Township of Abington

Zoning Ordinance 2016

MONTGOMERY COUNTY, PENNSYLVANIA

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Township of Abington

ZONING ORDINANCE 2016

MCPC

Prepared by Montgomery County Planning Commission

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ARTICLE I: Title, Purpose and Jurisdiction

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Abington, a Township 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, Old York Road Corridor Improvement Plan, Abington Open Space and Environmental Protection Plan, Township Neighborhood Revitalization Plans, and the preservation of a high-quality environment which is the hallmark of Abington Township. It draws its legislative foundation in part from Act 247, Article VII: Traditional Neighborhood Development of the Pennsylvania Municipalities Planning Code (MPC). Therefore, it is the intent of this zoning ordinance to:

A. Promote and protect the health, safety, and general welfare of the inhabitants of the Township; secure safety from fire, panic, and other dangers; provide adequate light and air; prevent the overcrowding of land; and avoid undue concentration of population;

B. Promote a landuse pattern which recognizes cultural, historical, and natural features unique to each community and which provides for the separation of significantly different use intensities, with transition zones where feasible, to preserve community character;

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

D. Provide standards for all types of dwelling units, including those in mixed-use structures, so that all the people may have access to decent, sound, and sanitary housing; promote the goals of the Fair Housing Act so as to prevent housing discrimination and ensure that infill development and expansions of homes in residential neighborhoods blend harmoniously with the surrounding built environment. Note: Solicitor will also provide revised text for this section.

E. Foster and reinforce a strong sense of place and community in the Township's neighborhoods by promoting well-designed buildings and a mix of synergistic land uses that integrate age and income groups, and provide a range of housing types, shops, and workplaces—including those in mixed-use buildings.

F. Plan for future development and building densities which minimize the need for highway improvements and promote alternative transportation to the automobile so as to minimize traffic congestion within the Township; promote transit use by establishing appropriate development intensities and densities near transit stops.

G. Coordinate the effective utilization and expansion of community services and public facilities within the Township;

H. Strengthen the viability of commercial areas and adjacent residential districts while mitigating

the impact of the former upon the latter. This can be done by ensuring that adjacent uses are compatible, with use of appropriate setbacks, buffering, screening, and other measures.

I. Encourage a safe, attractive, and inviting pedestrian system to make the Township more walkable, and provide the young and elderly with independence of movement.

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

K. Use landscaping to enhance aesthetics and the visual character of the Township's roads, neighborhoods, and commercial districts; separate incompatible uses; and mitigate the impact of more intense or dense uses upon less intense or dense uses.

L. Protect 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: 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.

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

1. Words used in the present tense include the future.
2. Words used in the singular include the plural, and those used in the plural include the singular.
3. Reference made in the masculine includes the feminine.
4. The word "person" includes an individual, association, corporation, partnership, or other legal entity.
5. The word "lot" includes the word "plot", "parcel", "premises." or "site."
6. The term "shall" and "will" are mandatory and the terms "may" "should" and "is encouraged" are optional.
7. 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."
8. The phrase "board" or "governing body", unless otherwise specified, shall mean the Board of Commissioners of Abington Township.
9. The words "Township" or "township" means the Township of Abington. The terms "Township of Abington" and "Abington Township" may be used interchangeably.
10. The phrase "planning commission" and "local planning commission" mean the Abington Township Planning Commission.
11. The phrase "Zoning Hearing Board" means the Zoning Hearing Board of Abington Township.

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

SECTION 201. SPECIFIC DEFINITIONS: *For definitions of land use types, see **"Article XXI: Use Regulations".***

Abut: As it pertains to lots, those that share a common lot line. As it pertains to zoning districts, those that share a common zoning line.

Access Drive: 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.

A. **Main Access Drive** – An access drive which provides vehicular and pedestrian access from a street to uses internal to a lot (e.g., buildings, parking) or to a secondary access drive. A main access drive does not include parking aisles.

B. **Secondary Access Drive** – An access drive providing vehicular and pedestrian access from the main access drive to buildings and/or parking which does not intersect a street. A secondary access drive does not include parking aisles.

Figure 2.1
Access Drives

Source: Google Maps.

Access Point, Vehicular: The curb cut or other point at which an Access Drive meets an external street from which it takes access. A Vehicular Access Point may provide for ingress and egress, together or separately, so that a separate entrance and exit shall be considered one Vehicular Access Point.

Accessory Building or Structure: A building or structure that is separate and subordinate, and 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.

Accessory Use: A use subordinate to the principal use of a lot or building.

Adjacent: *see Abut.*

Adult Uses: *see definitions within* ***Article XXIX: Adult Uses.***

Agriculture: The cultivating of the soil, and the raising and harvesting of the products of the soil, including, but not by the way of limitation, nursery, nursery sales yards, horticulture and forestry, and animal husbandry.

Alley: A minor way which may or may not be legally dedicated and is used primarily for vehicular service access to the rear or side of properties abutting a street. Frontage on an alley shall not be considered street frontage.

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

A. A change in use of the structure from one use classification to another.

B. The addition of any zoning use to the structure.

C. Changes to the interior layout or partitions of a structure to modify or improve the utility of the premises.

D. Changes or modifications of the structural members of any building or structure.

E. Incidental changes to nonstructural parts of a building or structure which relate to a change in use of the building.

F. Changes in occupancy, or alteration of conditions imposed upon the occupancy of a building or premises.

Apartment: *See* ***Article XXI: Use Regulations*** *for definitions of specific uses.*

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.

Block: A tract of land bounded by streets and public park areas (and/or railroad rights-of-way, excluding siding and spurs).

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 unless specifically authorized herein. Unless otherwise specified, a buffer area may be included as part of the required setbacks and yard areas

Build-to-Line: Where applicable, a line, measured from and parallel to the street, on which at least 50% of the front façade of the principal building on the lot is required to be built. Where required, a build-to-line replaces the front yard setback. See also "Build-to-Zone".

Build-to-Zone: Where applicable, the area lying between and including the minimum and maximum build-to lines (see **Figure 2.2: Build-to-Zone**).

Figure 2.2
Build-to-Zone

Buildable Area (LP—Land Preservation District Development Sites): That portion of a development site remaining after subtracting the total land preservation area and other restricted lands 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 Coverage: The total amount of 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. When a maximum building coverage is listed as a district or use requirement, the maximum building coverage is not guaranteed to the developer. The need for parking or other factors may preclude achievement of maximum building coverage.

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 Footprint: The total land area covered by a building or structure at-grade.

Building Height: The vertical distance from grade plane to the average height of the highest roof surface.

Building, Principal: A building in which the primary use of the lot is conducted.

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 48" above the ground level.

Canopy: *See definition of "Woodland Area".*

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

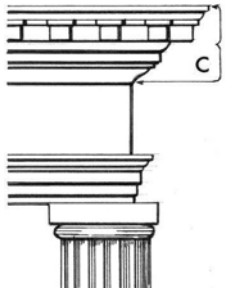
Common Open Space: *See "Open Space, Common".*

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.

Condominium, Multifamily: A multifamily dwelling unit that fits the definition of "condominium", above.

Cornice: Any horizontal decorative, projecting, molding that crowns a building *(see **Figure 2.3**).*

Figure 2.3
Cornice



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

DCNR: Pennsylvania Department of Conservation and Natural Resources.

Density: Dwelling units per developable acre.

Developable Acreage (a.k.a., "Developable Land"): Land remaining at a development site after excluding existing easements; rights-of-way; areas consisting of floodplain and wetlands which are protected from development by federal, state, or local land regulations; and steep slope area (including those steep slope areas 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, rights-of-way, pervious and impervious paving, utilities, excavating, filling, grading, mining, drilling, or blasting of land.

District, Zoning: A portion of the Township 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 a lot or lots.

Duplex: A structure having two residential units—one lying above the other.

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.

Figure 2.4
Eave

Eaves: The overhanging lowest edge of a roof.

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/Official: The Zoning or Code Official appointed by the Township to enforce this Ordinance within the jurisdiction of the Township.

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.

FEMA: Federal Emergency Management Agency.

Façade: The vertical exterior wall or face of a building, measured from grade level up to the roof line, eave, or to the lowest level of a cornice or parapet. Unless specified otherwise, "façade" shall refer to the front façade.

Figure 2.5
Façade

Façade, Front: The façade(s) of a building facing a street, public gathering place, or public access area. The front façade is also sometimes referred to simply as "the façade".

Family: One or more persons related by blood, marriage or adoption, or a group of not more than five persons who need not be related, and who are living together in a single dwelling and maintaining a common household with single cooking facilities. As a special exception, the Zoning Hearing Board may interpret the term "family" to include the following:

A. Any number of individuals living together, when all individuals are related by blood, marriage or legal adoption, as two nonprofit housekeeping units and doing separate cooking on the premises, provided that one of the housekeeping units shall contain not more than two members, at least one of whom shall be 60 years of age or older, and provided further that the owner of the property executes an agreement with the township which shall be recorded with the County Recorder of Deeds, which agreement provides for the immediate removal of separate cooking facilities at such time as they are no longer being utilized by the person for whom they were originally installed. All provisions of other Township ordinances, codes and regulations, specifically as they pertain to multifamily dwellings, must be met.

Floodplain: The area which would be inundated by storm water runoff equivalent to that which would occur with a rainfall of 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 100-year magnitude without causing more than a one-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.

Grade: The slope of the land or public improvement, specified in percent (%). It is measured as rise over run, measured over a minimum ten foot (10') run.

Green Area: The portion of a lot's surface covered with grass or other vegetation. Green area shall not include pervious or impervious paving, and shall be covered with vegetation on at least 80% of its surface.

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:

A. Basement and crawl space utilized strictly as storage use.

B. Mechanical and building utility spaces such as elevator shafts, water closets, and building equipment rooms.

C. Permanent common hallways and stairways.

D. Permanent, aesthetic lobbies used for architectural enhancement or display, and not used for office or seating.

E. Permanent bathroom facilities for use by common tenants or the general public utilizing the building.

F. Mezzanines devoted exclusively for storage use.

G. Garage area, utilized in the required parking space count for the principal building use, and not devoted to storage use.

