (1) street, then one (1) such sign may be permitted along each street frontage.

d. In addition to the above permitted signs, a hospital or school campus is permitted unlimited directional signs, as may be necessary at their discretion, provided such signs do not exceed twelve (12) square feet in area.

2. **Suburban Industrial Districts:**

a. In addition to signs exempt, temporary signs, and signs common to all districts; industrial uses, are permitted any two of the following types of signs for property or complex identification, provided that:

(1). Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	50 sq. ft.	20 feet	direct
Monument	100 sq. ft.	10 feet	direct
Roof	200 sq. ft.	15 feet above roof	indirect
Wall	10 % of facade 200 sq.ft. max.	20 feet	direct

Note: Residential Buffer requirements may change minimum yard size.

(2). No more than one (1) freestanding or monument sign shall be erected on any single complex, unless such property fronts onto more than one (1) street, then one (1) such sign shall be permitted along each street frontage.

SECTION 1009. SIGNS PERMITTED IN ALL DISTRICTS: In addition to exempt, temporary and permanent signs permitted by district, the following signs shall be permitted in all zoning districts:

A. **Informational Signs:** Signs providing public service information, such as availability of restrooms, telephones, hospital locations, bus stops, directional indicators to commonly visited areas, parking locations, and the like, provided that:

1. They do not advertise any for-profit entity.
2. They shall not exceed sixr (6) square feet in area.
3. Such signs may be on-site or off-site signs.

4. Locations are subject to the approval of the Township and the agency or owner having jurisdiction.

5. A maintenance and replacement plan is provided to the Township.

B. **On-site Directional signs:** Signs providing direction for pedestrian and vehicular traffic control, provided that:

1. They do not contain advertising.
2. They shall not exceed four (4) square feet in area.
3. Locations are subject to the approval of the Township, and the agency or owner having jurisdiction.
4. They do not obstruct the sight triangles at internal intersections on the premises.

C. **Thematic Signs:** Signs which promote a special community interest or business district themes, may be erected with the permission of the Township provided:

1. The specific size, type and location are approved by the Township.
2. A maintenance and replacement plan is provided to the Township.

SECTION 1010. NONCONFORMING SIGN REGULATIONS

A. Any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height, or size, with the regulations of the district in which such sign is located, shall be considered a nonconforming sign, and shall be bound by the regulations of this Ordinance regarding nonconforming signs.

B. A sign on a building or structure which does not conform to this Ordinance shall be removed when the building or structure is demolished or when the building or structure renovation or expansion amounts to over fifty (50) percent of the market value of the building or structure, as assessed by the Montgomery County Board of Tax Assessment.

C. A sign not conforming to this Ordinance shall be removed when the sign requires any structure renovation.

D. All non-conforming signs, except those which are painted onto building walls, may be repainted, resurfaced, or repaired, provided they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.

E. A nonconforming sign must be removed within fourteen (14) days after notification by the zoning officer or be made to conform to this Ordinance in every respect whenever:

1. It is not securely attached to the ground wall, or roof and can be easily moved.
2. It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the municipality.

3. If it is abandoned by the owner, or if the use is abandoned.

F. In the case of a sign which is accessory to a non-conforming use and which is erected on the same property as the use to which the sign relates, the use of such sign may be continued, provided that no such sign shall be enlarged or altered in any manner which will increase its nonconformity and that any such sign shall comply with the general provisions of this section relating to signs which are nonconforming in size, area, placement, condition, and type.

SECTION 1011. SPECIAL SIGN REGULATIONS

A. An accessory use to a principal use on a lot or premises is not entitled to additional sign rights with respect to number, size, or type of sign.

B. A principal use or structure which undergoes internal subdivision to accommodate additional businesses, is not entitled to additional sign rights with respect to number, size, location, or type of sign permitted. In such cases, the total permitted sign rights with respect to size may be equally divided between the new use or uses. Such is true until the principal use of the property might be re-classified, and different sign regulations become applicable.

C. All signs must express their meaning and intent in the English language in addition to any other language used on the sign.

D. The total permitted sign area for wall signs only may be divided among not more than two separate signs on the same wall area.

E. **Treatment of Regional Malls and Multiple Building Shopping Centers:** Unless stipulated otherwise in an approval agreement or Zoning Board decision, the following shall apply.

1. Whenever regional malls contain more than one (1) principal entrance, one additional freestanding or monument signs of the type permitted may be erected at each such entrance, provided they are separated by more than five hundred (500) feet.

2. Department stores and other major anchor stores designed as end or island units are permitted a maximum wall sign of two hundred (200) square feet per wall containing public entrances, provide such wall is longer than four hundred (400) feet, and not an offset wall to a building side already containing such a sign.

3. Bank and restaurant uses which are open to the public at other than normal mall hours are permitted a maximum wall sign of twenty (20) square feet at their exterior mall entrance.

4. In centers where all uses have exterior access, wall signs are permitted as specified in the appropriate district sign chart

5. Satellite buildings in shopping centers are not permitted separate or individual

freestanding or monument signs unless they are separately lotted and separately owned parcels.

6. When individual buildings or uses face interior driveways, streets, or parking areas, individual walls signs, as specified in the appropriate district sign chart, are permitted on all sides facing such areas.

7. Signage within the building interior is not regulated, except as described in building and fire codes.

8. Non-conforming shopping centers shall follow the Special Commercial and Planned Business Distrcit sign standards.

F. **Artistic Logo Signs:** Wooden freestanding, monument, and wall signs are encouraged to include artistic logos which contain a graphic patterns or other artistic symbol. Such signs may be in the form of a separate wall sign comprising the logo, provided the total permitted sign area is not exceeded, or they may be an integral part of the sign. When utilized, permitted sign size area may be increased by fifteen (15) percent in order to accommodate the logo area. This exception applies to wooden signs only.

ARTICLE XI
Administration and Permits

SECTION 1100. GENERAL PROVISIONS

A. Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, used, or occupied, except in conformity with the regulations established in this Ordinance.

B. Administrative processes and procedures for determining compliance with the provisions of this Ordinance are established in this Article.

SECTION 1101. STAFF ADMINISTRATION

A. The provisions of this Ordinance shall be administered and enforced by the designated Planning and Zoning Official, together with the aid of designated Code Enforcement Officials, the Board of Commissioners, its Police Department, and other municipal agencies as may be appropriate. It shall be the duty of the local Planning and Zoning Official and he shall have the power to:

1. Receive and examine all permit applications for the municipality.

2. Process zoning permit applications for all uses as enumerated in this Ordinance and permitted within the applicable districts. Where required, applications shall be forwarded to the Township Planning Commission, Township Building Inspector, Township Engineer, and Joint Zoning Hearing Board for approval or disapproval.

3. Review applications for zoning permits involving the erection or alteration of structures or changes of use in order to determine whether such construction or use is in accordance with the general requirements of this Ordinance; all other applicable ordinances; and the laws and regulations of the Commonwealth. Permits for construction of uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring conditional approval by the governing body shall be issued only after receipt of approval from the Board of Commissioners.

4. Conduct inspections and surveys of uses, structures, lots, and signs, to determine compliance or non-compliance with the terms of this Ordinance. In carrying out such surveys, the local zoning official or his representative may enter upon any land, but shall in all cases notify the property owner or other party in possession in advance of his intention to enter any dwelling house, unless he shall first have secured a search warrant.

5. Issue stop, cease, and desist orders, and stipulate in writing, correction of all conditions found to be in violation of the provisions of this Ordinances. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed

by the local zoning official to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order issued lawfully by the local zoning official, and any person violating any such order shall be guilty of a violation of this Ordinance.

6. With the approval of the Board of Commissioners, or when directed by them, institute in the name of the municipality any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, occupancy, or use of any building, structure, or land in order to restrain, correct, or abate such violation, so as to prevent such occupancy or use of any building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

7. With the approval of the Board of Commissioners, or when directed by them, institute in the name of the municipality a citation for a violation of this Ordinance before the district justice of the peace having jurisdiction.

8. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Ordinance.

9. Record and file in the municipal building all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

10. Maintain a map showing the current zoning classification of all land; which shall be posted at the Township Administration building.

11. Maintain a register identifying the location, and type of all nonconforming uses and structures, which shall be posted at the municipal building.

12. Be available to testify in all proceedings before the Zoning Hearing Board; present facts and information to assist the Zoning Hearing Board in reaching a decision; resist and oppose any deviations from the standard provisions of this Ordinance; and encourage decisions of the Zoning Hearing Board to be reviewed in a court of proper jurisdiction when, in the judgment of the local zoning officer, such review is necessary.

13. Keep a record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto. All records shall be open for public inspection.

SECTION 1102. USE PERMIT REQUIRED

A. **Requirements for Permits:** It shall be unlawful for any person to make any use of any building, or other structure, or land until the appropriate permit has been duly issued by the Township. Permits shall be required prior to any of the following:

1. Use of any building or other structure hereinafter erected, altered, or enlarged for which a building permit is required. In this case, the issuance of building permit shall not require a separate use permit;

2. Change in use or occupancy of any building or structure;

3. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a use or occupancy permit;

4. Change in use or expansion of a nonconforming use.

5. Temporary uses of land or structures permitted herein.

B. Applications for Permits: All applications for permits shall be made to the local zoning official, in writing, on forms furnished by the municipality, and shall include all fees and information necessary to enable the zoning official to ascertain compliance with this Ordinance.

C. **Issuance of Permits:** No permit shall be issued until the local zoning official has certified that the proposed building or structure complies with the provisions of the applicable district and other provisions of this Ordinance. Issuance of a use or building permit does not permit occupancy; an occupancy permit is also required.

SECTION 1103. FRONTAGE AND STORM DRAINAGE IMPROVEMENT PERMITS

A. A frontage and storm drainage improvement permit shall be required prior to the issuance of any building permit for any structure, and prior to the issuance of an occupancy permit for any lot where a driveway is proposed to be altered or constructed from any public street into a property or where the amount of impervious surfaces on the site is to be increased by greater than one thousand (1000) square feet. The Township Engineer shall approve the type of construction, alteration, the location of any driveway into the property, and all drainage improvements within the site, including a drainage pipe to be installed under said driveway, if necessary. It shall be unlawful for any person to commence work for the construction or alteration of any frontage or storm drainage improvement until a permit has been duly issued therefor.

B. **Application for Frontage and Storm Drainage Improvement Permits**

1. All applications for frontage and storm drainage improvement permits shall be made to the local zoning official in writing on a form provided by the municipality, and shall be accompanied by the name and address of the contractor who is going to install said driveway, drainage facilities, and other frontage improvements. The application shall include a plot plan of the property, showing in detail the frontage improvements to be installed on said property, including, but not limited to:

   a. The location, width, manner, and type of construction of the driveway on the said property, and of the sidewalk and curb, if any, in front of the said property;

b. The drainage pipe, including the size and type proposed to be put under the driveway, *if any*;

1). All storm drainage improvements, impoundments, pipe size;

2). The grading of the property.

C. **Issuance of Permits**

1. No improvement or occupancy permit shall be issued until approved by the Township Engineer.

2. The improvements shall be inspected and approved by the Township Engineer. The applicant and/or contractor doing the work is required to notify the Township Engineer at least twenty-four (24) hours before any work is started in connection with the installation of the said improvements.

3. The Zoning Officer shall not issue an occupancy permit for the said structure or use until approval is received from the Township Engineer stating that the facilities have been completed and installed in a satisfactory manner, in compliance with the terms of the application which has been filed.

SECTION 1104: BUILDING PERMITS

A. **Requirement for Building Permits:**

1. Building Without Permit Unlawful: A building permit shall be required prior to the erection, alteration, or enlargement of any building, other structure, or portion thereof. It shall be unlawful for any person to commence work for the erection, alteration, or enlargement of any building, structure, or portion thereof until a permit has been duly issued therefor.

2. Non-Residential Farm Uses: A non-residential farm use does not require an application for a building or use permit, provided the construction is not located on floodplain, steep slope, or within required district yards.

B. **Application for Building Permits**

1. All applications for building permits shall be made to the local building inspector in writing on a form furnished by the municipality. Such application shall be accompanied by a plot plan drawn accurately showing the exact size and location of any building or other structures existing on the lot in question, on abutting land within fifty (50) feet of the side and rear lines of such lot, and shall show the lines within which the proposed building or other structure shall be erected, altered, or enlarged. There shall, in

addition, be included with all applications, such other plans, documents, and information as may be necessary to enable the local building inspector to ascertain compliance with this Ordinance, the municipal building code, and all other pertinent ordinances.

C. **Issuance of Building Permits**

1. A building permit shall not be issued until the Zoning Official determines that the structure, alteration or enlargement complies with the provisions of this Ordinance and other applicable Township codes.

   a. Sewage Conditions: A building permit for any new use or construction which will involve the on-site disposal of sewage or waste; or a building permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site shall not be issued until a certificate of approval has been issued by the Montgomery County Department of Health.

   b. Well Water Conditions: No building permit shall be issued for single-family residential dwellings served by a well unless the well is certified to produce six (6) gallons per minute by the well driller.

2. Upon completion of the erection, alteration, or enlargement of any building, structure, or portion thereof, which was authorized by any building permit obtained in compliance with this Ordinance, the holder of such permit shall notify the local building inspector of such completion prior to occupancy. Until the inspector completes his inspection and approval, the building will not be considered complete, and the local zoning official will not inspect for occupancy, as hereinafter provided.

3. A building permit which has not become vested by the applicant shall be valid only for a period of one (1) year from the date of its issuance. Following commencement of construction, the permit shall be valid for a period of two (2) years.

SECTION 1105: OCCUPANCY PERMITS

A. **Requirement of Occupancy Permits:** It shall be unlawful for any person to occupy any building, use, or other structure or land under any of the conditions listed below until an occupancy permit has been duly issued therefor. Occupancy permits shall be required prior to any of the following:

1. First occupancy of any building or other structure hereinafter erected, altered, or enlarged, for which a building permit is required;

2. Change in use of any building or structure;

3. Change in occupancy of any building or structure in any non-residential, commercial or industrial district;

4. Change in use or expansion of a nonconforming use.

B. **Application for Occupancy Permits**

1. All applications for occupancy permits shall be made to the local zoning officer in writing, on forms furnished by the municipality, and shall include all information necessary to enable the local zoning official to ascertain compliance with this Ordinance. When use of premises involves a new building or structure, application for a use permit, then a building permit, shall be made prior to application for an occupancy permit. When no construction or alteration is involved, application for a use permit and an occupancy permit may be made simultaneously at any time.

C. **Issuance of Occupancy Permits**

1. No land, building, or structure, erected pursuant to obtaining a use permit and/or a building permit shall be occupied until inspected and certified as to compliance with all zoning, erosion and sedimentation control, final grading, construction, safety, and sanitary ordinances, codes, and regulations, and until an occupancy permit has been issued by the local zoning official. Prior to, and as a condition of the issuance of an occupancy permit for new residential construction, the local zoning official shall require that all easements and restrictions shown on the final subdivision plan for the property in question are recorded against the property.

D. **Issuance of Temporary Occupancy Permits** A temporary use or occupancy permit may be granted prior to the completion of construction, for a period not to exceed ninety (90) days; provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the municipality and all permit fees have been paid, and provided further that the person seeking the temporary use and occupancy permit posts with the municipality pursuant to an Escrow Agreement in a form satisfactory to the municipal solicitor sufficient funds to complete the construction, grading, or other items which may be incomplete.

E. The Occupancy Permit must be displayed on the property in a location visible to the general public.

SECTION 1106. SIGN PERMIT - A sign permit shall be required for each sign erected in accordance with the provisions of Article X of this Ordinance.

SECTION 1107. DEMOLITION PERMIT

A. **Requirement for Demolition Permit**

1. No building or other structure may be demolished without first securing a demolition permit. It shall be unlawful for any person to commence the demolition of any building, structure, or portion thereof until a permit has been duly issued therefor.

2. Application for Demolition Permit: An application for a demolition permit shall be made to the local zoning official in writing on a form furnished by the municipality.

3. Issuance of Demolition Permit: The local zoning officer shall hold any application for a permit to demolish a building which in the opinion of the zoning officer may have historical significance for a period not exceeding fourteen (14) days from the date of application. During the fourteen (14) day period, the applicant shall permit the municipality or its established Historical Commission, to inspect the structure to be demolished and assess its historical significance. If historically significant features are discovered, e.g. stairways decorative trim paneling beams, etc., the applicant shall cooperate with the municipality, permitting these features to be removed for preservation before the building is demolished.

SECTION 1108. CONDITIONAL USES:

The Board of Commissioners shall have the power to approve or disapprove conditional uses when this Ordinance specifically requires the obtaining of such approval, in accordance with the following provisions:

A. In granting a conditional use, the Board of Commissioners shall make findings of fact consistent with the provisions of this Ordinance. The Board shall not approve a conditional use except in conformance with the conditions and standards outlined in this Ordinance.

B. The Board of Commissioners shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board shall require that any proposed use, and its location among other things, shall be:

1. In accordance with the Abington Township Comprehensive Plan.

2. Consistent with the spirit, purposes, and intent of the applicable zoning district.

3. An improvement which is not a detriment to the property in the immediate vicinity, and which shall be in the best interests of the municipality.

4. Suitable for the property in question, and designed, constructed; operated; and maintained so as to be in harmony with, and appropriate in appearance to, the existing or intended character of the general vicinity.

5. In conformance with all applicable requirements of this Ordinance and all municipal, state and federal codes applicable to the use or process in question.

6. Acceptable in terms of effects on highway traffic and safety, with adequate arrangement for access that protect streets from undue congestion and hazard.

C. The burden of proof in a conditional use application shall be on the applicant to establish that the proposed use meets all the requirements and objectives of this Ordinance, including those specifically set forth in Article I.

D. Where an applicant requires subdivision or land development approval in addition to conditional use approval, the applicant has the option to file those applications simultaneously, or to file the application for conditional use first, and file more intricate land development plans later. Should the applicant file the applications simultaneously, and request simultaneous review, the applicant assumes the risk of cost of preparation of plans for both applications, and the cost of any modifications the municipality may require in the review process. Approval of both conditional use and subdivision and land development shall be required before the issuance of any zoning permit.

E. **Application Requirements:** Conditional use applications shall be governed by the following:

1. The landowner shall make a written request to the Board of Commissioners. The request shall contain a statement reasonably informing the Township of the nature and conditions of the proposed use.

2. The application shall be accompanied by site plans, building plans, impact statements, and other materials describing the use or development proposed. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. All information required by this Ordinance shall accompany the application.

3. Fees. The applicant for any hearing on a conditional use request before the Board of Commissioners shall at the time of making application pay to the Township a fee, in accordance with a fee schedule adopted by resolution.

F. **Review Procedures:**

1. General

   a. The Board of Commissioners may impose whatever conditions it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance.

   b. The Board of Commissioners shall request an advisory opinion from the Township Planning Commission on any application for a conditional use; the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Board of Commissioners on the application.

   c. The Board of Commissioners shall hold a hearing upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or

consents in writing to an extension of time.

2. **Hearing:** The Board of Commissioners shall conduct hearings pursuant to public notice and shall send notice of the proposed conditional use hearing to contiguous property owners at the same time, and make decisions in accordance with the following:

   a. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record, and any other person; including civic or community organizations permitted to appear by the Board of Commissioners. The Board may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

   b. The chairman or acting chairman shall have the power to administer oaths of witnesses.

   c. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and cross-examine adverse witnesses on all relevant issues.

   d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

   e. The municipality, at its discretion, may require a stenographic record of the proceedings, and such transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

   f. The Board of Commissioners shall render a written decision on the application, and communicate it to the applicant in accordance with the Municipalities Planning Code.

   g. All conditions of uses expressed in the use classification section of this ordinance must be applied in the Conditional Use process.

G. **Criteria for Conditional Use Approval:** Applications for conditional use approval shall contain all data, information, and reports necessary for the Board of Commissioners to evaluate the proposal in accordance with the following criteria:

1. Needs Assessment: Need for the proposed use shall be clearly demonstrated through a comprehensive demographic and market study prepared by a qualified professional.

2. Community Character: The impact of the proposed use on the surrounding community shall be considered. If the proposal is adjacent to a residential district, the scale of the use shall relate to and complement the surrounding area. Outdoor storage, waste disposal, and loading areas shall be screened from streets and adjacent uses. Such activities shall be located internal to the site or to the rear of structures. The location and

design of parking areas shall be in harmony with preserving the general appearance and character of the area. All new buildings shall be architecturally compatible to existing buildings on the site.

3. Nuisance/Safety Analysis: The use shall not generate excessive noise, noxious odors, air pollution or glare, or result in pedestrian conflict or other safety hazards to people or property. Artificial light shall be directed away from adjacent property and buildings. Artificial lighting shall be located to avoid shining into habitable room windows off-site. Outdoor uses and accessory facilities shall only be permitted where the noise generated by the use will have a minimal impact on nearby residential uses and where hazards are contained on the site to the maximum extent possible.

4. Traffic Impact: The existing road system must be able to accommodate the peak traffic generated by the proposed use in a safe and efficient manner. Existing residential areas shall not be impacted upon by significant volumes of traffic from the proposed facility. The Board of Commissioners may request a traffic impact study, as described below:

   a. A traffic impact study shall present sufficient information to enable the township to assess the impact of the proposed use on the roads within the Township. The study must demonstrate that the proposed use will not adversely affect surrounding area traffic, or traffic circulation generally in the Township; or else identify any traffic problems that might be caused or aggravated by the proposed use and delineate solutions to those problems. Based upon the findings of the study, as a condition of approval, the Township may require other improvements, both on-site and off-site, which would alleviate hazardous or congested situations directly attributable to the proposed development.

   b. The traffic impact study shall be prepared for a study area extending a minimum of one half (1/2) mile on all abutting roads from the boundaries of the proposed use. This area may be modified at the discretion of the Board of Commissioners.

   c. The traffic impact study shall be prepared by a qualified traffic engineer who possesses the credentials outlined for a Municipal Traffic Engineer defined in Pennsylvania Code Chapter 612. The applicant shall bear the cost of such study, and any review or evaluations requested by the Township.

5. Public Utilities: All uses shall be capable of being served by public sewer. A use may be permitted to be served by an on-lot sanitary system, only if deemed acceptable by the Board of Commissioners and the adopted 537 Plan of the Township, upon recommendation of the Township Engineer, and upon approval of the Pennsylvania Department of Environmental Resources. Sufficient water supply must be available to accommodate all the needs of the proposed use.

SECTION 1109. EXPIRATION OF CONDITIONAL USES, SPECIAL EXCEPTIONS AND VARIANCES

A. A conditional use, special exception, or variance shall expire if the applicant fails to obtain the appropriate permit within six months of the date on which the conditional use, special exception, or variance was granted, provided however:

1. If the subject matter of the use ultimately constitutes either a subdivision or land development, the conditional use, special exception, or variance shall expire if the applicant fails to file the required subdivision or land development plan within six months of the granting of the conditional use, special exception, or variance; provided, however:

   a. The applicant shall have six months after the final linen plans for the subdivision or land development are approved and recorded to obtain a permit.

B. The Zoning Hearing Board may grant an extension of time if the landowner or his agent requests such an extension in writing, and if good cause for the extension is shown provided; however, that the extension shall not be longer than one (1) year.

SECTION 1110. TREATMENT OF NONCONFORMING USES STRUCTURES, LOTS AND SIGNS

A. **Statement of Intent:** Lawful existing uses, structures, lots, and signs which would be prohibited or restricted under the terms of this Ordinance or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located, must be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, structures, lots, and signs, and to afford a means whereby non-conformities can be gradually eliminated and re-established in more suitable locations within the Township.

B. **Definitions:**

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

2. Nonconforming structure: A structure which does not comply with this Ordinance or amendments hereafter enacted, in regard to the applicable dimensional regulations including those relating to, but limited to, density, open space, impervious surfaces, building coverage, building height, building setback, and yard, where such structure was lawfully in existence prior to enactment of this Ordinance or amendments.

3. Nonconforming lot: A lot or site which does not comply with this Ordinance or amendments hereafter enacted, in regard to the applicable dimensional regulations including those relating to lot area, lot depth and lot width, where such lot was lawfully in existence prior to enactment of this Ordinance or amendments.

4. Nonconforming sign: Any sign which does not comply with the signage provisions of this Ordinance or amendments hereafter enacted, where such sign was lawfully in existence prior to the enactment of this Ordinance or amendments.

C. **Registration of Nonconforming Uses, Structures, and Signs:** The zoning official shall identify and register all nonconforming uses and structures within the municipality by including the following information:

1. The location and description of the use and/or structure.

2. The name and address of the owner of the nonconforming use or structure.

3. The date on which the nonconforming use or structure came into existence

4. The description of the nonconforming use or structure under one (1) or more of, but not limited to, the following classifications in regard to the type, extent, and volume of such nonconformity:

   a. Nonconforming Use
   b. Nonconforming Structure
   c. Nonconforming Lot
   d. Nonconforming Sign.

D. **Continuation:** The lawful use of a lot, structure, or use existing on the adoption date of this Ordinance or any amendment thereto, or authorized by a building permit issued prior thereto, may be continued; although such use does not conform to the provisions of this Ordinance.

E. **Construction Approved Prior to Adoption of this Ordinance:** Nothing herein contained shall require any change in plans, construction, or designated use of a structure or sign for which a permit has been heretofore issued and the construction of which has been diligently prosecuted within three (3) months of the date of such permit; and the ground-story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of such permit; and which entire structure shall be completed according to such plans as filed within one (1) year from the date of this Ordinance.

F. **Transfer of Ownership:** Whenever a nonconforming use, structure, lot (except residential or agricultural), or sign is transferred or sold to a new owner, such previous nonconformity may be continued by the new owner provided a new occupancy permit shall be applied for and issued. Should the landowner propose any changes or alterations to the nonconformity, the municipality may impose conditions regarding layout, circulation, and performance which it deems necessary to insure that the change or alteration is in the best interest of the municipality. The landowner may appeal such conditions, subject to the provisions of this Ordinance.

G. **Discontinuance of a Use:** If an owner of a structure or land which is occupied by a nonconforming use desires to discontinue such use for an extended period of time, but intends to

resume such use at a later date, he shall apply to the Board of Commissioners in writing for a Certificate of Continuance stating the reasons for and duration of the discontinuance, and the date upon which such use will be resumed. Certificates shall be granted for periods of up to one (1) year and may be renewed for additional six-month (6) periods upon reapplication. If a nonconforming use of land or of a structure ceases or is discontinued for an uninterrupted period of one (1) year or more and no certificate has been applied for or granted, the owner shall be presumed to have abandoned his nonconforming use, and any subsequent use of such structure or land shall be in conformity with the provisions of this Ordinance. If a certificate and renewal are granted, but the nonconforming use is not resumed by the end of the certificate or renewed certificate period, the subsequent use shall be in conformity with this Ordinance.

H. **Reconstruction:**

1. When a nonconforming building or structure is destroyed or partially destroyed by fire, explosion, or other disaster, or is otherwise damaged to the extent of fifty percent (50%) of the appraised replacement value of such building or structure, such nonconforming building or structure shall not be restored or rebuilt, except in such manner as to conform with the regulations of this Ordinance, and amendments thereto. When a nonconforming building or structure is partially destroyed by fire, explosion, or other disaster to less than fifty percent (50%) of its appraised replacement value, it may be restored to its original use in accordance with provisions of this Ordinance, but must be restored within one (1) year of such event, and the use shall not be enlarged.

2. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any walls, floor, foundation, or roof which has been declared unsafe by the Township Building Inspector.

I. **Changes:**

1. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming condition or use.

2. A nonconforming use of a building or of land may be changed only to a use which is permitted in the zoning district in which the property is located.

J. **Expansion Of A Nonconforming Use:**

1. A use that does not conform to the use regulations of the district in which it is located may not be expanded by more than twenty-five percent (25%) of the total ground-floor square footage devoted to the non-conforming use that existed on the date that such use first became nonconforming. Such expansion shall be permitted only by special exception, provided:

   a. The proposed expansion shall take place only on the lot containing the nonconformity or upon lots bordering the lot containing the nonconformity, provided all such lots

were held in single and separate ownership at the time the use became nonconforming.

b. The proposed expansion shall conform with the dimensional requirements of the use to be expanded, or the requirements of the district in which the said expansion is located, whichever is the more restrictive, as contained in this Ordinance. Such requirements shall include but not be limited to those pertaining to area, building height, parking, sign, yard, and buffer yard.