H. Design elements for handicapped accessibility.

Ground Cover: Low growing plant materials, often supplemented with trees and shrubs, planted in a manner so as to provide continuous plant cover of the ground surface. Non-plant ground cover may also include bark or wood chips, gravel, and stone, provided they are maintained as a continuous pervious cover.

Figure 2.6
Ground Cover

HVAC: Heating, Ventilation, and Air Conditioning.

Height: *for that of buildings, see Building Height.*

Historic Structures: Any area, building or other structure which has been designated by statute, ordinance or departmental or executive declaration of any governmental body as possessing historic significance.

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

ICC: International Construction Code.

Impervious Surface: Surfaces that 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 definition. 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 Balancing: Grading of land which results in no net change to the amount of soil on the site.

Land Development: The physical improvement of land for any purpose involving a single nonresidential use or two or more residential uses on a lot.

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.

Local Road: A road defined as such by the Abington Township Comprehensive Plan.

Lot: A parcel, tract or portion thereof, 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. The following are specific types of lots:

A. **Lot, Corner** – A lot at the junction of and abutting on two (2) or more intersecting streets, where the interior angle is less than one hundred 135° degrees, and the radius of the street is less than 100'.

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

C. **Lot, Interior** – Any lot which is not a corner lot.

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

Lot Line: The lines bounding a lot as defined in ***§2601.M. Yard Requirements.***

Lot Width: The distance measured between lot lines, other than the front and rear lot lines, at the front building setback, build-to line, or portion of the build-to-zone closest to the street.

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.

Nonconforming: 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. *See* ***Article XIX: Nonconforming Uses, Structures, Lots, and Signs.***

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: Shall include 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 set aside in one, or a combination of the following ways:

A. **Open Space, Dedicated:** An open space area or areas offered to and accepted by the Board of Commissioners for use by all residents of Abington Township.

B. **Open Space, Common:** A parcel or parcels of land and/or an area of water within a development site designed and intended for the use or enjoyment of residents of the development, integrated and distributed for maximum benefit of the community, or for the protection of natural or historic resources, and restricted in use by declaration in deed. Common open space shall not include street rights-of-way, off-street parking areas, or required yard areas.

C. **Open Space, Public:** An open space area or areas available for use by the general public.

D. **Open Space in Land Preservation District:** That portion of a tract of open space 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.

For open space regulations, see ***[TBD] Open Space Standards of the SALDO.***

Openings-to-Walls Ratio: A measurement, expressed as a percentage (%) found by dividing A by B, where A = the area of a house comprised of openings such as doors and windows, and B = the total vertical area comprising the outer walls of a house (does not include sloped or horizontal surfaces).

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 Complex: Four or more individual lots utilizing shared parking facilities are identified as a parking complex.

Parking, Shared: The act of two or more uses on the same or separate properties that are in close proximity sharing parking facilities.

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.

Paved Area: All areas covered by gravel and/or impervious surfaces, other than buildings and concrete public sidewalks.

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 50% 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.

Plaza: A public open space at ground level, usually surrounded by buildings and streets and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

Figure 2.7
Plaza

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 use of a building or structure permitted and intended for a given lot, parcel, or premises.

Recreation: See Entertainment/Recreation Use.

Residential District: Any district permitting single-family residential uses, unless specified otherwise.

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.

A. **Legal (a.k.a., "Existing")** – The right-of-way currently in existence, as established by appropriate governing bodies.

B. **Ultimate (a.k.a., "Future")** – The right-of-way deemed necessary by the government entity to provide adequate width for future public improvements.

Road (Public): All public rights-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.

SALDO: Subdivision and Land Development Ordinance.

Screening: A berm, fence, landscaping, wall, or combination thereof that are used to mitigate the view, emitted lighting, sound level, and/or smell of a land use on users of an adjacent lot or public way.

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

Sewage (Disposal) System: A system to collect, treat and dispose of sewage.

A. **Public Sewer Service** – Serviced by a central, publicly owned-and-operated sewage treatment plant.

B. **On-Lot Sewer Service** – Any form of sewage service that does not meet the definition of public sewer service. In most cases, this will involve a private on-lot septic system, but may involve an approved community cluster system.

Shared Access: *See* ***§2313: Shared Access: Requirements and Process.***

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, projected, 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-Family Detached: *See* ***Article XXI: Use Regulations for definitions of specific uses.***

Single and Separate: The ownership of a lot, tract, or parcel of land by one 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 or more persons, partnerships, corporations, or other legal entities.

Site (a.k.a. "Tract"): A lot or parcel, or contiguous lots or parcels of land defined by survey and collectively intended to have one or more uses, or intended to be subdivided or developed as part of a subdivision or land development proposal.

Site or Tract Area (may or may not include multiple lots): Tract area; the total area of a proposed development, regardless of interior lot lines or proposed lots, streets or easements.

A. **Gross Site or Tract Area** – All land on a site excluding that within the existing legal right-of-way, determined from a survey plot plan.

B. **Net Site or Tract Area** – The buildable area of a site, determined by subtracting all land area without development opportunity (dedicated right-of-way and land undevelopable due to the presence of environmental features) from gross site area.

Site Disturbance: Any activity involving the installation of ground cover, grading, filling or excavation of land; or the erection of a dwelling or other structure; or the modification, removal, filling, or alteration of an existing storm water management facility or drainage easement.

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

Special Exception: A zoning use approved 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; pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code.

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

Steep Slope: Natural or man-made areas of land where the average slope exceeds 15%, measured over a ten foot (10') horizontal distance.

Story: The 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 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.

Street Wall: The line of decorative, low fences or walls, and landscaping that screens front-yard parking from the street and public sidewalk. The street wall helps establish the built environment near the street and public sidewalk, improves aesthetics, and encourages pedestrian activity.

Streetscape: The space between the buildings on either side of a street that defines its character. The elements of a streetscape include building frontage/façade, landscaping and street trees, sidewalks and paving, street furniture (benches, kiosks, trash receptacles, and newspaper boxes), signs, and lighting.

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, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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.

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

Twin Dwelling Unit (Single-Family Semi-Detached): *See* **Article XXI: Use Regulations** *for definitions of specific uses.*

Use: Any activity, alteration, addition, business, occupation, or operation carried on, or intended to be carried on in a building, structure, lot, parcel, or premises.

A. **Use, Accessory:** 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 10% of the gross leasable floor area of the building, structure, or premises for commercial uses, and not more than 25% of the gross first floor area for residential uses.

B. **Use, Principal:** 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 90% of the gross leasable floor area of the building, structure, lot, or premises.

C. **Use, Temporary:** A minor use of a building, structure, lot, or premises that is instituted for a limited time period not to exceed 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. A temporary use shall not be authorized for a time period 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.

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.

Vegetation: Plant life, including but not limited to trees, shrubs, flowering plants, and grasses, except those prohibited by this ordinance.

Verge: A strip separating a sidewalk from the curb, and consisting of grass, landscaping, or decorative paving.

Figure 2.8: Verge

Verge

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

Walls, Blank: Building facades lacking doors or windows.

Water Course: Any permanent or intermittent stream, river, brook, creek, or a channel, ditch, or swale, whether natural or man-made, for the conveyance of surface and underground water. Storm sewers are considered to be water courses.

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

A. **Public Water Service** – Service by a central water system that is owned and operated by a municipal authority or a water company with a service area defined by the State Public Utility Commission which transmits water from a common source to more than 20 dwellings or principal uses.

B. **On-Lot Water Supply** – All approved water supply systems that are not public.

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 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 that lies between the appropriate property line and the building setback line established for that specific yard.

A. **Front Yard** – 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.

B. **Rear Yard** – A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

C. **Side Yard** – 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.

*For more information on Yards, see **§2601.M Yard Requirement.***

Article III: R1 Low-Density Residential District

SECTION 300. INTENT: In expansion of **§102 "General Purpose and Intent",** of this Ordinance, it is the intent of the **R-1 Low-Density Residential District** to provide low density, single-family neighborhoods.

SECTION 301. PERMITTED USES: 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 uses permitted, as shown in the Use Matrix and no other, provided that such uses shall comply with the district regulations established in this Article and in **Article XXI: Use Regulations** (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.

SECTION 302. DIMENSIONAL REGULATIONS: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

Figure 3.1

R1 Low-Density Residential District: Dimensional Requirements

(The following dimensional regulations are the district standards which must be achieved for uses, additions or alterations)

MINIMUM LOT DIMENSIONS			
	Lot Area	**Lot Width**	**Lot Depth**
All uses except those specified below	1 Acre	200'	100'
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	5 Acres	300'	300'
MINIMUM YARD DIMENSION			
	Front	**Side (2)**	**Rear**
All uses except those specified below	50' (the front yard on one side of a corner lot may be reduced to a depth of not less than 40'	20'	30'
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	100'	50'	50'
COVERAGE			
	Maximum Building Area	**Maximum Impervious**	**Minimum Green Area**
All uses except those specified below	20%	25%	75%
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	40%	70%	30%
BUILDING			
	Maximum Height	**Maximum Length**	**Minimum Separation for Residential Dwellings**
All uses except those specified below	35'	150'	40'
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	40'	160'	30'
MINIMUM OPEN SPACE			
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	50% of gross site area		

SECTION 303. OTHER DISTRICT REGULATIONS:

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

B. No currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such motor vehicle is parked or stored in an enclosed structure which otherwise meets all of the criteria of this district.

C. Commercial and recreational vehicles and boats greater than 25 feet in length are not permitted to be parked or stored in this districts, except in enclosed structures which otherwise meet all criteria for this district. For the purposes of this paragraph, the terms 'commercial vehicle' and 'recreational vehicle' shall include, without limitation, trucks and other motor vehicles, other than passenger vehicles, and machines of any type, but shall not include trailers. Commercial vehicles less than 25 feet in length and which display any signage or advertising are not permitted to be parked or stored in this district, except in enclosed structures which otherwise meet all criteria for this district.

D. Trailers of any type, more than 18 feet in length and/or 80 inches in width may not display any signage or advertising, and must be parked or stored in enclosed structures which otherwise meet all criteria for this district.