K. **Expansion of a Nonconforming Structure:**

1. A structure that does not conform with the setback, yard, building height, or other dimensional regulations of the district in which it is located may be extended along the existing nonconforming building line, provided:

   a. The use of the structure is single-family residential. This provision does not apply to non-residential uses.

   b. The extension or addition is no closer to the side, rear, or front property line than the existing nonconforming structure.

L. **Expansion of or Construction on a Nonconforming Lot:**

1. No nonconforming lot shall be reduced in size. If, at the time of the effective date of this Ordinance, a landowner of two (2) or more contiguous lots, that, when combined, would create a lot of conforming size, shall be required to combine such lots to create conforming lots for a proposed use.

2. A building may be altered or erected on any nonconforming lot which was lawfully in existence at the time of adoption of this Ordinance, in single and separate ownership, provided a special exception is authorized by the Township Zoning Hearing Board in accordance with the provisions of this Ordinance. In considering a special exception, the Zoning Hearing Board may impose the following additional requirements:

   a. That the use of the nonconforming lot shall be required to conform to the permitted uses within the district in which the nonconforming lot lies.

   b. That the general area and dimensional regulations as specified within this Ordinance for conforming uses and structures in the district in which the nonconforming lot lies shall be applied to the nonconforming lot.

M. **Nonconforming Sign:** Any sign legally existing, and for which a permit has been issued prior to the adoption of this Ordinance, and which does not conform to the sign requirements established herein or any amendments thereto, shall be considered nonconforming, and may be continued until such time that for any reason the sign must be rebuilt, replaced, or in the case of

a sign painted on a wall, repainted, or otherwise abandoned.

N. **Redevelopment:** When an existing building or use, or combination thereof, is nonconforming, and demolition of the building or use is proposed for redevelopment, the existing nonconforming conditions may not be continued or transferred to the new development proposal.

ARTICLE XII
Zoning Hearing Board

SECTION 1200. ADMINISTRATION AND PROCEDURE

Section 1200.1. Appointment: The Board of Commissioners shall appoint a Zoning Hearing Board consisting of at least three (3), and a maximum of five (5) members, as provided by the Municipalities Planning Code. The word "Board" when used in this Article shall mean the Township Zoning Hearing Board.

Section 1200.2. Term: The term of each member of the Board shall be for three (3) years, and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Commissioners of any vacancies which may occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the township.

Section 1200.3. Powers and Duties: The Board shall have the following powers:

A. To hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or of amendments adopted pursuant thereto.

B. To hear and decide special exceptions according to the terms of this Ordinance in such cases as are herein expressly provided for, in harmony with the general purpose and intent of this Ordinance, and with power to impose appropriate special conditions and safeguards as may be necessary to support the general health, safety, and welfare of the community.

C. To authorize, upon appeal and in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, but where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting such variances, the Board shall act so that the spirit of this ordinance shall be observed and justice done.

D. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made; and to that end, shall have all the powers of the officer from whom the appeal is taken.

Section 1200.4. Rules of Procecure: The Board shall adopt rules of procedure in accordance with the provisions of this article. Such rules shall include but shall not be limited to the manner of filing appeals and applications for special exceptions or for variances pursuant to the terms of this article, and include the manner in which decisions of the Board are rendered.

Section 1200.5. Meetings: Meetings of the Board shall be held at the call of the chairperson and at such times as the Board may determine. The chairperson, or in the chairperson's absence,

the acting chairperson may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and keep records of its examinations and other official actions, all of which shall be immediately filed in the administrative office of the Township, and shall be a public record.

Section 1200.6. Appeals to Board:

A. Appeals to the Board may be taken by any person aggrieved or by any officer, department. board or commission of the township affected by any decision of the Zoning Official, Building Inspector, or other code enforcement official. Such appeal shall be taken within thirty (30) days of the aggrieved action or as provided by the rules of procedure of the Board, by filing with the Zoning Official from whom the appeal is taken, and with the Board, an application of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. An interim period of one (1) year commencing after the last appealable decision from county court, shall be required before filing duplicate or similar applications with the Zoning Board.

Section 1200.7. Public Hearings:

A. Upon the filing of an appeal or of an application for a special exception or for a variance from the terms of this Ordinance, the Board shall fix a reasonable time and place for a public hearing thereon and shall give public notice thereof, and shall decide the same within forty-five (45) days after the hearing or, if said hearing is continued, within forty-five (45) days after the continued hearings shall conclude. If the Board does not make a decision within forty-five (45) days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the person aggrieved or affected and is seeking relief.

B. **Public Notice:** The notice of public hearing shall be given as follows:

1. By publishing a notice thereof once a week for two (2) consecutive weeks in a newspaper of general circulation published or circulated in the Township.

2. By mailing due notice thereof to the parties in interest.

3. By posting of the property in question with a notice.

4. By mailing notice thereof to the township commissioner representing the ward in which the lot or building is located.

5. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.

6. By mailing notice thereof to the owner or owners, if their residence is known, or to the occupant(s) of every lot on the same street within five hundred (500) feet of the lot or building in question, and of every lot not on the same street within two hundred fifty (250) feet of the said lot or building.

7. Failure to give a notice, and any errors or omissions that may result in attempting to satisfy subsections e and f above shall not invalidate any action taken by the Board.

8. The notices herein required shall state the location of the building or lot, the general nature of the matter involved, and the date, time and location of the hearing.

Section 1200.8. Appeals to Court: Any person or persons, jointly or severally, aggrieved by any decision of the Board; or any taxpayers or any officer, department, board or commission of the township may present to the Court of Common Pleas of the County a petition, duly verified, setting forth that such decision as illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the administrative office of the Township.

SECTION 1201. STANDARDS FOR REVIEW

In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance in accordance with the provisions of this chapter, the Board shall:

Section 1201.1. General Provisions

A. Give full consideration to the size, scope, extent and character of the exception or variance desired and assure itself that such request is consistent with the spirit, purpose, and intent of this Ordinance.

B. Consider the suitability of the particular property for the kind of modification, change, or use requested within the context of the zoning classification of the area concerned.

C. Take into consideration the character and type of development in the area surrounding the location for which the request is made, considering, among other things, the zoning classification(s) in the area; the kinds of uses in the vicinity; and the presence or absence in the neighborhood of conditions or uses which are the same as or are similar to the condition or use for which the applicant seeks approval.

D. Make certain that the proposed modification or change is appropriate, will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood, and is consistent with the Comprehensive Plan.

E. Make certain that the grant of a special exception or a variance will not:

1. Overcrowd the land or create an undue concentration of population.

2. Impair an adequate supply of light and air to adjacent property.

3. Increase the danger of fire or otherwise endanger the public safety.

4. Substantially increase congestion in the public streets or adversely affect Township transportation.
5. Adversely affect or unduly burden public water, sewer, school, police, fire, park or other public facilities.

6. Adversely affect in any other manner the public health, safety, morals or general welfare.

F. Impose such conditions, in addition to those required in this Ordinance, as are necessary to ensure that the general purpose and intent of this article is complied with, and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded. Such conditions may relate to, but are not limited to, harmonious design of buildings, aesthetics, landscaping and screening, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and odor control and the minimizing of noxious, offensive or hazardous elements.

G. In the case of a request for a special exception or variance, it shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria or standards set forth in this Ordinance.

Section 1201.2. Provisions for Special Exception Consideration

A. In the case of a special exception, make certain that the exception is clearly and specifically authorized by a provision of this Ordinance.

B. Make certain that all information and documentation required under this Ordinance is submitted and presented for public discussion.

C. With respect to a request for a special exception involving a use of land:

1. Consider the suitability of the use in the proposed location in terms of a logical land use pattern and the orderly and harmonious development of the area.

2. Take into account the suitability of the proposed use with respect to its effect upon traffic and streets in the area, ensure that the proposed access and off-street parking arrangements are adequate and designed with a view toward protecting major streets from undue congestion and hazard, and, where feasible, encourage the provision of marginal roads with buildings fronting on minor roads or incorporating common access arrangements.

3. Make certain that the proposed use is reasonable in terms of the logical, efficient and economical provision or extension of public services and facilities.

Section 1201.3. Provision for Variance Consideration

A. In the case of a variance, make certain that any approval is clearly and specifically consistent with laws governing the grant of variances.

B. That the request is based upon exceptional circumstances or conditions applicable to the property for which the variance is sought; which circumstances or conditions are not generally present in the district or neighborhood in which such property is located.

C. That a strict interpretation or literal enforcement of the provisions of this chapter would result in an unnecessary hardship; which hardship is caused by the particular physical surroundings, shape or topographical conditions of the specific structure or land involved.

D. That the special conditions or circumstances forming the basis of the request for the variance are not the result of actions of the applicant or the owner.

E. That in the case of a variance from the area or dimensional requirements of this Ordinance, the unique circumstances resulting in the hardship make it clearly impracticable to develop the property in strict conformity with this Ordinance for a use permitted in the district.

F. That in the case of a variance from the use requirements of this Ordinance, the use or continued use of the property for any use permitted in the district is virtually impossible because of unique circumstances applying solely to the property in question, and a literal interpretation of this Ordinance would deprive the owner of the beneficial use of the property.

G. That the variance, if authorized:

1. Complies with each requirement of law contained in the statement of Board powers.

2. Is not contrary to the public interest and will not be detrimental to the public welfare.

3. Will represent the least possible modification necessary to afford the required relief.

4. The Zoning Hearing Board shall have exhausted all remedies to variances and non-conforming properties which are outlined and expressed in this Ordinance.

SECTION 1202. APPLICATION FOR APPEAL, SPECIAL EXCEPTION, OR VARIANCE

Section 1202.1. Application Procedures: An application for an appeal, special exception or variance from the terms of this Ordinance may be filed with the Zoning Official, or the Secretary to the Zoning Hearing Board, and shall set forth the following minimal information or be placed on the official application form:

A. The name and address of the applicant.

B. The name and address of the owner of the real estate affected by the proposed exception or variance.

C. The location of the real estate affected by such proposed change.

D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

E. A reasonably accurate description of the present improvements and the proposed alterations and additions intended to be made under the application; indicating the size of such proposed improvements, the material, and general construction thereof. Non-residential use applications require an elevation drawing showing the prososed alteration or addition.

F. A statement of the section of this Ordinance under which the appeal, special exception, or variance requested is applicable.

G. Reasons for which it should be granted. No application shall be sustained or petition granted unless the legal basis therefore has been set forth in the application.

H. **Plot Plan:** A minimum of six (6) copies of a recent and accurate survey plot plan of the real estate to be affected, prepared by a registered professional engineer or land surveyor shall be submitted with the application. The survey plan shall indicate the location and size of the lot and improvements currently erected and proposed to be erected thereon. In addition, all dimensional zoning criteria affected by the proposal, including but not limited to buffer width, building and impervious coverage, parking spaces, and setback shall be indicated on the plan.

1. **Exception:** A use variance not requiring or proposing any site alterations shall not require a current survey plot plan.

2. Topographic survey information may be omitted, if deemed unnecessary by the Code Official or Township Engineer.

Section 1202.2. Special Application Requirements for Certain Variance Hearings (Criteria for the required impact statements may be found under Impact Assessment Standards under the Planning Commission subsection of this Ordinance.

A. In addition to those requirements specified elsewhere in this Ordinance, applications for certain types of variance requests may require specific impact information from the applicant or landowner, when requested by the Zoning Hearing Board. when such is requested, no hearing for a variance shall be decided until such information is provided to the Board for entrance into the public record. The Zoning Hearing Board may request the following material:

1. **Non-Residential Use Variance:**

   a. An economic impact statement prepared according to the standards of this Ordinance

shall be provided for all use variance requests when all of the following is applicable:

(1). The proposed use is not permitted in the district where the property is located, and is permitted in another zoning district within the Township.

(2). The proposed use is greater than three thousand (3000) square feet of gross leasable floor area.

(3). The proposed use or development generates two hundred and fifty (250) or more trips per day.

(4). An environmental impact statement prepared by appropriate, licensed professionals shall be required for any use variance where hazardous or detrimental conditions may exist.

2. **Non-Residential Parking Variance:**

a. A traffic impact statement prepared according to the standards of this Ordinance shall be provided for all parking variance requests when all of the following is applicable:

(1). The proposed parking is less than seventy-five (75) percent of that which is required by this Ordinance.

(2). The proposed or required parking is greater than seventy-five (75) spaces.

3. **Non-Residential Buffer Variance Adjoining Residential Use:**

a. A property impact statement prepared according to the standards of this Ordinance shall be provided for all buffer variance requests when all of the following is applicable:

(1). The proposed buffer is less than seventy-five (75) percent of that which is required by this Ordinance.

(2). The proposed buffer plantings are not increased in density and height by fifty (50) percent of that which is required by this Ordinance.

4. **Residential Subdivisions:**

a. The following impact statements shall be prepared for all residential subdivisions requiring any type of variance and which are twenty-five (25) lots or larger:

(1). A community impact statement.

(2). A traffic impact statement.

(3). A fiscal impact statement.

b. Impact Assessment Standards: When required, impact documentation shall be provided by the applicant, and contain the following information, if appropriate:

(1). Community Impact Data: Community impact documentation shall contain the following components:

(a). Fiscal Impact - shall consider the anticipated revenues generated by the proposed use in relation to service cost expenditures for township government and public schools.

(2). Public School impact - shall consider the demand on service and transportation to the local school district.

(3). Emergency Services impact - shall consider the demand on services for ambulance, fire, police protection.

(4). Park and recreation impact - shall consider the demand generated for recreational services in relation to any on-site amenities offered.

(5). Covenants and deed restrictions imposed by the applicant.

(6). Neighborhood Character and Standard of Life - shall consider any adverse impact from noise, odors, smoke, vibration, or waste disposal, in relation to community enhancement, landscape amenities, and open space provisions.

(2). Economic Impact - shall assess financial impact with respect to the following issues:

- the number of jobs
- the type of jobs created
- the salary levels of employment created
- the anticipated workforce area
- the fiscal impact with respect to tax generation
- the impact on public transportation
- the impact on established businesses
- the market area and customer service area
- the projected need for goods or services

(3). Property Impact - shall consider the overall site design in relation to adjoining properties, site views from surrounding land use, noise, odors, smoke, vibration, waste disposal, landscape, sign location, headlight glare, sound systems, and security measures.

(4). Transportation Impact - shall consider trip generations, street congestion, and parking impact in relation to existing conditions, and shall be prepared

according to the standards established in Section 906 of this Ordinance.

SECTION 1203. LIMITATION OF THE ZONING HEARING BOARD: In order to protect community character, the following shall be applicable:

A. Prior to granting a variance, the Zoning Hearing Board shall exhaust all provisions for remedy to the variance condition which are established in this Ordinance.

ARTICLE XIII
Amendments

SECTION 1300. POWER OF AMENDMENT: The Township Board of Commissioners may, from time to time, amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by proceeding in the manner prescribed in this Article.

SECTION 1301. INITIATION OF AMENDMENTS: Proposals for amendment, change, modification, or repeal may be initiated by the Board of Commissioners, the Township Planning Commission, or by petition of one or more citizens to be affected by a proposed amendment, subject to the provisions of Section 1301.1. through 1301.8.

Section 1301.1. Proposals by Board of Commissioners: The Board of Commissioners shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Board to the Township Planning Commission for public hearing on the matter, and to the Montgomery County Planning Commission for comment and review.

Section 1301.2. Proposals by The Township Planning Commission: The Planning Commission may, at any time, transmit to the Board of Commissioners a proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.

Section 1301.3. Proposals by Citizen Petition:

A. Whenever the owners of fifty percent (50%) or more of the frontage in any district, or specific portion thereof, shall present to the Township Board of Commissioners a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed in the Zoning Ordinance, or on the Zoning Map including such district or portion thereof, it shall be the responsibility of the Board of Commissioners to hold a public hearing thereon.

B. An interim period of one (1) year shall be required for filing duplicate or similar petitions with the Board of Commissioners.

Section 1301.4. Notice of Public Hearings:

A. No such amendment, supplement, change, modification, or repealer, shall become effective until after a public hearing on such proposal at which parties in interest and citizens shall have an opportunity to be heard. Public notice on each hearing to consider amendments (except continued hearings) shall be given not more than thirty (30) days, and the second publication shall not be less than seven (7) days from the date of the hearing. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation within the Township. Such notice shall state the time and place of the hearing and the particular nature of the proposed amendment, and shall reference a place within the Township where copies of the proposed amendment may be examined without charge, or obtained for a charge not greater than the cost thereof.

B. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract, to notify potentially interested citizens. The affected tract or area shall be posted at least two (2) weeks prior to the date of the hearing. See Article 12 for public notice requirements.

C. The Board of Commissioners shall publish the proposed amendment once (1) in one (1) newspaper of general circulation in the Township, not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof; if the amendment is less than two pages, or the title and a brief summary, approved by the Township Solicitor, setting forth all substantial provisions in reasonable detail.

D. The Township shall mail a notice thereof to the owner or owners, if their residence is known, or to the occupant(s) of every lot within the area or areas affected by the proposed change.

E. In the event substantial amendments are made in the proposed amendment before voting upon enactment, the Board of Commissioners shall at least ten (10) days prior to enactment, re-advertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.

F. In the event of a complete ordinance revision, notice shall be provided through newspaper publications described herein, by mail to Civic Associations of the Township, and by general description in the Township Calendar, or similar available vehicle.

G. Failure to give a notice, and any errors or omissions that may result in attempting to satisfy the subsections above, shall not invalidate any action taken by the Board.

Section 1301.5. Review by the Township Planning Commission

A. In the case of amendment other than one prepared by the Township Planning Commission, the Board of Commissioners shall submit such amendment to the Township Planning Commission and the Montgomery County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment, to provide the planning commissions an opportunity to submit recommendations.

B. In the case of an amendment prepared by the Township Planning Commission, the Board of Commissioners shall submit such amendment to the Montgomery County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment, to provide the County Planning Commission an opportunity to submit recommendations.

C. The recommendations of the planning commission shall be made to the Board of Commissioners within forty-five (45) days and action on the proposed amendment shall not be taken until such recommendations are made. If, however, the Planning Commission fails to act within forty-five (45) days, the Board of Commissioners shall proceed without its

recommendations. The recommendations of the Township Planning Commission shall include a specific statement as to whether or not the proposed amendment is in accordance with the objectives of the Abington Township Comprehensive Plan, and supplements thereto.

Section 1301.6. Procedure at Public Hearings: At the time scheduled for the public hearing, the following procedure will be followed:

A. No petition may be amended after being advertised for public hearing.

B. The presiding officer or secretary will announce the hearing and describe the location or area included in the petition.

C. The petitioner, attorney, or a representative of the petitioner may submit evidence in support of the petition and may produce such testimony as desired, but the presentation of the petitioner's case must be completed within thirty (30) minutes, except by special permission of the Board.

D. Evidence in opposition to the petition will be received from any citizen or party in interest, or attorney or representative thereof. Opposition testimony must be completed within forty-five (45) minutes, except by special permission of the Board.

E. In rebuttal, the petitioner or the petitioner's attorney or representative may answer points raised by opponents of the requested amendment, but no new subject matter may be introduced; and such rebuttal must be completed within fifteen (15) minutes, except by special permission of the Board.

F. Questions and comments by any citizen present or a civic association or other organization will be permitted at the conclusion of the foregoing testimony, when special permission is granted by the Board.

G. After the conclusion of a public hearing on a requested amendment, no additional evidence will be received by the Board, nor will any further communication, either written or oral, be considered by the Board unless further hearing is scheduled.

Section 1301.7. Curative Amendments by Landowners: A landowner who, on substantive grounds, desires to challenge the validity of the Ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, shall submit the challenge to the Board of Commissioners, together with a request for a curative amendment. The Board shall hold a hearing as provided in this Section. The curative amendment shall be referred to the Planning Commission as described herein. The Board of Commissioners shall review all impact statements, as it determines to be necessary. These shall be supplied by the applicant, and can be supplemented by findings from the Planning Commission.

A. **Application:**

1. The landowner shall make a written request to the Board requesting that it hold a hearing on the challenge. The request shall contain a short statement reasonably informing the Board of the matters that are at issue and the grounds for the challenge. Such statement shall contain a certification that the landowner did not know at the time of the application

that the municipality had resolved to consider a particular scheme of rezoning by publication of notice of hearings on a proposed comprehensive plan or proposed zoning ordinance, or that the scheme of rezoning would be inconsistent with the landowners proposed use.

2. The request may be submitted at any time after the ordinance or map takes effect; but if an application for a permit or approval is denied thereunder, the request shall be made not later than the time provided for appeal from the denial thereof. In such case if the landowner elects to make the request to the Board of Commissioners, and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin to run until the request to the Board of Commissioners is finally disposed of.

3. The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval, or for the issuance of a permit; so long as they provide reasonable notices of the proposed use of development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing contained herein shall preclude the landowner from first seeking a final permit or an approval before submitting his challenge to the Board.

4. The request shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein. The landowners shall also submit all impact statements, as specified herein, together with such further statements or studies, which may be deemed necessary by the Board of Commissioners.

5. Notice of the hearing required shall include notice that the validity of the ordinance or map is in question, and shall give the place and times when a copy of the landowner's request, including the plans submitted and the proposed amendments, may be examined by the public.

6. The Board shall hold a hearing upon the landowners request, commencing not later than sixty (60) days after the request is filed and complete with necessary attachments, unless the landowner requests or consents in writing to an extension of time.

B. **Hearings:** The Board of Commissioners shall conduct hearings and make decisions in accordance with the following requirements:

1. The parties to the hearing shall be Abington Township, any persons affected by the application who have made timely appearance of record before the Board, and any other persons including representatives of civic or community organizations permitted to appear by the Board. The Board may require that all persons who wish to be considered parties enter appearances in writing, on forms provided for that purpose, at least twenty-four (24) hours in advance of the meeting.

2. The chairman or acting chairman of the Board shall have the 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 requested by the parties.

3. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

4. The Board shall keep a stenographic record and transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party, at cost.

5. The Board shall not communicate, directly or indirectly, with any party or his representatives, in connection with any issue involved, except upon notice and where all parties have the opportunity to participate. The Board shall not take notice of any communication, report, staff memorandum, or other materials, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party, unless all parties are given an opportunity to be present.

6. The Board shall render a written decision, or render its findings on the application, within forty-five (45) days after the last hearing before the Board. Conclusions based on the provision of any act of the Commonwealth, or ordinance, rule or regulation, shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board fails to render its decision within forty-five (45) days, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.

7. A copy of the final decision or, where no decision is called for, a copy of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board prior to the close of the hearings, the Board shall mail a brief notice of the decision or findings and a notice of the place where they may examine the full decision or findings.

8. After submitting a challenge to the Board of Commissioners under these provisions, the landowner may appeal to the County by filing same within thirty (30) days following the Board's denial of the landowner's request for a curative amendment. Failure to appeal the denial of a request for a curative amendment shall not preclude the landowner from thereafter commencing a proceeding as may be provided for under the Municipalities Planning Code.

    a. The landowner's request of a curative amendment is denied when the Board of Commissioners notifies the landowner that it will not adopt the amendment; or when the Board adopts another amendment which is unacceptable to the landowner; or if the Board fails to act on the landowner's request, in which event

the denial is deemed to have occurred on the forty-fifth (45) day after the close of the last hearing, unless the time is extended by mutual consent between the landowner and the municipality.

C. **Community Impact Statements:** A change of zoning generally means a deviation from the previously planned growth pattern of the Township. Such changes invariably have an impact on community character, on the environment, public services, and the Township Comprehensive Plan. A detailed statement of these impacts is therefore required to be submitted pursuant to this Section. Such statements shall contain the following:

1. Abington Township Comprehensive Plan Impact: The applicant shall submit an analysis which evaluates the consistency between the proposed use and the Township Comprehensive Plan. The analysis shall include, but shall not limited to the following issues:

   - consistency with land use planning and needs
   - consistency with community goals
   - consistency with housing stock needs and affordable housing
   - consistency with community facility needs
   - consistency with neighborhood preservation
   - consistency with street planning and usage
   - consistency with utilities
   - consistency with economic development to warrant variances
   - consistency with township demographics
   - consistency with resource preservation and protection
   - consistency with school district planning
   - consistency with beautification standards
   - consistency with open space planning
   - consistency with architectural standards
   - consistency with energy conservation

2. Transportation Impact. The applicant shall submit an analysis which evaluates the transportation impact when the proposed use or development generates two hundred and fifty (250) or more trips per day. The transportation impact study shall be prepared according to the standards established in Section 906 of this Ordinance.

3. Sewage Facilities Impact. The applicant shall submit an analysis which evaluates the consistency between the proposed use and the sewage facilities guidelines included in the Township's Sewage Facilities Plan.

4. Water Impact Study. The applicant shall submit a water impact study when the proposed use or development will use ten thousand (10,000) or more gallons of water per day. A water impact study will enable the Township to evaluate the impact of the proposed development on the ground water supply or available central water supply. The purpose of the study will be to determine if there is an adequate supply of water

for domestic and fire-fighting use, and to determine the impact of the new use on existing wells in the vicinity.

5. Public Service Impact. The applicant shall submit a study defining demand of the proposed use on public services such as fire, police, and local schools. Where standards of use are set by other agencies, such as the Department of Environmental Resources, they shall be used. For schools, the following school children yields shall be used.

	2 Bedroom	3 Bedroom	4+ Bedroom
Single-Family	----	.70	1.33
Townhouse	.22	.65	1.05
Apartments	.35	.60	----

All capacities of existing facilities shall be identified and compared with demands that would be generated if the proposal were implemented.

Section 1301.8. Citizen protest against amendment: In case of a protest against such amendment, supplement, change, modification, or repeal, signed by the owners of twenty-five percent (25%) or more of the land area proposed to be changed; or signed by the owners of twenty-five percent (25%) or more of the total abutting linear periphery of the parcel or land proposed to be changed, wherein the frontage on the opposite side of watercourses, streets, and railroads shall be considered as abutting; then such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Township Board of Commissioners. Such protest shall be submitted during the public hearing on the proposal.

ARTICLE XIV
Enforcement, Fines, and Violations

SECTION 1400. JURISDICTION

A. Unless otherwise provided by law or in this Ordinance, no building or structure shall be constructed, erected, or extended; and no building, structure, land, or use, shall be permitted or occupied, except for the purposes permitted herein.

SECTION 1401. ENFORCEMENT REMEDIES

A. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, land, or use is commenced or conducted in violation of this Ordinance, the Board of Commissioners or the Code Enforcement/Zoning Official acting with the approval of the Board of Commissioners, may institute in the name of the township any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, or use; and to restrain, correct, or abate such violation to prevent the occupancy or use of said building, structure, land or use; or to prevent any illegal act, conduct, business, or use, in or about such premises.

B. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

SECTION 1402. ENFORCEMENT NOTICE

A. If it appears to the municipality that a violation of any zoning or land use provision enacted under this Ordinance has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided herein.

B. 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.

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

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

2. The location of the property in violation.

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

4. The date before which the steps for compliance must be commenced, and the date before

which the steps must be completed.

5. A statement 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 in the Ordinance.

6. A statement 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 described.

SECTION 1403. FINES AND PENALTIES

A. Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500), plus court costs and reasonable attorney fees incurred by the Township, as a result thereof.

B. Each day that a violation is continued shall constitute a separate offense.

C. Such fines and penalties may be collected by suit or summary proceeding brought in the name of the Township before any District Justice, or other appropriate court of jurisdiction.

SECTION 1404. REPEALER

The existing zoning ordinance, adopted and entitled "The Abington Township Zoning Ordinance," and all supplements and amendments thereto are hereby repealed provided; however, if the present ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then, and in that event, The Zoning Ordinance of May 8, 1986, together with its supplements and amendments, would necessarily remain in full force and effect.