Article IV: R2 Low-Medium-Density Residential District

SECTION 400. INTENT: In expansion of the General Purpose and Intent found in **§102** of this Ordinance, it is the intent of the **R2 Low-Medium-Density District** to provide low density, single-family, residential neighborhoods which lie adjacent to, or among, one acre residential zoning districts.

SECTION 401. PERMITTED USES: 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 uses indicated in the Use Matrix and no other, provided that such uses shall comply with the district regulations established in this Article, **Article XXI: Use Regulations** (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.

SECTION 402. DIMENSIONAL REGULATIONS: The following dimensional regulations are the district standards which must be achieved for any use, addition, or alteration:

Figure 4.1

R2 Low-Medium-Density Residential District: Dimensional Requirements

MINIMUM LOT DIMENSIONS			
	Lot Area	**Lot Width**	**Lot Depth**
All uses except those specified below	15,000 sq. ft.	100'	100'
Uses E-7: Life Care Facility and E-9: Nursing Home	5 Acres	300'	300'
MINIMUM YARD DIMENSION			
	Front	**Side (2)**	**Rear**
All uses except those specified below	40 ft (a front yard on one side of a corner lot may be reduced not less than 30 ft)	15'	30'
Uses E-7: Life Care Facility and E-9: Nursing Home	100'	50'	50'
COVERAGE			
	Maximum Building Area	**Maximum Impervious**	**Minimum Green Area**
All uses except those specified below	25%	35%	65%
Uses E-7: Life Care Facility and E-9: Nursing Home	40%	70%	30%
BUILDING			
	Maximum Height	**Maximum Length**	**Minimum Separation for Residential Dwellings**
All uses except those specified below	35'	150'	30'
Uses E-7: Life Care Facility and E-9: Nursing Home	40'	160'	30'
MINIMUM OPEN SPACE			
Uses E-7: Life Care Facility and E-9: Nursing Home	50% of gross site area		

SECTION 403. OTHER DISTRICT REGULATIONS:

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

B. No currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such motor vehicle is parked or stored in an enclosed structure which meets all of the criteria of this district.

C. Commercial and recreational vehicles and boats greater than 25 feet in length are not permitted to be parked or stored in this district, except in enclosed structures which otherwise meet all criteria for this district. For the purposes of this paragraph, the terms 'commercial vehicle' and 'recreational vehicle' shall include, without limitation, trucks and other motor vehicles, other than passenger vehicles, and machines of any type, but shall not include trailers. Commercial vehicles less than 25 feet in length and which display any signage or advertising are not permitted to be parked or stored in this district, except in enclosed structures which otherwise meet all criteria for this district.

D. Trailers of any type, more than 18 feet in length and/or 80 inches in width may not display any signage or advertising, and must be parked or stored in enclosed structures which otherwise meet all criteria for this district.

Article V: R3 Medium-Density Residential District

SECTION 500. INTENT: In expansion of the General Purpose and Intent found in **Article I, §102** of this Ordinance, it is the intent of the **R3 Residential Medium-Density District** to provide single family dwelling units on medium sized lots.

SECTION 501. PERMITTED USES: *See **Comprehensive Use Matrix** in the Appendix.* 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 uses permitted, as shown in the Use Matrix and no other, provided that such uses shall comply with the district regulations established in this Article, **Article XXI: Use Regulations** (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.

SECTION 502. DIMENSIONAL REGULATIONS: The dimensional regulations in **Figure 5.1,** below are the district standards which must be achieved for any use, addition or alteration:

SECTION 503. OTHER DISTRICT REGULATIONS:

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

B. No currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such motor vehicle is parked or stored in an enclosed structure which meets all of the criteria of this district.

C. Commercial and recreational vehicles and boats greater than 25 feet in length are not permitted to be parked or stored in this districts, except in enclosed structures which otherwise meet all criteria for this district. For the purposes of this paragraph, the terms 'commercial vehicle' and 'recreational vehicle' shall include, without limitation, trucks and other motor vehicles, other than passenger vehicles, and machines of any type, but shall not include trailers. Commercial vehicles less than 25 feet in length and which display any signage or advertising are not permitted to be parked or stored in this district, except in enclosed structures which otherwise meet all criteria for this district.

D. Trailers of any type, more than 18 feet in length and/or 80 inches in width may not display any signage or advertising, and must be parked or stored in enclosed structures which otherwise meet all criteria for this district.

Figure 5.1

R3 Medium-Density Residential District: Dimensional Requirements

MINIMUM LOT DIMENSIONS			
	Lot Area	**Lot Width**	**Lot Depth**
All uses except those specified below	10,000 sq. ft.	75'	100'
Uses E-10: Life Care Facility and E-12: Nursing Home	5 Acres	300'	300'
MINIMUM YARD DIMENSION			
	Front	**Side (2)**	**Rear**
All uses except those specified below	30' (the front yard on one side of a corner lot may be reduced to a depth not less than 20')	12'	30'
Uses E-10: Life Care Facility and E-12: Nursing Home	100'	50'	50'
COVERAGE			
	Maximum Bldg. Area	**Maximum Impervious**	**Minimum Green Area**
All uses except those specified below	30%	40%	60%
Uses E-10: Life Care Facility and E-12: Nursing Home	40%	70%	30%

BUILDING			
	Maximum Height	**Maximum Length**	**Minimum Separation for Residential Dwellings**
All uses except those specified below	35’ max.	100’ max.	24’ min.
Uses E-10: Life Care Facility and E-12: Nursing Home	40’	160’	30’
MINIMUM OPEN SPACE			
Uses E-10: Life Care Facility and E-12: Nursing Home	50% of gross site area		

Article VI: R4 Medium-High-Density Residential District

SECTION 600. INTENT: In expansion of the General Purpose and Intent found in **§102** of this Ordinance, it is the intent of the **R4 Medium-High-Density Residential District** to provide single family dwelling units on high density lot areas.

SECTION 601. PERMITTED USES: 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 uses permitted, as shown by the Use Matrix, provided that such uses shall comply with the district regulations established in **Article XXI: Use Regulations** (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.

SECTION 602. DIMENSIONAL REGULATIONS: The following dimensional regulations are the district standards which must be achieved for any use, addition, or alteration:

Figure 6.1

R4 Medium-High-Density Residential District: Dimensional Requirements

MINIMUM LOT DIMENSIONS			
	Lot Area	**Lot Width**	**Lot Depth**
All uses except those specified below	7,500 s.f.	50'	100'
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	5 Acres	300'	300'
MINIMUM YARD DIMENSION			
	Front	**Side (2)**	**Rear**
All uses except those specified below	20' (the front yard on one side of a corner lot may be reduced to a depth of not less than 15 ft)	10'	25'
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	100'	50'	50'
COVERAGE			
	Maximum Building Area	**Maximum Impervious**	**Minimum Green Area**
All uses except those specified below	40%	55%, but: 50% for existing nonconforming lots < 7,500 s.f.	45%, but: 50% for existing nonconforming lots < 7,500 s.f.
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	40%	70%	30%
BUILDING			
	Maximum Height	**Maximum Length**	**Minimum Separation for Residential Dwellings**
All uses except those specified below	35' max.	100' max.	20' min.
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	40'	160'	30'
MINIMUM OPEN SPACE			
Uses E-10: Life Care Facility (Continuing Care) and E-12: Nursing Home	50% of gross site area		

SECTION 603. SIDE YARDS: For every permitted use other than a dwelling unit or Community Services Use, there shall be a minimum of two side yards, neither of which shall be less than 20 feet in width.

SECTION 604. OUTSIDE STORAGE AND PARKING:

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

B. **Motor Vehicles.** No currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such motor vehicle is parked or stored in an enclosed structure which meets all of the criteria of this district.

C. **Commercial/Recreational/Vehicles.** Commercial and recreational vehicles and boats greater than 25 feet in length are not permitted to be parked or stored in this district, except in enclosed structures which otherwise meet all criteria for this district. For the purposes of this paragraph, the terms 'commercial vehicle' and 'recreational vehicle' shall include, without limitation, trucks and other motor vehicles, other than passenger vehicles, and machines of any type, but shall not include trailers. Commercial vehicles less than 25 feet in length and which display any signage or advertising are not permitted to be parked or stored in this district, except in enclosed structures which otherwise meet all criteria for this district.

D. **Trailers.** Trailers of any type, more than 18 feet in length and/or 80 inches in width may not display any signage or advertising, and must be parked or stored in enclosed structures which otherwise meet all criteria for this district.

Article VII: AO Apartment–Office District

SECTION 700. INTENT: In expansion of **SECTION 102. General Purpose and Intent**, of this Ordinance, it is the intent of the **AO Apartment–Office District** to:

A. Provide for high-density residential/apartment land uses, and limited office/professional land uses in areas of the Township which are well suited for such uses by virtue of their location, highway access, or other unique site characteristics.

B. Encourage attractive design and pedestrian-friendly development.

C. Facilitate access to convenience retail or services for large apartment or office buildings.

D. Act as a transition zone adjacent to single-family detached residential districts, helping buffer those residential districts from arterial roads, higher-intensity commercial districts, or higher-density residential districts.

SECTION 701. 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.

*See **Comprehensive Use Matrix** in Appendix.*

SECTION 702. DIMENSIONAL REQUIREMENTS: The **AO Apartment–Office District** dimensional requirements in the Appendix are the district standards which must be achieved for any use, addition or alteration.

*See **Figure 7.5 AO Dimensional Requirements**.*

SECTION 703. OTHER DISTRICT REGULATIONS:

A. Parking – shall be located to the side or rear of the principal building. For developments with multiple principal buildings, parking shall not be located between the street and the closest principal building to the street. The principal building shall be located closer to the corner than the parking is.