USE TABLE

Y = Permitted N = Not Permitted C = Conditional Use S = Special Exception
A = Only as Accessory Use R = Restricted to H-4, H-8, H-10, and H-11

	Uses/Districts	R1	R2	R3	R4	AO	M	TC	SC	PB	SI	CS	RC	LP
A-1	Residential Accessory Structure	Y	Y	Y	Y	R	Y	N	N	N	N	N	N	Y
A-2	Non-Residential Accessory Structure	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N
A-3	Recreational Vehicles	Y	Y	Y	Y	R	Y	N	N	N	N	N	N	Y
A-4	Commercial Vehicles	N	N	N	N	Y	Y	N	Y	Y	Y	Y	N	N
A-5	Antenna System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
A-6	Fences and Walls	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A-7	Home Occupation	Y	Y	Y	Y	R	Y	N	N	N	N	N	N	Y
A-8	Storage (Outdoor)	N	N	N	N	Y	Y	N	Y	Y	Y	N	N	N
A-9	Swimming Pool	Y	Y	Y	Y	R	Y	N	N	Y	N	N	N	Y
A-10	Tennis/Sport Court	Y	Y	Y	R	N	Y	N	N	Y	N	N	S	Y
A-11	Commercial Accessory Apartment	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
A-12	Play Structures	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y
B-1	Agricultural Uses	Y	Y	N	N	N	N	N	N	N	N	N	S	Y
B-2	Kennel	S	S	N	N	N	N	N	Y	N	N	N	S	S
B-3	Livestock	Y	Y	N	N	N	N	N	N	N	N	N	S	Y
B-4	Riding Academy/Stable	S	S	N	N	N	N	N	N	N	N	N	S	S
C-1	Automotive Sales	N	N	N	N	N	S	N	Y	N	N	N	N	N
C-2	Automotive Service	N	N	N	N	N	Y	N	S	N	Y	N	N	N
C-3	Bank	N	N	N	N	S	Y	Y	Y	Y	N	N	N	N
C-4	Building Materials	N	N	N	N	N	S	N	Y	S	S	N	N	N
C-5	Car Wash	N	N	N	N	N	N	N	S	N	N	N	N	N
C-6	Club	N	N	N	N	Y	Y	Y	N	N	N	N	N	N
C-7	Commercial School	N	N	N	N	S	Y	N	Y	N	N	N	N	N
C-8	Convenience Store	N	N	N	N	N	Y	N	Y	N	N	N	N	N

	Uses/Districts	R1	R2	R3	R4	AO	M	TC	SC	PB	SI	CS	RC	LP
C-9	Drive-In Facility	N	N	N	N	N	N	N	Y	N	N	N	N	N
C-10	Dry Cleaners (Drop-Off)	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
C-11	Dry Cleaners (On-Site)	N	N	N	N	N	S	N	S	N	N	N	N	N
C-12	Funeral Home	N	N	N	N	N	Y	N	Y	N	N	N	N	N
C-13	Hotel/Motel/Inn	N	N	N	N	Y	Y	N	S	Y	N	N	N	N
C-14	Laundry (Self-Service)	N	N	N	N	S	Y	Y	Y	Y	N	N	N	N
C-15	Mixed Use Building	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
C-16	Parking Garage (Public Use)	N	N	N	N	Y	N	S	N	Y	N	N	N	N
C-17	Parking Lot	N	N	N	N	Y	Y	S	Y	Y	N	N	N	N
C-18	Personal Care Business	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N
C-19	Professional Service Business	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
C-20	Radio/TV Station	N	N	N	N	S	S	N	Y	Y	N	N	N	N
C-21	Rental Agency (Vehicles)	N	N	N	N	N	Y	N	Y	N	N	N	N	N
C-22	Repair Shop	N	N	N	N	N	Y	S	Y	Y	N	N	N	N
C-23	Restaurant	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
C-24	Take Out Food	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
C-25	Retail Shop	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
C-26	Retail Store	N	N	N	N	N	N	N	Y	Y	N	N	N	N
C-27	Supermarket	N	N	N	N	N	S	N	Y	Y	N	N	N	N
C-28	Service Station	N	N	N	N	N	Y	N	Y	S	S	N	N	N
C-29	Shopping Center	N	N	N	N	N	Y	N	Y	Y	N	N	N	N
C-30	Shopping Mall	N	N	N	N	N	N	N	N	C	N	N	N	N
C-31	Storage Facility	N	N	N	N	N	N	N	Y	N	Y	N	N	N
C-32	Tavern/Bar	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
C-33	Veterinary Clinic	N	N	N	N	N	Y	N	Y	N	N	N	N	N
D-1	Assembly Plant	N	N	N	N	N	N	N	Y	N	Y	N	N	N
D-2	Contracting Shop	N	N	N	N	N	Y	N	Y	N	Y	N	N	N

	Uses/Districts	R1	R2	R3	R4	AO	M	TC	SC	PB	SI	CS	RC	LP
D-3	Distribution Center	N	N	N	N	N	N	N	Y	N	Y	N	N	N
D-4	Dry Cleaning/Laundry Plant	N	N	N	N	N	N	N	N	N	Y	N	N	N
D-5	Fuel Storage Facility	N	N	N	N	N	N	N	S	N	S	N	N	N
D-6	Industrial Repair Shop	N	N	N	N	N	N	N	N	N	Y	N	N	N
D-7	Lumber Yards	N	N	N	N	N	N	N	Y	N	S	N	N	N
D-8	Manufacturing Plant	N	N	N	N	N	N	N	N	N	Y	N	N	N
D-9	Packaging Plant	N	N	N	N	N	N	N	N	N	Y	N	N	N
D-10	Printing/Publishing Shop	N	N	N	N	N	N	N	N	N	Y	N	N	N
D-11	Radio or TV Tower	N	N	N	N	S	N	N	N	Y	S	N	N	N
D-12	Research Facility	N	N	N	N	S	N	N	N	N	Y	N	N	N
D-13	Recycling Drop-Off Center	S	N	S	S	Y	Y	N	Y	Y	Y	N	N	S
D-14	Recycling Facility	N	N	N	N	N	N	N	Y	N	C	N	N	N
D-15	Truck Terminal	N	N	N	N	N	N	N	N	N	Y	N	N	N
D-16	Wholesale Facility	N	N	N	N	N	Y	N	Y	N	Y	N	N	N
D-17	Warehouse Facility	N	N	N	N	N	Y	N	Y	N	Y	N	N	N
E-1	Cemetery	N	N	N	N	N	N	N	N	N	N	Y	N	N
E-2	Community Center	N	N	N	N	Y	N	N	N	N	N	A	N	N
E-3	Adult/Child Day Care	N	N	N	S	S	Y	N	Y	N	N	S	N	N
E-4	Dormitory	N	N	N	N	Y	N	N	N	N	N	N	N	N
E-5	Hospital	N	N	N	N	N	N	N	N	N	N	C	N	N
E-6	Library/Museum	N	N	N	N	Y	Y	Y	N	Y	N	C	N	N
E-7	Life Care Facility	N	N	N	C	S	N	N	N	N	N	C	N	N
E-8	Municipal Complex	S	S	S	S	Y	Y	Y	Y	Y	N	C	Y	S
E-9	Nursing Home	N	N	N	S	Y	N	N	N	N	N	C	N	N
E-10	Place of Worship	N	N	N	N	S	Y	N	S	N	N	Y	N	N
E-11	School Public & Private	N	N	N	N	S	N	N	N	N	N	Y	N	N
F-1	Office Building	N	N	N	N	Y	N	N	Y	Y	N	N	N	N

	Uses/Districts	R1	R2	R3	R4	AO	M	TC	SC	PB	SI	CS	RC	LP
F-2	Medical Clinic	N	N	N	N	Y	Y	N	Y	Y	N	S	N	N
F-3	Medical Office	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
F-4	Office Campus	N	N	N	C	C	C	N	N	Y	N	N	N	N
F-5	Professional Services	N	N	N	N	Y	Y	Y	N	Y	N	N	N	N
G-1	Amusement Arcade	N	N	N	N	N	Y	N	N	Y	N	N	N	N
G-2	Amusement Park	N	N	N	N	N	N	N	C	C	N	N	N	N
G-3	Athletic Health Club	N	N	N	N	Y	Y	N	Y	Y	N	N	N	N
G-4	Golf Course	N	N	N	N	S	N	N	N	N	N	C	S	N
G-5	Movie Theater	N	N	N	N	N	N	N	C	C	N	N	N	N
G-6	Outdoor Recreation	S	S	S	N	Y	N	N	N	Y	N	C	Y	S
G-7	Indoor Recreation	N	N	N	N	N	Y	N	Y	N	N	N	N	N
G-8	Theater (Performing)	N	N	N	N	N	Y	N	N	S	N	N	N	N
H-1	Apartment/Multiplex Building	N	N	N	N	Y	Y	Y	N	Y	N	N	N	N
H-2	Apartment Campus	N	N	N	N	S	S	N	N	N	N	N	N	N
H-3	Boarding House	N	N	N	N	Y	Y	Y	N	N	N	N	N	N
H-4	Duplex Dwelling Unit	N	N	N	N	Y	Y	N	N	N	N	N	N	N
H-5	Estate Dwelling Unit	N	N	N	N	N	N	N	N	N	N	N	N	Y
H-6	Mobile Home Development	N	N	C	N	N	N	N	N	N	N	N	N	N
H-7	Planned Residential Unit	N	N	N	C	N	N	N	N	N	N	N	N	N
H-8	Single Family Detached	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	Y
H-9	Single Family Cluster	N	N	N	N	N	N	N	N	N	N	N	N	Y
H-10	Townhouse Dwelling Unit	N	N	N	N	Y	Y	N	N	N	N	N	N	Y
H-11	Twin Dwelling Unit	N	N	N	N	Y	Y	N	N	N	N	N	N	N
H-12	Village Dwelling Unit	N	N	N	N	N	N	N	N	N	N	N	N	Y
J-1	Conservation/ Recreation Preserve	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	Y	Y
J-2	Emergency Services	S	S	S	S	Y	Y	Y	Y	Y	S	S	Y	S
J-3	Utility Operating Facility	S	S	S	S	Y	Y	N	Y	Y	Y	N	Y	S

Ordinance No. 1753

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR ABINGTON TOWNSHIP, AND PROVIDING FOR THE ADMINISTRATION ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ACT 247 AS AMENDED, THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Act 247, as amended, empowers the Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Commissioners deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of the Township to enact such an ordinance; and

WHEREAS, the Board of Commissioners, pursuant to the provisions of Act 247, as amended, has appointed the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the Township into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan, and has so designed an ordinance:

a. To promote, protect and facilitate one or more of the following: coordinated and practical community development, proper density of population; civil defense, disaster evacuation, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and

2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers.

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures, with a view towards encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Planning Commission has reviewed the Goals and Objectives of the Revised Comprehensive Plan of Abington Township, 1977, and has adopted these as community development objectives to be implemented through the effectuation of this Ordinance; and

WHEREAS, the Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Board of Commissioners; and

WHEREAS, the Board of Commissioners has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of Act 247, as amended, with regard to the preparation of the report of the Planning Commission and subsequent action of the Board of Commissioners have been met.

NOW, THEREFORE, BE IT ORDAINED, by the people of Abington Township, Montgomery County, Pennsylvania, that the following articles and sections, be, and at the same time are, hereby enacted into law.

This Ordinance, at the time of adoption will repeal and replace Ordinance No. 1469, and all amendments thereto, and Chapter 162 of the Codified Ordinances of Abington Township.

Enacted into an Ordinance this 9th day of May, A.D. 1996

The Township of Abington

By: _____
Barbara C. Ferrara, Pres.

Attest: _____
Allyn R. LaRash, Sec.

Attest: _____
John T. Acton, Solicitor

Township of Abington

ORDINANCE NUMBER 1772

AN ORDINANCE TO AMEND ORDINANCE NO. 1753 (Code Chapter 162) KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, BY DELETING SIGN RIGHTS FOR HOME OCCUPATIONS.

Whereas, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance regulating the use and control of land within the Township; and,

Whereas, the Board of Commissioners of the Township of Abington has determined that it is in the interest of the health, safety and welfare of the residents of the Township, to revise the signage provision for home occupations, and

Whereas, the Board of Commissioners of the Township of Abington has determined that provision for home occupation signs is inconsistent with the community development goals established in the 1992 Comprehensive Plan for Abington Township,

Now Therefore, the Board of Commissioners of the Township of Abington does hereby enact and ordain that Ordinance 1753 (Code Chapter 162) of the Township of Abington, known as the Revised Abington Township Zoning Ordinance is amended as follows:

1. Section 1008.2.a.1 shall be deleted in its entirety.

Approved by the Board of Commissioners of the Township of Abington this 14th day of November, 1996.

By: Barbara C. Ferrara
Barbara C. Ferrara, President

Attest: Allyn B. La Rash
Allyn B. La Rash, Secretary

Approved as to form: _____
John T. Acton, Solicitor

Township of Abington

ORDINANCE NUMBER 1773

AN ORDINANCE TO AMEND ORDINANCE NO. 1753 (Code Chapter 162) KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, BY ADDING CERTAIN SECTIONS AND REVISING OTHER SECTIONS OF THE CODE REGULATING FLOODPLAIN MANAGEMENT PROVISIONS FOR THE TOWNSHIP OF ABINGTON.

Whereas, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance regulating the use and control of land within the Township; and,

Whereas, the Board of Commissioners of the Township of Abington has determined that it is in the interest of the health, safety and welfare of the residents of the Township, to revise the floodplain management regulations contained within the Zoning Ordinance, and

Whereas, the Board of Commissioners of the Township of Abington has determined that such floodplain management regulations are consistent with the community development goals established in the 1992 Comprehensive Plan for Abington Township, and standards set forth by FEMA,

Now Therefore, the Board of Commissioners of the Township of Abington does hereby enact and ordain that the Code Chapter 162 of the Township of Abington, known as the Revised Abington Township Zoning Ordinance is amended as follows:

1. Under Article II, Section 201. Specific Definitions of the Township Zoning Ordinance, revise the terms listed below as follows:

   a. Development: Any man-made change to improved to unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation mining, dredging or drilling operations, or storage of equipment or materials, or the subdivision of land.

   b. Change the term "Mobile Home" to read "Manufactured Home." Add sentence Also know as a mobile home.

2. Add the following terms to the list of definitions:

   a. Historic Structure: Any structure that is

      (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

b. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

c. New Construction: Structures for which the "start of construction" commenced on or after September 8, 1977, and includes any subsequent improvements to such structures.

d. Recreational Vehicle: A vehicle which is:
(a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

e. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

f. Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work

performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

3. Under Article VI, Section 600.2.E. Development of the Township Zoning Ordinance, revise the paragraph to read: ". . . drilling operations, or the storage of equipment or materials, and the subdivision of land."

4. Under Section 600.5.C.3., revise the paragraph to read:
". . . Environmental Resources, and the Pennsylvania Department of Community and Economic Development.

"No encroachment, alteration, or improvement of any kind shall be made to any watercourses until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands."

5. Under Section 600.7.D., add subsection 600.7.D.1 as follows: For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2) The bottom of all openings shall be no higher than one foot above grade.

3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit or floodwaters."

Add subsection 600.7.D.2 as follows: In the event the provisions of subsection 600.7.D.1 are not satisfied, fully enclosed spaces below the lowest floor shall be prohibited.

Township of Abington

ORDINANCE NUMBER 1775

AN ORDINANCE TO AMEND ORDINANCE NO. 1753 (Code Chapter 162) KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, BY DELETING CERTAIN SECTIONS AND REVISING OTHER SECTIONS OF THE CODE REGULATING MINIMUM LOT SIZE FOR SINGLE FAMILY RESIDENTIAL CONSTRUCTION IN THE TOWNSHIP OF ABINGTON.

Whereas, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance regulating the use and control of land within the Township; and,

Whereas, the Board of Commissioners of the Township of Abington has determined that it is in the interest of the health, safety and welfare of the residents of the Township, to revise the minimum lot single requirement for single family construction, and

Whereas, the Board of Commissioners of the Township of Abington has determined that such regulations for minimum lot standards are consistent with the community development goals established in the 1992 Comprehensive Plan for Abington Township,

Now Therefore, the Board of Commissioners of the Township of Abington does hereby enact and ordain that Ordinance 1753 (Code Chapter 162) of the Township of Abington, known as the Revised Abington Township Zoning Ordinance is amended as follows:

1. Section 304.3, Dimensional Regulations for Residential High Density (R-4) District shall be changed to a minimum lot area of 7,500 sq. ft.

2. Section 706.H..8.b shall be changed as follows: Change five thousand (5,000) sq. ft.to seven thousand five hundred (7,500) sq. ft.

3. Section 801.B.1 shall be deleted in its entirety, and that subsequent subsections under this section shall be renumbered accordingly.

4. Section 1110.L.2 shall be changed as follows: Add the word "principal" before the word building, and delete the word "altered" in the first sentence.

5. Section 1110.L.2.b shall be changed as follows: Delete the words " the general area" and add the words "exclusive of lot area" after the word "regulation".

6. Section 1110.L.3 Add this section as follows: A principal building may be altered on a non-conforming lot provided district dimensional regulations exclusive of lot area are satisfied.

6. Under Section 600.8.C., change the subsection reference 3.b. below to read subsection C.2 below.

Add the following as Subsection 600.7.D.3: Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance."

7. Under Section 706.H.6 Change use title H-6 to Manufactured/Mobil Home Development.

8. Under Section 901.8, change use title H-6 to Manufactured/Mobile Home Development.

Approved by the Board of Commissioners of the Township of Abington this 12th day of December, 1996.

By: Barbara C. Ferrara
Barbara C. Ferrara, President

Attest: Allyn La Rash
Allyn La Rash, Secretary

Approved as to form: J. T. Acton
John T. Acton, Solicitor

Township of Abington

ORDINANCE NUMBER 1776

AN ORDINANCE TO AMEND ORDINANCE NO. 1753 (Code Chapter 162) KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, BY ALTERING CERTAIN SECTIONS OF THE CODE REGULATING ON-STREET PARKING SPACES AND LEASED PARKING SPACES FOR COMMERCIAL USES IN FORMALIZED BUSINESS PLANNING DISTRICTS WITHIN THE TOWNSHIP OF ABINGTON, AND AUTHORIZING THE ESTABLISHMENT OF FEES TO FACILITATE THE MASTER BUSINESS DISTRICT PARKING PLANS.

Whereas, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance regulating the use and control of land within the Township; and,

Whereas, the Board of Commissioners of the Township of Abington has determined that it is in the interest of the health, safety and welfare of the residents of the Township, to revise parking standards for commercial uses in formalized business planning districts, and

Whereas, the Board of Commissioners of the Township of Abington has determined that such regulations for on-street parking and leased parking arrangements are consistent with the community development goals established in the 1992 Comprehensive Plan for Abington Township, and

Whereas, New Vision Economic Plans recommend the creation of master parking facilities to alleviate business district parking congestion through redesign and sharing of existing parking facilities, and

Whereas, the Township Zoning Ordinance allows for common parking facilities under appropriate circumstances, and

Whereas, the Township is willing to assist with the implementation, allocation, and maintenance of certain designated through parking fees established and collected for such purposes,

Now, Therefore, the Board of Commissioners of the Township of Abington, Montgomery County, Pennsylvania, does hereby enact and ordain:

Section A. That Ordinance 1753 (Code Chapter 162) of the Township of Abington, known as the Revised Abington Township Zoning Ordinance is amended as follows:

1. Section 902.4.B.5. shall be deleted in its entirety and replaced with the following:

5. Reduction for On-street Parking Spaces:

a. Existing On-Street Parking: The required number of off-street parking spaces may be reduced for business establishments under fifteen hundred (1500) square feet of gross leasable floor space by the amount of existing on-street parking spaces available along the frontage of the property.

b. Newly Created On-Street Parking: The required number of off-street parking spaces may be reduced for business establishments under 1,500 square feet of gross leasable floor space by the number of newly created on-street parking spaces which are within 800 feet of an entrance regularly used by patrons of the business. Once a business applies for and receives a reduction because of newly created on-street parking spaces, no other business may apply for or receive a reduction based on those spaces.

c. The percent of reduction is calculated by dividing the on-street number of spaces assigned by the number of required off-street spaces.

2. Section 902.4.B.3.d. shall be deleted in its entirety and replaced with the following:

d. In TC districts, the required number of off-street parking spaces may be reduced by the number off-premises spaces available within 800 feet of an entrance regularly used by patrons provided subsections b and c are satisfied. If such spaces are municipally controlled, an annual parking fee may be imposed by Township resolution.

Section B. There is hereby established a one-time in-lieu-of parking spaces fee, payable at the issuance of an occupancy permit, for businesses opting to utilize parking rights in a Master Business District Parking Plan.

1. All fees collected pursuant to this Ordinance shall be placed in a segregated fund to defray the Township's costs, including but not limited to the costs of paving improvements, lighting, parking signs, and general maintenance.

2. The amount of the fee authorized by this Ordinance shall be set from time to time by Resolution of the Board of Commissioners of Abington Township.

3. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Approved by the Board of Commissioners of the Township of Abington this 12th day of December, 1996.

By: Barbara C. Ferrara
Barbara C. Ferrara, President

Attest: Allyn La Rash
Allyn La Rash, Secretary

Approved as to form: J. T. Acton
John T. Acton, Solicitor

ORDINANCE NUMBER 1792

AN ORDINANCE TO AMEND ORDINANCE 1753 OF THE TOWNSHIP OF ABINGTON, KNOWN AS THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, AND, SPECIFICALLY, ARTICLE IX PERTAINING TO PARKING AND TRANSPORTATION STANDARDS, SECTION 906 PERTAINING TO TRANSPORTATION STUDIES.

WHEREAS, the Board of Commissioners of the Township of Abington is empowered to enact and amend the Ordinance of the Township.

NOW, THEREFORE, the Board of Commissioners does hereby enact and ordain as follows:

1. That Ordinance 1753 of the Township of Abington, known as the Zoning Ordinance of Abington township, and specifically Article IX thereof, shall be amended as follows:

   a. By the addition of the following underlined language to section 906.B of Article IX, so that Section 906.B, as amended, shall read as follows:

   b. **TRAFFIC STUDY**: A traffic study shall be required of the plan applicant for all non-residential land development when the conditions listed below exist. The Township may commission an independent review of the applicant's traffic study, at the applicant's expense, in order to ensure that proper traffic safety issues are identified in conjunction with the proposal. <u>Alternatively, the Township may, at its sole discretion, select a traffic engineer to perform a traffic study, the cost of which will be paid from the applicant's funds escrowed for that purpose in accordance with Section 146-15.B of the Township Subdivision and Land Development Ordinance, and other applicable Township Ordinances.</u> Street classifications for specific locations are found in the Township Comprehensive Plan.

2. Approved by the Board and enacted into an Ordinance, this June 12, 1997.

ABINGTON TOWNSHIP BOARD OF COMMISSIONERS

By: Barbara C. Ferrara

Barbara C. Ferrara, President

Attest:

Allyn R. Lulash, Secretary

Date: 6-12-97

ORDINANCE NO. 1793

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON FOR PROVIDING FOR ADDITIONAL USES

WHEREAS, the Township of Abington has received or expects to receive requests to site wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, an additional Article has been or will be added to the Zoning Ordinance of the Township of Abington in order to address said requests; and

WHEREAS, said additional Article will necessitate certain amendments to existing portions of the Zoning Ordinance, and

WHEREAS, the Board of Commissioners is empowered by the First Class Township Code to enact Ordinances of the Township.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. Section 706 of the Zoning Ordinance (pertaining to Categories of Permitted Uses), paragraph 5, subparagraph 5.a of the Zoning Ordinance shall be and hereby is amended to provide as follows:

Use A-5. Non-commercial Antennas.

a. Home Reception Antenna: a system of wires, poles, rods, towers or similar devices used for the reception of electromagnetic waves external or attached to the exterior of a building, including the supporting structure for such devices.

(1) Transmitting antennas requiring Federal Communications Commission approval are not included in this category.

(2) Such antennas shall not be located within the front yard area, and are required to meet all applicable provisions of the Township Building Code.

(3) Such antennas are required to meet the height restrictions of the district in which they are located, whether roof or ground mounted.

Paragraph 5, subparagraph 5.b. (pertaining to satellite dish antennas) shall remain unchanged.

SECTION 2. Section 706 of the Zoning Ordinance shall be an hereby is amended by the addition of paragraph 5.A., as follows:

Use A-5A. Telecommunications Towers. A system of wires, poles rods, towers or similar devices used to support antennas for th reception or transmission of electromagnetic waves for commercia purposes.

a. Tower: Any structure that is designed and constructe primarily for the purpose of supporting one or more antennas fo telephone, radio and similar communication purposes, includin self-supporting lattice towers, guyed towers, or monopole towers The term includes radio and television transmission towers microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any suppor thereto.

b. Alternative tower structure: man-made trees, clock towers bell steeples, light poles and similar alternative-design mountin structures that camouflage or conceal the presence of antennas c towers.

c. In addition to any applicable provisions of Articles through XIV of the Zoning Ordinance, this use shall be subject t the provisions of Ordinance 1800 which added Article XV to th Zoning Ordinance. To the extent that any provisions of Articles through XIV conflict with or are inconsistent with Article XV Article XV shall control.

SECTION 3. Section 706 of the Zoning Ordinance shall be and hereb is amended by the addition of paragraph 5.B., as follows:

Use A-5B. Commercial Antennas. Any exterior transmitting c receiving device mounted on a tower, building or structure and use in communications that radiates or captures electromagnetic waves digital signals, analog signals, radio frequencies (excluding rada signals), wireless telecommunications signals or othe communications signals. In addition to any applicable portions c Articles I through XIV of the Zoning Ordinance, this use shall als be subject to the provisions of Ordinance 1800 which added Articl XV to the Zoning Ordinance. To the extent that any provisions c Articles I through XIV conflict with or are inconsistent wit Article XV, Article XV shall control.

SECTION 4. Article IV of the Zoning Ordinance (pertaining t Commercial Zoning Districts), shall be amended as follows:

a. Section 400.2.A (pertaining to Uses by Right in Town Commercia Districts) shall be amended by the addition of subsection 19.e a follows:

19.e. Use A-5B.

b. Section 401.2.A (pertaining to Uses by Right in Special Commercial Districts) shall be amended by the addition of subsection 43.d as follows:

43.d. Use A-5B.

c. Section 402.2.A (pertaining to Uses by Right in Planned Business Districts) shall be amended by the addition of subsection 32.i as follows:

32.i. Use A-5B.

d. Section 403.2.A (pertaining to Uses by Right in Apartment/Office Districts) shall be amended by the addition of subsection 27.h as follows:

27.h. Use A-5B.

SECTION 5. Article V of the Zoning Ordinance (pertaining to Special Zoning Districts) shall be amended as follows:

a. Section 500.2.A (pertaining to Uses by Right in Community Service Districts) shall be amended by the addition of subsection 5.e as follows:

5.e. Use A-5B.

b. Section 501.2.A (pertaining to Uses by Right in Mixed Use Districts) shall be amended by the addition of subsection 46.m as follows:

46.m. Use A-5B.

c. Section 502.A.2 (pertaining to Uses by Right in Suburban Industrial Districts) shall be amended by the addition of subsection 16.g. as follows:

16.g. Use A-5B.

d. Section 503.A.2 (pertaining to Uses by Right in Recreation/Conservation Districts) shall be amended by the addition of subsection 5.e as follows:

5.e. Use A-5B.

SECTION 6. Article IV of the Zoning Ordinance (pertaining to Commercial Zoning Districts), shall be and hereby is amended as follows:

a. Section 400.2.B. (pertaining to Conditional Uses permitted in Town Commercial Districts) shall be and hereby is amended by the addition of paragraph 2 as follows:

2. Use A-5A. Commercial Antenna Towers.

b. Section 401.2.B (pertaining to Conditional Uses in Special Commercial Districts) shall be amended by the addition of paragraph 3 as follows:

3. Use A-5A. Commercial Antenna Towers.

c. Section 402.2.B. (pertaining to Conditional Uses permitted in Planned Business Districts) shall be and hereby is amended by the addition of paragraph 3 as follows:

3. Use A-5A. Commercial Antenna Towers.

d. Section 403.2.B. (pertaining to Conditional Uses permitted in Apartment/Office Districts) shall be amended by the addition of paragraph 2 as follows:

2. Use A-5A. Commercial Antenna Towers.

SECTION 7. Section 706.A of the Zoning Ordinance (pertaining to Accessory Uses) paragraph 2 (pertaining to Use A-2: Non-Residential Accessory Structure) shall be and hereby is amended by the addition of subsection k. as follows:

k. The provisions of this paragraph (706.A.2) shall not apply to Accessory Use A-5B. Commercial Antennas.