B. Access – no more than one access point per street is permitted.

C. Design of Buildings Located on Easton Road.

1. Door to Street – for properties located on Easton Road, the principal building closest to Easton Road must have a publicly-accessible door for general access facing Easton Road. The door shall be emphasized with at least one of the following features:

   a. Door surround
   b. Arch
   c. Canopy
   d. Overhang
   e. Portico
   f. Pediment
   g. Transom window
   h. Peaked roof form

Figure 7.1
Portico

2. Blank Walls.

   a. In the interest of discouraging "blank walls" and promoting public safety, windows shall be located on each story of each wall facing a street, sidewalk, or parking area open to the public. Where buildings are not divided into stories but are at least 25 feet tall, wall area over and under 12 feet tall shall include windows.

   b. Minimum Window Area. For properties located on Easton Road, the principal building closest to Easton Road must have a façade facing Easton Road with a minimum window area of at least 25%.

   c. Design Features for Large Buildings. Public facades of 200 feet or more which face streets or public parking shall use at least three of the following design features to break up the façade, add visual interest, and prevent a "big-box" look:

      (1) Use of multiple building materials

      (2) Awnings

Figure 7.2
Awnings

      (3) Porches

      (4) Canopies

      (5) Towers

      (6) Balconies

      (7) Bays

      (8) Gables

      (9) Planted trellises

      (10) Use of masonry (brick, stone or similar)

      (11) Belt courses of a different texture or color (horizontal band, often of brick/stone)

Figure 7.3
Projecting Cornice

(12) Projecting cornice/eaves (roof overhang)

(13) Projecting metal canopy

(14) Band of decorative tile

(15) Horizontal off-set of at least 3 feet

(16) Window sills and lintels

(17) Shrubbery flanking front door.

(18) Public facades facing public streets or public parking shall include at least one type of design feature listed above for each 50 feet of frontage facing a public street or public parking.

D. Professional office uses 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.

E. Large Apartment and Office Buildings. The greatest dimension in length or depth of an office or apartment building use shall not exceed 160 feet without a minimum 5-foot offset in the exterior wall (at an angle of at least 90°), 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 full floors above the ground floor may be increased to a maximum of 320 feet, subject to the following:

1. 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 or depth of the largest building on the site.

2. There shall be no unbroken front or side facades over 100 feet in length and no interior courts shall be permitted.

3. Trash, Storage, and Loading shall be located to the side or rear.

F. Garages and accessory buildings visible from a public street shall use the same predominant material as that used on the largest principal on-lot use.

Figure 7.4
Masonry Walls

G. Special Regulations for **F-4 Office Campus and H-2 Apartment/Condominium Campus.**

1. Off-street parking, dumpster enclosures, and loading space shall be located immediately contiguous to the building served (although sidewalks and landscaped areas may be constructed between the parking and the building).
2. Paved areas – Shall be constructed to specifications defined by the Township Engineer.

1/4" TRIM

Figure 7.5

AO Apartment–Office District: Dimensional Requirements

Type	Density	Tract	Lot			Setbacks				Lot Coverage			Building			Other
		Minimum Area	Minimum Area	Minimum Width	Minimum Depth	Front Yard Minimum	Side Yard Minimum	Rear Yard Minimum	Parking	Building Coverage Maximum	Impervious Coverage Maximum	Green Area Minimum	Maximum Height	Minimum Separation	Maximum Length	Setback from Residential Use
E-14 School or College—Public/Private (College Campus only)	16 DU/Ac.[2]	5 Ac.	5 Ac.	300 ft.		75 ft.	50 ft. (2 yards)	50 ft.	From Curb: 25 ft. From Tract Boundary: 10 ft.	20%	50%		65 ft., 35 ft. for portions of buildings within 100 ft. of district boundary	See IV. Other District Regulations	160 ft.	Developments of at least 50,000 s.f. of new floor area shall have a 300 ft. setback for the following: (1) buildings, except storage or utility; (2) organized activities such as graduation ceremonies or camp activities; (3) active recreation fields or structures.
F-4 Office Campus, H-2 Apartment/ Condominium Campus[1]		As specified in Use Regulations	As specified in Use Regulations			75 ft.	50 ft. (2 yards)						65 ft., 35 ft. for portions of buildings within 100 ft. of Single-Family Detached Residential District boundary			
H-1 Apartment/ Condominium Building[1]		10,000 s.f.	As specified in Use Regulations	100 ft.	100 ft.	20 ft.	20 ft. (2 yards)	25 ft.		35%	60%	40%	40 ft.	N/A		
H-4 Duplex Dwelling Unit		7,500 s.f.	3,750 s.f.	50 ft.			12 ft. (2 yards)			40%	55%	45%	35 ft.	20 ft	120 ft.	
H-7 Single-Family Detached		5,000 s.f.	5,000 s.f.				10 ft. (2 yards)									
H-9 Townhouse		20,000 s.f.		40 ft.			12 ft. (1 end unit)									
H-10 Twin Unit		7,500 s.f.	3,750 s.f.				18 ft. (1 yard)			35%	60%	40%				
Other or Mixed Uses		15,000 s.f.	15,000 s.f.	100 ft.		25 ft.	25 ft. (2 yards)	30 ft.					40 ft.		160 ft.	

Notes:

[1] Apartments: For density, minimum lot area, and minimum unit size, see Use Regulations for H-1: Apartment/Condominium Building and H-2 Apartment/Condominium Campus.

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.

[2] Where dimensional or other requirements do not preclude this.

1" TRIM

1/4" TRIM

1/4” TRIM

1” TRIM

1/4” TRIM

Article VIII: SNR Senior Neighborhood Residential District

SECTION 800. PURPOSE: The purpose and intent of the **SNR Senior Neighborhood Residential District** is to provide a specialized district to facilitate residential living by senior citizens in close proximity to medical and assisted living and nursing care facilities in the areas of the Township which have been previously zoned in whole or in part of higher-density uses, and which by virtue of their locations, including direct access to an arterial highway, provide for a transitional use of the land between existing single family neighborhoods and more intensely developed properties.

Figure 8.1
Senior Residential Living (The SNR District Facilitates Such Developments)

SECTION 801. 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 802. DIMENSIONAL REGULATIONS: The dimensional regulations in the following chart are the district standards, which must be achieved for any use, addition or alteration:

Figure 8.2

SNR Senior Neighborhood Residential District: Dimensional Requirements

MINIMUM LOT DIMENSIONS			
Minimum Site/Minimum Lot Area		Lot Width	Lot Depth
25 acres		N/A	N/A
MINIMUM YARD DIMENSIONS			
Perimeter	Front	Side	Rear
25' set back from tract perimeter	8' dwelling set back from edge of interior road	N/A	N/A
COVERAGE			
Maximum Building Area		Maximum Impervious	Minimum Green Area
40%		50%	50%
OPEN SPACE			
Gross Site Area (in acres) x 0.20			
DENSITY			
Gross Site Area (in acres) x 3.20			
BUILDING DIMENSIONS			
Maximum Height		Maximum Length	Minimum Separation
35' maximum, as defined by the Building Code of Abington Township (ICC)		120'	10'

SECTION 803. SPECIAL DEVELOPMENT REGULATIONS:

A. No retail operations or retail land uses are permitted even as accessory uses.

B. Residential Buffer: Along any boundary line of the tract adjoining an existing residential use, a screening buffer conforming to **§2403.B.4. Buffer Specifications**, High Intensity Buffer or Medium Intensity Buffer Option A, with a depth of not less than 25 feet, shall be provided.

C. Open Space Requirements: Land preserved for open space purposes shall be in compliance with **[TBD] Open Space Standards of the SALDO** for the Township Zoning Ordinance.

Figure 8.3

Open Space with Trail

SECTION 804. 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.

Article IX: CS Community Service District

SECTION 900. INTENT:

A. Provide for the educational, medical, municipal, religious, and recreational needs of the Township community.

B. Optimize compatibility of institutional uses with nearby properties by minimizing potentially detrimental impacts, including those caused by traffic, noise, or lighting.

SECTION 901. PERMITTED USES: *See **Comprehensive Use Matrix** in Appendix.*

SECTION 902. DIMENSIONAL REQUIREMENTS: *See **Figure 9.4 CS Community Service District: Dimensional Requirements**.*

SECTION 903. DESIGN:

A. Front Doors. Principal buildings shall have at least one working front door that faces the street. Front doors shall be emphasized with at least one of the following architectural features: door surround; arch; recessed entry; awning; canopy; portico; pediment; transom; landscaping with shrubs, ground cover or perennials.

Figure 9.1
Pediment

Figure 9.2
Canopy

B. Parking Lots. For buildings on Old York or Easton Roads, parking lots are not permitted between the building and the aforementioned street.

C. Roofs.

1. Rooftop HVAC or other rooftop utilities—shall be screened by the roofline, parapet, or other architectural features.

2. Roofs are required to be either: (a) pitched on at least 80% of their surface with a pitch of 6 vertical to 12 horizontal, (b) have a parapet for its entire length, or (c) have a change in roof line of at least two vertical feet at least once every 50 horizontal feet. If the building is at least two stories tall it may meet (a), (b), or (c), above, or may have a projecting cornice. All roofs shall meet the standards above for facades visible from public ways.

Figure 9.3
Blank Wall

D. Blank Walls. In the interest of discouraging "blank walls" and promoting public safety, windows shall be located on each story of each wall facing a public way (street, sidewalk, trail, or parking area). For each wall facing a public street, minimum glazing area shall be at least 10%.

E. Facades. Building facades may not be longer than 160' without a minimum 10-foot deep building offset. No building may be longer than 320' in length, regardless of the number of building offsets.

SECTION 904. EXPANSIONS: Community service institutions permitted by-right 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 **Figure 9.4 CS Community Service District: Dimensional Requirements**. Any increase beyond 25% of such existing coverage up to the maximum permitted under **Figure 9.4 CS Community Service District: Dimensional Requirements** may be made only by conditional use approval.

SECTION 905. 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 development site must have direct access to a public street which has a minimum 32-foot paved cartway.

C. 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 placed within the building envelope

D. 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.

E. Existing **CS-Community Service District** 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.

F. 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 conforming lot dimensions.

2. It is recommended that all facility expansions maintain the existing character of the buildings on-site, and the character of surrounding residential neighborhoods. To accommodate this provision, the required green area shall be continuous and uninterrupted by development, unless physical constraints make this impossible.

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

1. See-through fences up to 6 feet high are permitted in the required front yard areas of community service uses as security devices.