SECTION 8. Section 801.D.1.B of the Zoning Ordinance (pertaining to Height Exceptions), shall be and hereby is amended to read as follows:

b. A freestanding structure, such as a smokestack, tower, or similar structure accessory to a permitted

use, may exceed the height limitations of the district in which it is located when authorized as a special exception by the Zoning Hearing Board. This section shall have no applicability to Use A-5A, pertaining to Commercial Antenna Towers, or to Use A-5B, pertaining to Commercial Antennas, which uses are regulated exclusively by Article XV of this Ordinance. The Zoning Hearing Board shall only grant the special exception provided that:

Subsections 801.D.1.b.(1) through (5) shall remain unchanged.

SECTION 9. Section 801.D of the Zoning Ordinance shall be and hereby is further amended by the deletion of paragraph 2 in its entirety.

SECTION 10. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 11. Repealer. Section 9.f and Section 9.h of Article 3 of Ordinance 1771, and Section 9.f of Article 4 of Ordinance 1771 are hereby repealed. Article 10 of Ordinance 1771, and the Wireless Telecommunications Site List attached to Ordinance 1771 are hereby repealed in their entirety. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 12. Effective date. This Ordinance shall take effect this 11th day of December, 1997.

Attest:

Secretary

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF ABINGTON

By: Barbara C. Ferrara
Barbara C. Ferrara, President

Date: _____

ORDINANCE 1800
TABLE OF CONTENTS

Section 1	Purpose	Page 1
Section 2	Definitions	Page 2
Section 3	Applicability	Page 3
Section 4	General Standards and Requirements	Page 3
Section 5	Standards and Procedures for Approval of Antennas	Page 6
Section 6	Standards Regarding Conditional Use Approval for Towers	Page 7
	(a) General	Page 7
	(b) Specific Standards and Requirements Regarding Towers	Page 8
	(1) Information Required	Page 8
	(2) Factors Considered	Page 10
	(3) Availability of Existing Towers	Page 11
	(4) Setbacks	Page 12
	(5) Separation	Page 12
	(6) Security Fencing	Page 14
	(7) Landscaping	Page 14
Section 7	Buildings or Other Equipment Storage	Page 15
Section 8	Removal of Abandoned Antennas and Towers	Page 16
Section 9	Nonconforming Uses	Page 17
Section 9	Severability	Page 18
Section 10	Repealer	Page 18
Section 11	Effective Date	Page 18

ORDINANCE NO. 1800

AN ORDINANCE AMENDING THE ZONING CODE OF THE TOWNSHIP OF ABINGTON BY ADDING A NEW ARTICLE XV ENTITLED "WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS."

WHEREAS, the Township of Abington (the "Township") has received or expects to receive requests to site wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, the Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within the municipal boundaries, and

WHEREAS, it is the intent of the Township to permit the siting of wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the Township to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in commercial areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, Township shall give due consideration to the Township's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Section 2: Definitions. As used in this ordinance, the following terms shall have the meanings set forth below:

(a) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(b) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, and pertains to Use A-5B as set forth in this Ordinance.

(c) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(d) "FAA" means the Federal Aviation Administration.

(e) "FCC" means the Federal Communications Commission.

(f) "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(g) "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(h) "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and

any support thereto. This term pertains to Use A-5A as set forth in this ordinance.

Section 3: Applicability.

(a) New Towers and Antennas. All new towers or antennas in Township shall be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive.

(b) Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

(c) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).

(d) AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

Section 4. General Standards and Requirements.

(a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Township Code Enforcement Department an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Township may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Township, provided, however that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) Aesthetics. Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the

state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(g) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.

(i) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(j) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Township have been obtained and shall file a copy of all required franchises with the Code

Enforcement Department.

(k) Public Notice. For purposes of this ordinance, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance and/or the Pennsylvania Municipalities Planning Code.

(l) Signs. No signs shall be allowed on an antenna or tower.

(m) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.

(n) Multiple Antenna/Tower Plan. The Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

Section 5. Standards and Procedures for Approval of Antennas.

(a) The Township may administratively approve an application for the placement of an antenna on an existing structure, including existing towers, and including the placement of additional buildings or other supporting equipment used in connection with said antenna, in any zoning district in which antennas are permitted as a use by right, subject to the following:

(i) The antenna does not extend more than eight (8) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regualtions; and

(iii) The antenna complies with all applicable building codes.

(b) Special conditions for antennas to be placed on existing towers:

(i) A tower which is modified or reconstructed to accomodate the collocating of an additional antenna shall be of the same tower type as the existing tower.

(ii) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accomodate the collocation of an addditioanl antenna.

(iii) The tower's premodification height shall be used to calculate distance separations.

(c) All applications for approval pursuant to this section shall be submitted to the Township Code Enforcement Department, and shall be accompanied by nonrefundable fee as established by resolution of the Board of Commissioners to reimburse the Township for the costs of reviewing the application.

(d) All applications for approval pusuant to this section shall be reviewed by the Township to ensure that the proposed use complies with sections 4(d)(3), 4(j), 4(l), 4(m) and 4(n), and with section 5(b) of this ordinance.

(e) The Township shall respond to each such application within ninety (90) days after receiving it by either approving or denying the application. If the Township fails to respond to the applicant within said ninety (90) days, the applications shall be deemed to be approved.

Section 6. Standards Regarding Conditional Use Approval of Towers

(a) General. The following provisions shall govern the issuance of conditional use permits for towers:

(1) A conditional use permit shall be required for the construction of a tower.

(2) Applications for conditional use permits under this Section shall be subject to the procedures and requirements of Article XI, Section 1108 of the Zoning Ordinance, (pertaining to Conditional Uses) except as modified in this Section.

(3) In granting a conditional use permit, the Board of Commissioners may impose conditions to the extent the Board of Commissioners

concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(5) An applicant for a conditional use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Board of Commissioners to reimburse Township for the costs of reviewing the application.

(b) <u>Specific Standards and Requirements Regarding Towers</u>

(1) Information required. In addition to any information required for applications for conditional use permits pursuant to Article XI, Section 1108 of the Zoning Ordinance, applicants for a conditional use permit for a tower shall submit the following information:

(i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Code Enforcement Department to be necessary to assess compliance with this ordinance.

(ii) Legal description of the parent tract and leased parcel (if applicable).

(iii) The setback distance between the

proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(v) A landscape plan showing specific landscape materials.

(vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(vii) A description of compliance with Sections 4(c), (d), (e), (f), (g), (j), (l), and (m), 5(b)(4) and 5(b)(5), and all applicable federal, state and local laws.

(viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(xi) A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) Factors Considered in Granting Conditional use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to Article XI, Section 1108 of the Zoning Ordinance, the following factors shall be considered in determining whether to issue a conditional use permit, although the Township may waive or reduce the burden on the applicant of one or more of these criteria if the Township concludes that the goals of this ordinance are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

(iii) Nature of uses on adjacent and nearby properties;

(iv) Surrounding topography;

(v) Surrounding tree coverage and foliage;

(vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(vii) Proposed ingress and egress; and

(viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the

applicant demonstrates to the reasonable satisfaction of the Board of Commissioners that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Commissioners related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) Setbacks. The following setback requirements shall apply to all towers; provided, however, that the Board of Commissioners may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

(i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) Separation. The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the Board of Commissioners may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

(i) Separation from off-site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units[1]	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower[2] whichever is greater
Vacant unplatted residentially zoned lands[3]	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

[1]Includes modular homes and mobile homes used for living purposes.
[2]Separation measured from base of tower to closest building setback line.
[3]Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

(ii) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of

base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

(2) Table 2:

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

(6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Commissioners may waive such requirements, as it deems appropriate.

(7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the Board of Commissioners may waive such requirements if the goals of this ordinance would be better served thereby.

(i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the

tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

Section 7. Buildings or Other Equipment Storage.

(a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than 144 square feet of gross floor area or be more than 8 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 8 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be located:

(i) In a front or side yard provided the cabinet or structure is no greater than 8 feet in height or 144 square feet of gross floor area and the cabinet/structure is located a minimum of 15 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

(ii) In a rear yard, provided the cabinet or structure is no greater than 8 feet in height or 144 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than 8 feet in height or 144 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.

(c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 144 square feet of gross floor area or be more than 8 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) Modification of Building Size Requirements. The requirements of Sections 8(a) through (c) may be modified by the Board of Commissioners to encourage collocation.

Section 7. Removal of Abandoned Antennas and Towers.

(a) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered

abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(b) In order to ensure the removal of an abandoned tower pursuant to the provisions of paragraph (a), above, the owner of a proposed tower must provide the Township with a bond or other financial security acceptable to the Township in the amount of FIVE THOUSAND DOLLARS ($5,000.00), or in such greater amount as deemed necessary by the Township given the characteristics of the proposed tower.

Section 9. Nonconforming Uses.

(a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

(c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in Sections 7(b)(4) and 7(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

Section 10. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 11. Repealer.

(a) Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

(b) Article 10 of Ordiance No. 1771 is hereby repealed in its entirety.

(c) The addendum to Ordinance No. 1771, which addendum is titled "Wireless Antenna Sites," is hereby repealed.

Section 12. Effective Date. This Ordinance shall take effect Dec. 11, 1997.

Attest:

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF ABINGTON

Secretary

By: Barbara C. Ferrara
Barbara C. Ferrara, President

Date: 12-11-97

ORDINANCE NO. 1870

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF ABINGTON TOWNSHIP BY PRESCRIBING DEFINITIONS OF SEXUALLY ORIENTED BUSINESS; BY DISPERSING SEXUALLY ORIENTED BUSINESSES AND LIMITING THEM TO SPECIFIED ZONING DISTRICTS; PROVIDING FOR LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES; PROVIDING FOR ADDITIONAL MISCELLANEOUS REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES.

TABLE OF CONTENTS

SECTION I.	PURPOSE AND FINDINGS	Page 2
SECTION II.	DEFINITIONS	Page 5
SECTION III.	CLASSIFICATION	Page 9
SECTION IV.	LICENSE REQUIRED	Page 10
SECTION V.	ISSUANCE OF LICENSE	Page 13
SECTION VI.	FEES	Page 14
SECTION VII.	INSPECTION	Page 15
SECTION VIII.	EXPIRATION OF LICENSE	Page 15
SECTION IX.	SUSPENSION	Page 15
SECTION X.	REVOCATION	Page 15
SECTION XI.	TRANSFER OF LICENSE	Page 16
SECTION XII.	LOCATION OF SEXUALLY ORIENTED BUSINESSES	Page 16
SECTION XIII.	ADDITIONAL REGULATIONS FOR ADULT MOTELS	Page 18
SECTION XIV.	REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS	Page 19
SECTION XV.	ADDITIONAL REGULATIONS FOR ESCORT AGENCIES	Page 20
SECTION XVI.	ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS	Page 20
SECTION XVII.	ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY	Page 21

SECTION XVIII.	PROHIBITION AGAINST CHILDREN IN A SEXUALLY ORIENTED BUSINESS.	Page 21
SECTION XVIII-A.	REQUIREMENT THAT ALL OUTDOOR TRASH CONTAINERS BE LOCKED OR KEPT IN LOCKED ENCLOSURES	Page 21
SECTION XIX.	HOURS OF OPERATION	Page 22
SECTION XX.	EXEMPTIONS	Page 22
SECTION XXI.	ENFORCEMENT	Page 22
SECTION XXII.	SEVERABILITY	Page 23
SECTION XXIII.	CONFLICTING ORDINANCES REPEALED	Page 23
SECTION XXIV.	EFFECTIVE DATE	Page 23

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of Abington Township in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the Township; and

WHEREAS, the Board of Commissioners finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the Township which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Board of Commissioners desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Board of Commissioners has determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of the Township; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses; and

WHEREAS, it is not the intent of the Board of Commissioners to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement

officials to enforce state obscenity statutes against any such illegal activities in the *Township*.

Pursuant to the authority granted by the Constitution and the legislature of the Commonwealth of Pennsylvania, BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA:

SECTION I. PURPOSE AND FINDINGS.

(A) Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(B) Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Commissioners, and on findings incorporated in the cases of *Township of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma Township, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board of Commissioners finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(2) Certain employees of sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or

cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States -- 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.

(8) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the Commonwealth of Pennsylvania.

(9) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(10) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(11) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(12) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(13) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(14) Numerous studies and reports have determined that semen is found in the

areas of sexually oriented businesses where persons view "adult" oriented films.

(15) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(16) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(17) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(18) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(19) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(20) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(21) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(22) The fact that an applicant for an adult use license has been convicted of a sexually-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.

(23) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.

(24) The general welfare, health, morals and safety of the citizens of the Township will be promoted by the enactment of this ordinance.

SECTION II. DEFINITIONS.

(1) ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(a) persons who appear in a state of nudity or semi-nude; or

(b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) ADULT MOTEL means a hotel, motel or similar commercial establishment which:

(a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(5) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) EMPLOYEE means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(8) ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business

purposes for a fee, tip, or other consideration.

(10) ESTABLISHMENT means and includes any of the following:

(a) the opening or commencement of any sexually oriented business as a new business;

(b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(c) the additions of any sexually oriented business to any other existing sexually oriented business; or

(d) the relocation of any sexually oriented business.

(11) LICENSEE means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

(12) NUDE MODEL STUDIO means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(b) where in order to participate in a class a student must enroll at least three days in advance of the class; and

(c) where no more than one nude or semi-nude model is on the premises at any one time.

(13) NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(14) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(15) SEMI-NUDE or in a SEMI-NUDE CONDITION means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the

showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(16) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(17) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(18) SPECIFIED ANATOMICAL AREAS means:

(a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(19) SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:

(a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(b) for which:

(1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a violation of this Ordinance offense;

(2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(3) less than five years have elapsed since the date of the last determination of liability for two or more violations of this Ordinance, or a combination of

violation of a violation of this Ordinance and one or more offenses occurring within any 24-month period.

(c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

(20) SPECIFIED SEXUAL ACTIVITIES means any of the following:

(a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

(21) SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

(22) TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

(a) the sale, lease, or sublease of the business;

(b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION III. CLASSIFICATION.