2. Security guard houses not exceeding 100 square feet are permitted in required front yard areas.

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

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

Figure 9.4

CS Community Service District: Dimensional Requirements

	CS (PROPOSED)		COMMENTS
	Default	Route 611	
Lot: Area (Min.)	5 Acre	same	
Lot: Width (Min.)	400 ft.	same	
Lot: Depth (Min.)	400 ft.	same	
Yard: Front	75 ft.	25 ft.	
Yard: Side (2)	50 ft.	25 ft.	
Yard: Rear	50 ft.	25 ft.	
Coverage: Building (Max.)	25%	55%	
Coverage: Impervious (Max.)	40%	80%	
Coverage: Green Area (Min.)	62%	20%	
Building: Height (Max.)	45 ft.*	same*	* E-8 Hospital height = 65 ft. (but is only 55 ft. when within 150 ft. of residential property, and 45 ft. when within 100 ft. of residential property).
Building: Length (Max.)	160 ft. (320 ft. w/required off-sets*)	same	Building facades between 160 ft. and 320 ft. long shall use at least one offset of 10 ft. depth.
Buildings: Separation (Min.)	30 ft.	same	

ARTICLE X: MS Main Street Districts

The "Main Street Districts" include three separate Districts:

- The Main Street—High-Density/Intensity District (MS-H)
- The Main Street—Low-Density/Intensity District (MS-L)
- The Main Street—Village Center District (MS-VC)

SECTION 1000. INTENT - MAIN STREET DISTRICTS:

A. Help create or strengthen community or neighborhood character.

B. Provide for well-integrated, mutually-reinforcing mixed uses along arterial roads, including retail, office, residential, and institutional uses.

C. Retail uses should include low- and medium-intensity uses; and should serve local, community, and specialty retail ("niche market") needs.

D. Residential uses should range from low- to medium-density, and may include workforce housing in appropriate locations, served by transit.

E. Encourage attractive, efficient, and safe building and site design for residents, shoppers, employees, pedestrians, and motorists.

Figure 10.1

MS District Retail Uses

F. Emphasize walkability, shared parking and access, and limit curb cuts.

G. Minimize congestion and hazardous traffic conditions.

H. Encourage transit-oriented or transit-supportive development.

I. Mitigate the impact of development on adjacent low-density residential districts, including those related to privacy, nuisances, and safety.

J. Provide a generous amount of landscaping and green areas, and encourage environmental best management practices.

K. Ensure signage is of an appropriate size and is pedestrian-oriented, with reasonable limits on its illumination.

L. Help implement neighborhood revitalization plans, where applicable.

SECTION 1001. MAIN STREET-HIGH INTENSITY/DENSITY DISTRICT (MS-H) INTENT: In addition to the intent above, the **MS-H District**, shall:

A. Accommodate medium- to high-intensity/density mixed uses on larger lots

B. Include areas primarily located on Old York and Easton Roads, with proximity to Willow Grove and Jenkintown.

C. Generally apply to areas with higher traffic volumes than **MS-L Main Street Low-Intensity/Density and MS-VC Main Street Village Center Districts**.

D. Consist of a large proportion of retail uses, catering to the neighborhood, community, and pass-through traffic from the larger region.

E. Include residential uses which are generally medium-density (multifamily apartments and condos, townhouses, and twins).

SECTION 1002. MAIN STREET-LOW INTENSITY/DENSITY (MS-L) DISTRICT INTENT: In addition to the intent for all **Main Street District Areas, MS-L Main Street-Low-Intensity/Density District** areas shall:

A. Provide for low-to-medium intensity/density mixed uses appropriate to areas along the Township's arterial roads.

B. Provide for small office uses and retail uses, many of which will focus on "niche markets" and specialty goods and services.

C. Accommodate a significant proportion of residential uses. These will generally comprise a higher proportion of development than in the **MS-H Main Street-High-Intensity/Density District**. Residential uses will include low-to-medium-density types.

SECTION 1003. MAIN STREET- VILLAGE CENTER DISTRICT (MS-VC) INTENT: In addition to the intent for all Main Street District areas, the **MS-VC Main Street Village Center District** shall:

A. Preserve and enhance the unique character of Keswick and Roslyn villages, which consist of compact, walkable neighborhoods, with a mix of retail, dining, personal service, and office uses.

B. Encourage appropriate façade and signage design, and a balanced mixture of businesses.

C. Ensure new "infill" development is compatible with the surrounding commercial area.

D. Recognize the importance of window shopping and sidewalk dining, and place a premium on pedestrian accessibility and design.

E. Help implement the goals of the Roslyn Revitalization Plan.

Figure 10.2
MS-VC Intent
In Village Centers it is appropriate for buildings to have working front doors and adequate ground-floor window area

SECTION 1004. DEFINITIONS:

A. **Façade** – The vertical exterior wall or face of a building exposed to public view from ground or grade level to the roof line, or to the lowest edge of a cornice or parapet.

B. **Façade(s), Public** – All building façade(s) which faces a street, public park, or plaza, or parking lot. If more than one façade on a building faces a street, public park, plaza, or parking lot, the building shall have a front façade facing each street or park.

C. **Window Area** – Transparent window area (this includes transparent glass portions of doors).

SECTION 1005. PERMITTED USES:
*See **Comprehensive Use Matrix, Appendix**.*

SECTION 1006. DIMENSIONAL STANDARDS:
*See **Figures 10.18, 10.19, 10.20 (Dimensional Requirements for MS-Main Street Districts)**.*

SECTION 1007. DESIGN:

A. Drive-Throughs. In the **MS-VC Main Street-Village Center District**, Drive-Throughs are permitted for banks only.

B. Front Doors. (Principal) buildings shall have working front doors which face the street. Front doors shall be emphasized with at least one of the following features in the **MS-H Main Street-High-Intensity/Density** and **MS-L Main Street-Low-Intensity/Density Districts**, and two of the following in the **MS-VC Village Center District**:

1. Door surround;
2. Arch;
3. Recessed entry;
4. Awning;
5. Canopy;
6. Portico;
7. Overhang;
8. Pediment;
9. Transom window;
10. Peaked roof form;
11. A street planter(s) of minimum 24 inches diameter;
12. Landscaping with shrubs, ground cover or perennials covering a minimum area of 20 square feet. The landscaped area shall have a minimum diameter of 30 inches; all portions of the landscaped surface area shall lie within 15 inches of plantings.

Figure 10.3
Transom

Figure 10.4
Planter

C. Roofs.

1. Roofs are required to be either: (a) pitched on at least 80% of their surface, with a pitch of five-to-one (5:1) or 20%, (b) have a parapet, or (c) have a minimum two-foot vertical change in roof line at least once every 50 feet. If the building is at least two stories it may meet conditions (a), (b), or (c), or have a projecting cornice. Rooftop HVAC or other rooftop utilities shall be screened with the roofline, parapet, or other architectural features.

2. Roofs Near Residential Districts. Buildings with less than 15,000 square feet of building area on the ground floor that are located within 100 feet of a single-family residential zoning district are required to have pitched roofs covering at least 80% of their surface, with a pitch of five-to-one (5:1) or 20%, to help the building fit better with the nearby residential district (buildings with roof-mounted solar arrays may have a higher pitch).

D. Sidewalks and Street Wall. Landowners are encouraged to provide parking to the side or rear of their buildings, where feasible. When parking is located between the building and street, it shall be screened by a decorative low wall or fence, and landscaping, all of which meets

the requirements of **Article XXV: Sidewalk and Streetscape Design**. Any parking located between the building and the street in the **MS-VC Main Street-Village Center District** must be shared. Access for such parking shall also be shared, such that the number of vehicular access points is one fewer than the number of sites with parking between the street and building that share parking. In such cases, the shared access location may be located as close as 5 feet to the street wall (and does not have to meet the location requirements of **§2313: Shared Access: Requirements and Process**).

Figure 10.5
Street Wall

Figure 10.6
MS-L Conceptual Development

Main Street Districts

MS-L District

Figure 10.7

MS-VC Conceptual Development

E. Trash, Storage, Tanks and Loading shall be located to the side or rear.

F. Windows.

1. In the interest of discouraging "blank walls" and promoting public safety, windows shall be located on each story of each wall facing a street, sidewalk, or parking area open to the public. Where buildings are not divided into stories but are at least 25 feet tall, wall area over and under 12 feet tall shall include windows.

2. Minimum Window Area. *See* ***Figures 10.18, 10.19, 10.20 (Dimensional Requirements for MS-Main Street Districts)***. In addition, product display windows used to meet some of the window requirement must be at least four feet high and be internally lighted.

G. Customer Entrances on Buildings larger than 50,000 square feet. In addition to having a customer entrance on the façade, all sides of shopping centers and retail establishments with 50,000 square feet or more of floor area shall feature at least one (1) customer entrance on each side of the building facing a street. This requirement can be met for two sides of a building by a corner entrance that is visible from both sides.

H. Building Façades.

1. In the **MS-VC Village Center District**, each building shall utilize at least four of the design features listed below on its front façade (or on each of its front façades, where more than one exist).

2. In the **MS-High-Intensity/Density and MS-Low-Intensity/Density Districts**, each building shall utilize at least three of the design features listed below on its front façade (or on each of its front façades, where more than one exist).

3. For each additional 50 feet of front façade length over 50 feet, at least one additional design feature shall be used to break up the façade, add visual interest, and prevent a "big-box" look.

- Use of multiple building materials,
- Awnings,
- Porches,
- Canopies,
- Towers,
- Balconies,
- Bays,
- Gables,

Figure 10.8
Gable

- Planted trellises,
- Use of masonry (brick, stone or similar),
- Belt courses of a different texture or color (horizontal band, often of brick/stone),
- Projecting cornice/eaves (roof overhang),
- Projecting metal canopy,

Figure 10.9
Projecting Cornice

- Band of decorative tile,
- Horizontal off-set of at least three feet,
- Window sills and lintels,
- Street furniture: a bench, waste receptacle, or decorative street lamp, where approved by the Board of Commissioners.

Figure 10.10
Tower

I. Displays. Display windows shall not be utilized for storage of equipment and work-related materials. Except for permitted outside storage, no equipment, goods, merchandise, or material of any nature shall be displayed, stored, or offered for sale outdoors, when visible from the street.

J. Repairs or fabrication. No repair or fabrication shall occur outside.

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

L. Parking Garages.

1. Side(s) of a parking garage visible from the street or abutting an adjacent single-family residential district shall be screened to minimize or obscure the visibility of parked cars. Grills, lattice, mock windows, false facades, louvers, or similar treatments may be used.

Figure 10.11
Parking Garage with Screen

2. When located in the **MS-VC Main Street-Village Center District**, garages taking access from Easton Road or Keswick Avenue shall have a minimum setback of 25 feet from the street, or have a retail use located on the street level.

M. Multi-Building Lots.

1. Where such a lot lies on a corner, at least one building must be built to the corner to form an anchor of the intersection (i.e., a "keystone building").
2. Access driveway widths must not exceed 30 feet for two-way travel, nor 16 feet for one-way travel (exclusive of street parking). Where the build-to-zone includes an undeveloped area of at least 300 s.f., a landscaped plaza or garden of at least 300 s.f. shall be constructed. A landscaped plaza shall have a minimum of 2 benches, have a 15' minimum width, and shall be landscaped on at least 25% of its surface with trees, shrubs, and ground cover. Alternately, the area may be planted as a garden, with a continuous planting area of trees, shrubs, and ground cover.
3. Parking between a principal building in the build-to-zone and the side lot line may not be wider than 70 feet.
4. The largest building(s) on a lot must be located in the build-to zone.
5. There shall be a 20-foot minimum building separation distance between buildings on the lot (30 feet if a driveway or road lies between them).
6. Multi-building lots shall provide street furniture in the amount of one bench and waste receptacle for every 100 linear feet of road and access drive.

N. Outdoor Sales and Storage.

1. These areas shall not be located within 15 feet of any street.
2. Outdoor storage areas shall not exceed 10% of the gross building floor area of any uses, except as permitted in the Use Regulations for building supply center, lumber yard, contractor's business, wholesale establishment, nursery, garden center, or greenhouse.
3. Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall consist of those materials used as predominant materials and colors of the building.

O. Bonuses. The following bonuses are offered in exchange for meeting the bonus criteria (the applicant shall be required to provide adequate information in order to demonstrate that the bonus feature standards will be met).

1. Reduced or Eliminated Side Yards. One bonus point may be use to qualify for reduced minimum side yards, as follows:
   a. MS-H Main Street-High-Intensity/Density Class I: 15 to 10 feet.
   b. MS-H Main Street-High-Intensity/Density Class II: 30 to 15 feet.
   c. MS-L Main Street-Low-Intensity/Density Class I and II: 10 to 5 feet (still 0 if sharing a party wall, and parking is located to the side, rear, or shared).
2. Reduction in Required Green Area. Two bonus points may be used to reduce required green area by 10% (as a percent of the lot).

Figure 10.12

Criteria to Qualify for Bonuses, MS Main Street Districts

Bonus Feature	Bonus Points	Bonus Feature Standard
Shared Parking	1 (2 if at least 10 spaces)	Make parking (min. 5 spaces) available to other MS Main Street District properties through shared parking and easement agreements.
Public Parking	1 (2 if at least 10 spaces are provided)	Make parking available to the public (minimum of either five spaces or 25% of spaces on applicant's property).
De-Emphasized Parking	1	Siting of all parking to side and/or rear of building
Shared Vehicular Access	1	Number of total vehicular access points provided must be one fewer than otherwise permitted by zoning.
Signage/Bus Stop Shelters/ Decorative Crosswalk	1	Provision of wayfinding or gateway signage, bus shelters, or decorative -site crosswalk, when concept and design is approved by Board of Commissioners
Green Roof	1	At least 50% of roof must have vegetative cover . An operating & maintenance (O&M) agreement must be made with the Township, with provisions acceptable to the Township for the design and maintenance of the Green Roof.
Shopping Center or Corner Property: tower	1	Provision of tower (min. 5'. height above roof line)
Shopping Center or Corner Property: plaza	1	Provision of landscaped plaza (min. 2 benches; 300 s.f. area; 15' width; and 25% landscaping with trees, shrubs, and/or ground cover)

Figure 10.13

Gateway Sign

Figure 10.14
Green Roof

Figure 10.15
Shared Vehicular Access (with Interconnection)

Figure 10.16
Wayfinding Signage

Figure 10.17
Plaza

1/4" TRIM

Figure 10.18

MS-H Main Street—High Density/Intensity District Dimensional Requirements

	Class I	Class II	Comments
Density	10 DU/Ac. (H-10: Twin Dwelling Units: 8 DU/Ac.)		
Lot			
Lot Area, Minimum	15,000 sf.	30,000 sf.	
Permitted Residential Uses (exc. Twin and Multifamily Building)	7,500 sf		For permitted residential use types, see use matrix. For apartments/ condominiums, see Use Regulations.
Twin Dwelling Units (per unit)	3,750 sf		
Lot Width, Minimum	100 ft.	150 ft.	
Green Area, Minimum	25%	35%	
Residential Use (except multifamily)	55%		
Multifamily Use	20%		
Buildings on the Same Lot	N/A		
Minimum Separation	20 ft.		
Building Size	The largest building on-lot must have at least 50% of its front façade located in the build-to-zone		
Build-to-Line			
Build-to-Line (from curb): The principal building shall meet the following requirements. The "Build-to-Zone" covers the area between and including min. and max. build-to-lines. The build-to requirement shall not override the sight triangle.	N/A		
Minimum	15 ft.		
Maximum	25 ft.		
Maximum Distance from Curb, with Street Wall and Shared Parking and Street Access in Front: Parking is permitted between the building and the street and the building may be set back up to 70 feet from the street if a "street wall" and landscaping is constructed between the parking and the sidewalk. In the MS-VC District, if parking is located between the building and street the parking and street access must be shared (this provision does not apply to Village Dwelling Units)	70 ft.		Features such as overhangs, upper floor balconies, and similar architectural features placed on the front side of the building may extend closer to the street than the minimum build-to-line, and/or up to three feet into the right-of-way, but no closer than five feet to the curb line. Projections into the right-of-way shall be subject to approval by the authority having jurisdiction.
Setbacks			
Yard Setback, Side, Minimum	15 ft.	30 ft.	
Yard Setback, Rear, Minimum	20 ft.	35 ft.	
Building Setback from Abutting R1/R2/R3/R4, Minimum	40 ft.	55 ft.	
Trash Storage Setbacks from Abutting R1-R2-R3-R4 Properties, Minimum	20 ft.		
Building			
Building Footprint, Maximum	N/A		
Facade Height, Minimum	20 ft.		Minimum facade height applies to front facades, measured from lowest visible part of facade to lowest part of roof, when visible from the street.
Building Height, Maximum	35 ft.		
Window Area (Minimum), Street-Facing Façade(s)	N/A		
Ground Floor (lowest portion of window must be at least two feet [2'] above grade; highest portion must not exceed eight feet [8'] above grade.	45%		
Upper Stories	25%		
Street-facing façade above 12 feet, when one-story building is used to fulfill a minimum height requirement.	25%		
Parking			
Parking Setback from Street Wall and Landscaping	5 ft. (from "street wall" and landscaping)		Street wall required when building is more than 20 ft from ultimate ROW.
Maximum Width, Parking between Principal Building and Side Lot Line (for Building in Build-to-Zone)	70 ft.		Features such as overhangs, upper floor balconies, and similar architectural features placed on the front side of the building may extend closer to the street than the minimum build-to-line, and/or up to three feet into the right-of-way, but no closer than five feet to the curb line.
Parking Setback from Abutting R1/R2/R3/R4 Properties, Minimum	20 ft.		
Parking Setback from MS Properties and Districts Other than R1/R2/R3/R4, Minimum	10 ft., 0 ft., if shared parking		
Maximum Width, Street Access Point (two-way)	35 ft.		An island will be required to separate inbound from outbound travel lanes at parking lot entrances.

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1/4" TRIM

Figure 10.19

MS-L Main Street—Low Density/Intensity District Dimensional Requirements

	Class I	Class II	Comments
Density	10 DU/Ac. (H-10: Twin Dwelling Units: 8 DU/Ac.)		
Lot			
Lot Area, Minimum	10,000 sf.	20,000 sf.	
Permitted Residential Uses (exc. Twin and Multifamily Building)	7,500 sf		For permitted residential use types, see use matrix. For apartments/ condominiums, see Use Regulations.
Twin Dwelling Units (per unit)	3,750 sf		
Lot Width, Minimum	100 ft., 50 ft. for Residential	150 ft.	
Green Area, Minimum	35%		
Residential Use (except multifamily)	55%		
Multifamily Use	25%		
Buildings on the Same Lot	N/A	N/A	
Minimum Separation	20 ft.		
Building Size	The largest building on-lot must have at least 50% of its front façade located in the build-to-zone		
Build-to-Line (from curb): The principal building shall meet the following requirements. The "Build-to-Zone" covers the area between and including min. and max. build-to-lines. The build-to requirement shall not override the sight triangle.			
Minimum	15 ft.		
Maximum	25 ft.		
Maximum Distance from Curb, with Street Wall and Shared Parking and Street Access in Front: Parking is permitted between the building and the street and the building may be set back up to 70 feet from the street if a "street wall" and landscaping is constructed between the parking and the sidewalk. In the MS-VC District, if parking is located between the building and street the parking and street access must be shared (this provision does not apply to Village Dwelling Units)	70 ft.		Features such as overhangs, upper floor balconies, and similar architectural features placed on the front side of the building may extend closer to the street than the minimum build-to line, and/or up to three feet into the right-of-way, but no closer than five feet to the curb line. Projections into the right-of-way shall be subject to approval by the authority having jurisdiction.
Setbacks			
Yard Setback, Side, Minimum	10 ft, or 0 ft if sharing a party wall, and parking is located to the side, rear, or shared; 15 ft for Village Dwelling		
Yard Setback, Rear, Minimum	20 ft.		
Building Setback from Abutting R1/R2/R3/R4, Minimum	40 ft.		
Trash Storage Setbacks from Abutting R1-R2-R3-R4 Properties, Minimum	20 ft.		
Building			
Building Footprint, Maximum	10,000 sf.		
Facade Height, Minimum	20 ft.		Minimum facade height applies to front facades, measured from lowest visible part of facade to lowest part of roof, when visible from the street.
Building Height, Maximum	35 ft.		
Window Area (Minimum), Street-Facing Façade(s)	N/A		
Ground Floor (lowest portion of window must be at least two feet [2'] above grade; highest portion must not exceed eight feet [8'] above grade.	30%		
Upper Stories	25%		
Street-facing façade above 12 feet, when one-story building is used to fulfill a minimum height requirement.	25%		
Parking			
Parking Setback from Street Wall and Landscaping	5 ft. (from "street wall" and landscaping)		Street wall required when building is more than 20 ft from ultimate ROW.
Maximum Width, Parking between Principal Building and Side Lot Line (for Building in Build-to-Zone)	70 ft.		Features such as overhangs, upper floor balconies, and similar architectural features placed on the front side of the building may extend closer to the street than the minimum build-to line, and/or up to three feet into the right-of-way, but no closer than five feet to the curb line.
Parking Setback from Abutting R1/R2/R3/R4 Properties, Minimum	20 ft.		
Parking Setback from MS Properties and Districts Other than R1/R2/R3/R4, Minimum	N/A		
Maximum Width, Street Access Point (two-way)	35 ft.		An island will be required to separate inbound from outbound travel lanes at parking lot entrances.