Sexually oriented businesses are classified as follows:

(1) adult arcades;
(2) adult bookstores, adult novelty stores, or adult video stores;
(3) adult cabarets;
(4) adult motels;
(5) adult motion picture theaters;
(6) adult theaters;
(7) escort agencies;
(8) nude model studios; and
(9) sexual encounter centers.

SECTION IV. LICENSE REQUIRED.

(A) It is unlawful:

(1). For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Township pursuant to this ordinance.

(2). For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the Township pursuant to this ordinance.

(3). For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this ordinance.

(B) An application for a license must be made on a form provided by the Township.

(C) All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Township to determine whether the applicant meets the qualifications established in this ordinance.

(D) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a licensee if a license is granted.

(E) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

(a) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age;

(b) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(2) If the applicant intends to operate the sexually oriented business under a

name other than that of the applicant; he or she must state 1) the sexually oriented business's fictitious name and 2) submit the required registration documents.

(3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

(4) Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business ordinances from another Township or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(5) Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another Township or county and, if so, the names and locations of such other licensed businesses.

(6) The single classification of license for which the applicant is filing.

(7) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.

(8) The applicant's mailing address and residential address.

(9) A recent photograph of the applicant(s).

(10) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.

(11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution or place of worship,

school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section XIV.

(F) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Township the following information:

(1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
(2) Age, date, and place of birth;
(3) Height, weight, hair and eye color;
(4) Present residence address and telephone number;
(5) Present business address and telephone number;
(6) Date, issuing state and number of driver's permit or other identification card information;
(7) Social Security number; and
(8) Proof that the individual is at least eighteen (18) years of age.

(G) Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

(1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.

(2) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, Township, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

SECTION V. ISSUANCE OF LICENSE.

(A) Upon the filing of said application for a sexually oriented business employee license, the Township shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Township departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the Township shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) The applicant has failed to provide information reasonable necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(2) The applicant is under the age of eighteen (18) years;

(3) The applicant has been convicted of a "specified criminal activity" as defined in this ordinance;

(4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or

(5) The applicant has had a sexually oriented business employee license revoked by the Township within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section X.

(B) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Township that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section VI.

(C) Within 30 days after receipt of a completed sexually oriented business application, the Township shall approve or deny the issuance of a license to an applicant. The Township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant is under eighteen (18) years of age.

(2) An applicant or a person with whom applicant is residing is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the

application form.

(4) An applicant or a person with whom the applicant is residing has been denied a license by the Township to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

(5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this ordinance.

(6) The premises to be used for the sexually oriented business have not been approved by the Fire Marshall and the Code Enforcement Department as being in compliance with applicable laws and ordinances.

(7) The license fee required by this ordinance has not been paid.

(8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

(D) The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section III. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(E) The health department, fire department, and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the Township.

(F) A sexually oriented business license shall issue for only one classification as found in Section III.

SECTION VI. FEES.

(A) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a $500.00 non-refundable application and investigation fee.

(B) In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Township an annual non-refundable license fee of $250.00 within thirty (30) days of license issuance or renewal.

(C) Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual $100.00 non-refundable application, investigation, and license fee.

(D) All license applications and fees shall be submitted to the Code Enforcement Department of the Township.

SECTION VII. INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Marshall, Code Enforcement Department, or other Township departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(B) A person who operates a sexually oriented business or his agent or employee commits a violation of this Ordinance if he refuses to permit such lawful inspection of the premises at any time it is open for business.

SECTION VIII. EXPIRATION OF LICENSE.

(A) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section IV. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(B) When the Township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Township finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

SECTION IX. SUSPENSION.

(A) The Township shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

(1) violated or is not in compliance with any section of this ordinance;
(2) refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

SECTION X. REVOCATION.

(A) The Township shall revoke a license if a cause of suspension in Section IX occurs and the license has been suspended within the preceding twelve (12) months.

(B) The Township shall revoke a license if it determines that:

(1) a licensee gave false or misleading information in the material submitted during the application process;

(2) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
(3) a licensee has knowingly allowed prostitution on the premises;
(4) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
(5) except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
(6) a licensee is delinquent in payment to the Township, County, or Commonwealth for any taxes or fees past due.

(C) When the Township revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Township finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

(D) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

SECTION XI. TRANSFER OF LICENSE.

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

SECTION XII. LOCATION OF SEXUALLY ORIENTED BUSINESSES.

(A) A Sexually Oriented Business shall be permitted as of right in Planned Business zoning districts as defined and described in Abington Township Ordinance 1753, known as the Revised Abington Township Zoning Ordinance, and in no other zoning district whether as of right, by special exception, by conditional use, or otherwise, and subject to the provisions of paragraphs B through I of this section. A person commits a violation of this Ordinance if that person operates or causes to be operated a sexually oriented business in any zoning district other than Planned Business, as defined and described in the Abington Township Zoning Ordinance.

(B) No sexually oriented business shall be located within 1,000 feet of the following uses. A person commits a violation of this Ordinance if the person operates or causes to be operated a sexually oriented business within 1,000 feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township park and recreation authorities;

(4) An entertainment business which is oriented primarily towards children or family entertainment;

(5) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the Commonwealth; or

(6) A school bus stop.

(C) No sexually oriented business shall be located within 250 feet of the following uses. A person commits a violation of this Ordinance if the person operates or causes to be operated a sexually oriented business within 250 feet of:

(1) A boundary of a residential district as defined in the Abington Township Zoning Ordinance;

(2) The property line of a lot devoted to a residential use as defined in the Abington Township Zoning Ordinance

(D) A sexually oriented business shall not be located, operated, established, substantially enlarged, nor shall the ownership or control of a sexually oriented business be transferred within 1,000 feet of another sexually oriented business. A person commits a violation of this Ordinance if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(E) A sexually oriented business shall not be operated, established, or maintained in the same building, structure, or portion thereof, or increase the floor area of any sexually oriented business in any building, structure, or portion thereof, containing another sexually oriented business. A person commits a violation of this Ordinance if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of

floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(F) For the purpose of subsections B and C of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections B and C. Presence of a municipal, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(G) For purposes of subsection D of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(H) Any sexually oriented business lawfully operating as of the effective date of this Ordinance, that is in violation of subsection A through G of this Section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

(I) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsections B or C of this Section within 1,000 feet or 250 feet, as applicable, of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

SECTION XIII. ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.

(B) A person commits a violation of this Ordinance if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room

again.

(C) For purposes of subsection (B) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

SECTION XIV. REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS.

(A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The Township may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Township.

(4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any

purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.

(7) No viewing room may be occupied by more than one person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

(B) A person having a duty under Subsection (1) through (14) of Subsection (A) above commits a violation of this Ordinance if he knowingly fails to fulfill that duty.

SECTION XV. ADDITIONAL REGULATIONS FOR ESCORT AGENCIES.

(A) An escort agency shall not employ any person under the age of 18 years.

(B) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

SECTION XVI. ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS.

(A) A nude model studio shall not employ any person under the age of 18 years.

(B) A person under the age of 18 years commits an offense if the person appears semi-

nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.

(C) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

SECTION XVII. ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY.

(A) It shall be a violation of this Ordinance for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.

(B) It shall be a violation of this Ordinance for a person who knowingly or intentionally in a sexually oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.

(C) It shall be a violation of this Ordinance for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

(D) It shall be a violation of this Ordinance for an employee, while semi-nude, to touch a customer or the clothing of a customer.

SECTION XVIII. PROHIBITION AGAINST CHILDREN IN A SEXUALLY ORIENTED BUSINESS.

A person commits a violation of this Ordinance if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

SECTION XVIII-A. REQUIREMENT THAT ALL OUTDOOR TRASH CONTAINERS BE LOCKED OR KEPT IN LOCKED ENCLOSURES.

All outdoor trash containers shall be kept locked or shall be kept in locked enclosures. This requirement shall apply to all sexually oriented businesses, and any failure to comply with the provisions of this section shall constitute a violation of this Ordinance.

SECTION XIX. HOURS OF OPERATION.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of midnight (12:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and midnight (12:00) A.M.. and noon (12:00) P.M. on Sundays.

SECTION XX. EXEMPTIONS.

(A) It is a defense to prosecution under Section XVII that a person appearing in a state of nudity did so in a modeling class operated:

(1) by a proprietary school, licensed by the Commonwealth of Pennsylvania; a college, junior college, or university supported entirely or partly by taxation;
(2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
(3) in a structure:
(a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
(b) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
(c) where no more than one nude model is on the premises at any one time.

SECTION XXI. ENFORCEMENT.

(A) A person who operates or causes to be operated a sexually oriented business in violation of Section XII of this ordinance is subject to a suit for injunction as well as civil proceedings provided for in the Pennsylvania Municipalities Planning Code and in Article XIV Abington Township Ordinance 1753, known as the Revised Abington Township Zoning Ordinance. Each day a sexually oriented business so operates is a separate offense or violation.

(B) A person who violates any provision of this Ordinance other than Section XII, shall be guilty of a summary offense, and upon conviction thereof before a District Justice shall be subject to a fine of not less than $300 and not more than $600, and shall be required to pay the costs of prosecution. Upon default of payment of such fines and costs, such person shall undergo imprisonment for a period not to exceed thirty (30) days. Each violation shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense. In addition to the foregoing, the Township may take such other lawful action in any court of

competent jurisdiction as is necessary to prevent or remedy any violation of this Ordinance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION XXII. SEVERABILITY.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

SECTION XXIII. CONFLICTING ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XXIV. EFFECTIVE DATE.

This ordinance shall become effective and shall be enforced from and after March 14, 2002.

ENACTED AND ORDAINED the 14th day of March, 2002.

TOWNSHIP OF ABINGTON

Attest:

Burton T. Conway, Secretary

By: Barbara Ferrara

Barbara C. Ferrara, President
Board of Commissioners

ORDINANCE NO. 1895

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON AMENDING THE ABINGTON TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR TERMS OF FIVE MEMBER ZONING HEARING BOARDS

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101 *et seq.*, provides that the membership of a municipal zoning hearing board shall, upon the determination of the governing body, consist of either three or five residents of the municipality appointed by resolution of the governing body (53 P.S. § 10903); and

WHEREAS, section 1200.1 of the Abington Township Zoning Ordinance (the "Zoning Ordinance"), adopted May 9, 1996, and as amended by Abington Township Ordinance 1790, adopted April 10, 1997, provides that the "Board of Commissioners shall appoint a Zoning Hearing Board consisting of at least three (3), and a maximum of five (5) members, as provided by the Municipalities Planning Code"; and

WHEREAS, Abington Township Ordinance 1790 authorizes, but does not require the Board of Commissioners to appoint three (3) alternates to the Abington Township Zoning Hearing Board ("Zoning Hearing Board") in accordance with the provisions of 903(b) of the Municipalities Planning Code (53 P.S. § 10903(b)); and

WHEREAS, section 1200.2 of the Zoning Ordinance, pertaining to terms of Zoning Hearing Board members, as amended by Ordinance 1790, is silent as to the terms of five (5) member Boards; and

WHEREAS, the Board of Commissioners has determined that the residents of the Township would be better served by a Zoning Hearing Board comprised of five (5) permanent members, in that, among other things, a five member Zoning Hearing Board would provide a greater scope of

TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1905

AN ORDINANCE, AMENDING SECTION 201 OF ARTICLE II OF THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, PERTAINING TO DEFINITIONS, AND AMENDING SECTION 601 OF ARTICLE VI OF THE ZONING ORDINANCE OF ABINGTON TOWNSHIP, PERTAINING TO LAND PRESERVATION DISTRICT OVERLAY - CLUSTER DEVELOPMENT FOR V RESIDENTIAL ZONING DISTRICTS

WHEREAS, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance regulating the use and control of land within the Township; and,

WHEREAS, the Board of Commissioners of the Township of Abington has determined that it is in the interest of the health, safety and welfare of the residents of the Township to amend Section 201 of Article II of the Zoning Ordinance, pertaining to Specific Definitions, and Section 601 of Article VI of the Zoning Ordinance, pertaining to Land Preservation District Overlay - Cluster Development for V Residential Zoning Districts; and,

NOW, THEREFORE, the Board of Commissioners of the Township of Abington, Montgomery County, Pennsylvania, does hereby enact and ordain that Section 601 of Article VI of the Zoning Ordinance is amended as follows:

SECTION 1. ARTICLE II, DEFINITIONS, SECTION 201, SPECIFIC DEFINITIONS shall be amended to add, revise or delete the following definitions in alphabetical order to read as follows (new words underlined, deleted words crossed out):

1. **Gross Site Area:** All land on a site* <u>excluding the area</u> contained within the existing legal rights-of-way lines*, determined from a plot plan.

   *Defined terms, section 201.

SECTION 2. ARTICLE VI, OVERLAY ZONING DISTRICTS, SECTION 601 shall be amended as follows:

1. Eliminate reference to "V Residential" and in lieu thereof insert "R-1" in the title, so this section shall now read:

2. For parcels fifteen (15) acres and larger of gross site area*, the Land Preservation District Overlay Option shall be mandatory.

*Defined terms, Section 201.
[1]Defined term, Section 601.4.A.

4. Section 601.4.B shall be amended to delete the last sentence and add the following new words (underlined), so that Section 601.4.B shall now read as follows:

B. **Alternative Two - Yield Plan**: Determination of the density, or maximum number of permitted dwelling units, shall be based upon the underlying district standard of a minimum lot area of not less than one (1) acre, as demonstrated by an actual yield plan based on gross site area. The yield plan must be prepared according to the standards of the township Subdivision and Land Development Ordinance, containing proposed lots, streets, right-of-ways, stormwater facilities and other pertinent features. The yield plan must demonstrate that restricted land containing floodplain, steep slope or wetland areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed singe family dwelling lots conforming to the underlying district standard.

5. Section 601.6 Subsections A and B shall be amended to revise minimum tract size to read:

Five (5) acres.

SECTION 3. SEVERABILITY. In the event that any section, sentence, clause or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 4. REPEALER. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, t the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ENACTED and ORDAINED this 9 day of Sept. 2004.

TOWNSHIP OF ABINGTON

Attest:

Burton T. Conway, Secretary

By:

Stanford A. Gross, President
Board of Commissioners