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Figure 10.20

MS-VC Main Street—Village Center District Dimensional Requirements

	All Uses	Comments
Density	10 DU/Ac. (H-10: Twin Dwelling Units: 8 DU/Ac.)	
Lot		
Lot Area, Minimum	10,000 sf; 3,000 sf. on Keswick Avenue	
Permitted Residential Uses (exc. Twin and Multifamily Building)	7,500 sf	For permitted residential use types, see use matrix. For apartments/ condominiums, see Use Regulations.
Twin Dwelling Units (per unit)	3,750 sf	
Lot Width, Minimum	50 ft., 20 ft. on Keswick Ave.	
Green Area, Minimum	20%	
Residential Use (except multifamily)	55%	
Multifamily Use	10%	
Buildings on the Same Lot	N/A	
Minimum Separation	20 ft.	
Building Size	The largest building on-lot must have at least 50% of its front façade located in the build-to-zone	
Build-to-Line (from curb): The principal building shall meet the following requirements. The "Build-to-Zone" covers the area between and including min. and max. build-to-lines. The build-to requirement shall not override the sight triangle.		
Minimum	15 ft.	
Maximum	25 ft.	
Maximum Distance from Curb, with Street Wall and Shared Parking and Street Access in Front: Parking is permitted between the building and the street and the building may be set back up to 70 feet from the street if a "street wall" and landscaping is constructed between the parking and the sidewalk. In the MS-VC District, if parking is located between the building and street the parking and street access must be shared (this provision does not apply to Village Dwelling Units)	70 ft.	Features such as overhangs, upper floor balconies, and similar architectural features placed on the front side of the building may extend closer to the street than the minimum build-to line, and/or up to three feet into the right-of-way, but no closer than five feet to the curb line. Projections into the right-of-way shall be subject to approval by the authority having jurisdiction.
Setbacks		
Yard Setback, Side, Minimum	10 ft; 0 if sharing a party wall, and parking is located to the side, rear, or shared	
Yard Setback, Rear, Minimum	20 ft.	
Building Setback from Abutting R1/R2/R3/R4, Minimum	25 ft.	
Trash Storage Setbacks from Abutting R1-R2-R3-R4 Properties, Minimum	20 ft.	
Building		
Building Footprint, Maximum	10,000 sf.	
Facade Height, Minimum	20 ft.	Minimum facade height applies to front facades, measured from lowest visible part of facade to lowest part of roof, when visible from the street.
Building Height, Maximum	35 ft.	
Window Area (Minimum), Street-Facing Façade(s)		
Ground Floor (lowest portion of window must be at least two feet [2'] above grade; highest portion must not exceed eight feet [8'] above grade.	45%	
Upper Stories	25%	
Street-facing façade above 12 feet, when one-story building is used to fulfill a minimum height requirement.	25%	
Parking		
Parking Setback from Street Wall and Landscaping	5 ft. (from "street wall" and landscaping)	Street wall required when building is more than 20 ft from ultimate ROW.
Maximum Width, Parking between Principal Building and Side Lot Line (for Building in Build-to-Zone)	70 ft.	Features such as overhangs, upper floor balconies, and similar architectural features placed on the front side of the building may extend closer to the street than the minimum build-to line, and/or up to three feet into the right-of-way, but no closer than five feet to the curb line.
Parking Setback from Abutting R1/R2/R3/R4 Properties, Minimum	20 ft.	
Parking Setback from MS Properties and Districts Other than R1/R2/R3/R4, Minimum	10 ft., 0 ft. if shared parking	
Maximum Width, Street Access Point (two-way)	35 ft.	An island will be required to separate inbound from outbound travel lanes at parking lot entrances.

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Article XI: BC Business Center District

SECTION 1100. INTENT:

A. Accommodate a mix of sustainable, complimentary uses, to include retail, office, and community service (and with the exception of Willow Grove Park Mall, residential).

B. Where residential is permitted, develop a greater range of housing choices and more interdependent, round-the-clock development centers.

C. The primary component of the District is and will continue to be retail uses, which serves the needs of both local neighborhoods and the larger region. Retail uses should provide a range of compatible and interdependent business activities, and should include dining and entertainment uses.

D. Create strong pedestrian and bicycle connections within the District and with surrounding areas.

E. Enable attractive building design and streetscapes inside **BC Business Center District** developments and along the external street fronts of BC developments.

F. Provide public open space areas for passive recreation and gathering.

G. Permit an intensification of uses in appropriate locations.

H. Encourage town-center style design, with attractive buildings, circulation systems, and green spaces. Require creation of civic spaces suitable for hosting public events and gatherings.

I. Ensure adequate separation and buffering between **BC Business Center District** and adjacent single-family residential districts.

J. Additional Intent Specific to Willow Grove Park:

1. Serve as a regional shopping center, providing for the daily shopping needs of Township residents, employees, and those from the larger region. Require a mix of retail and office uses, while allowing community service uses.
2. Provide for outparcels and some development along external streets, particularly Easton Road.
3. Accommodate automobile-oriented uses while establishing a pedestrian-friendly environment.
4. Improve connections with Willow Grove, including the business district, train station and Willow Grove Shopping Center.
5. Require strong buffer and lower building heights near single-family residential district.

K. Additional Intent Specific to Abington Towne Center:

1. Facilitate the implementation of the Old York Road Corridor Improvement Plan. Consistent with this, encourage new or expanded buildings closer to Old York and London Roads.
2. In addition to retail, permit office, limited residential, and community service uses.
3. Create a significant buffer with, setbacks from, and height restrictions near, Williams and Davidson Roads and the single-family homes on those streets.

L. Additional Intent Specific to Noble:

1. Revitalize vacant and underutilized sites.
2. Capitalize on proximity to SEPTA's regional rail system with more transit-supportive development.
3. Require a mix of residential and nonresidential uses.

4. Implement recommendations from the Old York Road Corridor Improvement Plan.
5. Encourage more walkable development, located close to the public street.
6. Focus most intense development at "Triangle" area between Noble rail station and intersection of Old York Rd. & the Fairway.
7. Ensure development contributes to a high-quality aesthetic environment without limiting design flexibility and innovation.
8. Provide adequate and logical connections of streets and sidewalks within the development and between the development and adjacent neighborhoods.
9. To provide common areas for socialization, gatherings, and special events.

M. Additional Intent Specific to Huntingdon Valley Shopping Center:

1. Facilitate a more pedestrian-friendly design, with buildings closer to Huntingdon Pike
2. Require a mix of retail and office uses, while allowing community service uses.

N. Additional Intent Specific to Foxcroft:

1. Help implement recommendations of the Old York Road Corridor Improvement Plan.
2. Maintain suburban-style development in the area, including high-rise residential.

SECTION 1101. DEFINITIONS: The following definitions apply only within the BC Business Center District, unless stated otherwise:

A. **Mature Trees** – A deciduous or evergreen tree that has a 4-inch dbh (diameter breast height) or is 45 feet in height.

B. **Urban Garden** – Urban gardens are areas intended to enhance the aesthetic appeal of a site. They shall be available to members of the public for relaxation and conversation (public access shall be guaranteed through a deed restriction or other means acceptable to the Township Solicitor). To qualify for a bonus offered by in this chapter **Article XI: BC Business Center District**, the urban garden must meet the minimum requirements specified within **§1105. The Public Realm: Streetscape, Open Space, the Pedestrian System and Transit**.

SECTION 1102. PERMITTED USES: *See* **COMPREHENSIVE USE MATRIX IN APPENDIX**.

SECTION 1103. DIMENSIONAL REGULATIONS: *See* ***Figure 11.9 BC Business Center District Dimensional Requirements***.

SECTION 1104. DESIGN STANDARDS:

A. Information Required. The applicant shall submit plans, elevations, renderings, reports, documents, and samples as necessary to demonstrate compliance with this section.

B. Streets, Access Drives, and Parking

1. Intent.

a. To minimize the visual impact of structured parking garages on the public realm and mitigate the impact of vehicle noise, headlights, building lighting, and mechanical systems associated with parking facilities.

b. To design structured parking garages to be visually compatible with the surrounding development.

c. To encourage garages with a mixed-use character in appropriate locations.

2. Access Drives.

   a. Width. To promote a pedestrian-friendly environment and discourage excessive impervious coverage, access drives shall have a maximum width, exclusive of any median, of: 28 feet + 8 additional feet for each side having parallel parking.

   b. Main Access Drives shall not extend more than 500 feet without a principal building or plaza in its build-to-zone.

   c. On-street parallel parking shall be permitted along proposed main access drives (or proposed public or private streets) and may count as part of the overall parking requirement.

3. External Street Access. BC Business Center District developments shall take access from all abutting arterial or collector roads with an access drive or street. At least one of the access drives connecting a property to an external street shall be designated a "main access drive". Property in the **BC Business Center Districts** shall not take access from Davidson or Ainslie Roads.

4. Parking Interconnection. Parking areas must be interconnected, so that it is possible to drive from any one parking area on a lot or shopping center to any other parking area on the lot or shopping center without using an external public road, unless existing buildings, steep slopes, or a waterway prevents this. Parking areas shall also be interconnected with those on adjacent lots zoned BC-Business Center, consistent with **§2313: Shared Access: Requirements and Process**. It is recommended that parking areas also be interconnected with those on adjacent properties zoned BC Business Center.

5. Park Avenue. Willow Grove Park: Any site reconfiguration shall maintain a primary access drive opposite Park Avenue.

6. Parking/Access in Front of Buildings. Parking and vehicular circulation areas are not permitted in front of buildings, with the exception of the built-to street or access drive. Parallel parking on streets (and in the **BC Business Center Districts**, main access drives) shall be permitted; spaces shall be a minimum of 22' long.

7. Parking Garages. Cars in parking garages or structures shall be screened from the street using features such as grills, lattice, mock windows, louvers, or false facades. Structured parking facilities shall not have blank walls, and shall utilize changes in color, texture, or material.

8. Shared Parking and Access for Lots Less than One Acre. When parking is located between the building and the street on such properties, it shall be shared. The number of vehicular access points shall be one fewer than the number of sites with parking between the street and building that share parking. In such cases, the shared access location may be located as close as 5 feet to the street wall (and does not have to meet the location requirements of **§2313: Shared Access: Requirements and Process**).

C. Buildings. Recommendation: any development with more than one building on the site should have a common and coherent architectural theme throughout the development. The following requirements apply to principal buildings:

1. Intent.

   a. To define the streetscape by controlling building mass, form, and façade articulation without dictating architectural style.

   b. To maintain the continuity of the street wall for most of the street length.

   c. To ensure that building architecture generates visual interest and avoids large areas of monotonous building mass.

d. To create a lively and interesting streetscape by ensuring that proposed buildings are adequately fenestrated with windows and doors at street level.

2. Build-To-Line. Principal buildings shall be constructed so the build-to-lines are measured from a public street, main access drive, private street, or secondary access drive (with the exception that at Willow Grove Park, the build-to-line may be measured from the pond).

3. Façades.

   a. The front façade of any building in a build-to-zone must face the street or access drive which that build-to-zone abuts.

   b. A building located in more than one build-to-zone must have a primary façade face each street or access drive abutting those build-to-zones.

   c. For Noble, a building built within 100' of the Fairway must face the Fairway even if it also faces an interior street in another direction.

   d. Rear and side facades—shall match the color of the front façade.

   e. Facade Offsets:

      (1) Horizontal Offset. Buildings must have at least a 3-foot break in depth in all front facades for every 100' of continuous horizontal façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions or recesses, balconies, towers, and other architectural treatments.

      (2) In addition to the required 3-foot break in depth in front facades, building facades of 200 horizontal feet or more shall include at least 2 design elements to break up the façade, including any of the following:

         (a) Awnings;
         (b) Porches;
         (c) Canopies;
         (d) Towers;
         (e) Balconies;
         (f) Bay windows;
         (g) Gables;
         (h) Changes in materials or façade treatments.

Figure 11.1
Gables

(3) Recommendation: Large facades should be broken up into the appearance of several sections or smaller buildings to avoid the appearance of a large, monotonous building mass.

4. Parking Garages. In addition to the other applicable building design standards in this section, parking garages shall have design treatments that provide visual interest, such as changes in color, texture, or building material. It is recommended that parking garages be designed to continue the architectural elements of the rest of the development. Vehicles in structured parking facilities shall be screened from the street through features such as grills, lattices, mock windows, louvers, or false facades. It is recommended that such screening be in keeping with the rest of the building's architectural style and materials.

5. Corner Buildings.

   a. Buildings located on a corner (of streets and/or access drives) shall have a main entrance on (and facing) the corner.

   b. Abington Towne Center: New buildings must be constructed on the two corners on the east side of Old York and London Roads (in their build-to-zones) before they may be constructed elsewhere.

   c. Willow Grove Park Mall: No new buildings may be constructed within 300 feet of the intersection of Park and Moreland Roads until a principal building is constructed within the build-to-zones of both Moreland Road and the access drive which aligns with Park Avenue.

6. Entrances. All primary building entrances shall accentuated with (include) at least one of the following:

   a. Recessed;
   b. Protruding;
   c. Canopy;
   d. Portico;
   e. Overhang;
   f. Transom window.

7. Multiple Buildings. It is recommended that developments with more than one building on the property have a common, coherent architectural theme throughout.

8. Roofs.

   a. Buildings shall use parapets, pitched roofs, or mansard roofs to conceal flat roofs, elevator and stair shafts, large vents, and rooftop equipment such as HVAC units.

   b. Roofs must be interrupted at least once every 100 horizontal feet by the inclusion of at least two of the following:

      (a) Gable;

Figure 11.2
Mansard Roof

(b) Dormer;

(c) A vertical change of 5 feet or more;

(d) Tower;

(e) Dome;

(f) Barrel vault;

(g) Projecting cornice;

(h) An articulated parapet of 5 feet or more, or the inclusion of a similar architectural feature (as determined by the Board of Commissioners).

Figure 11.3

Parapets

9. Windows.

   a. Smoked, reflective, or black glass in windows is prohibited.

   b. Blank walls, walls or portions of walls where windows are not provided, shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments:

      (1) Projecting cornice;

      (2) Projecting metal canopy;

      (3) Decorative tile work;

      (4) Trellis containing planting;

      (5) Medallions;

      (6) Opaque or translucent decorative glass;

      (7) Artwork;

      (8) Vertical/horizontal articulation;

      (9) Lighting fixtures;

      (10) Belt courses of a different texture or color than the rest of the façade;

      (11) Masonry (excluding cinder block);

      (12) Concrete or masonry plinth at the base of the wall.

c. Blank walls shall not be permitted along any exterior wall facing a street or passenger train station. Walls in these locations shall comprise a minimum of 35% window area and a maximum of 75% window area, with windows interspersed across the façade.

d. Ground Floor Retail Windows. Ground floor facades of retail uses facing a street, access drive, public open space area, or passenger train station shall be comprised of a minimum of 50% clear window area, with windows providing views of display areas or the inside of the building. Ground floor windows shall begin between 12 to 24 inches above ground level.

Figure 11.4

Horizontal Articulation

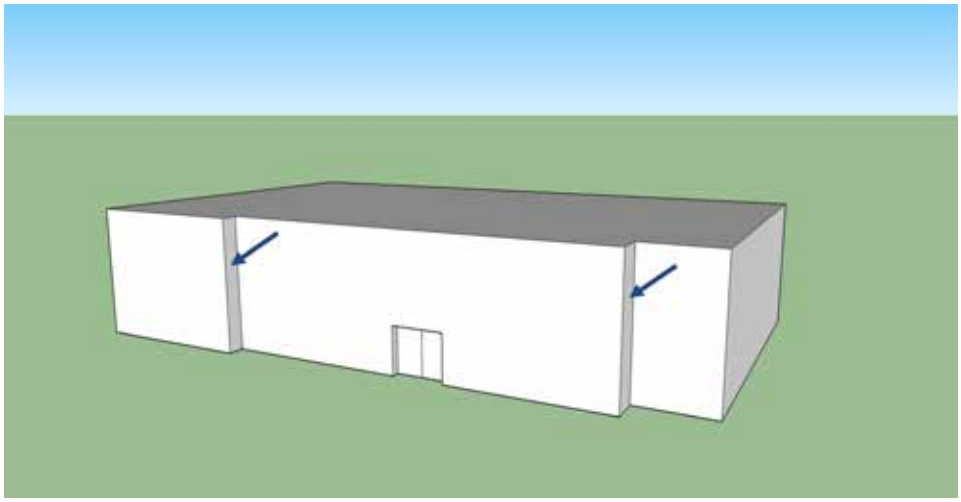
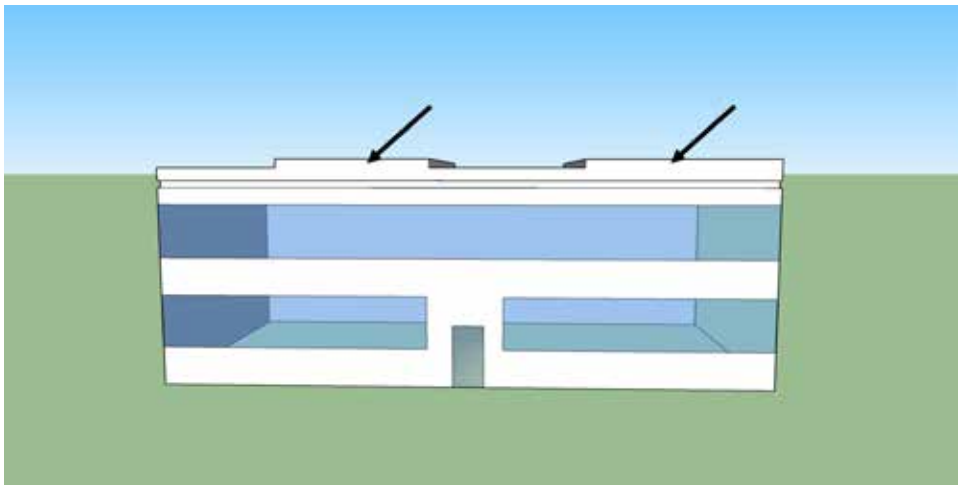


Figure 11.5

Vertical Articulation



SECTION 1105. THE PUBLIC REALM: STREETSCAPE, OPEN SPACE, THE PEDESTRIAN SYSTEM AND TRANSIT:

A. Transit Shelters. Each BC Business Center District lot greater than 10 acres must provide a transit or shuttle shelter. Each shelter shall be at least 13.5 feet long, 6.5 feet deep and 8 feet tall. Each shelter shall be accompanied by a bus pull-off, cut-out, or other area at least

40 feet long. This area must be sufficiently separated from the cartway so as not to black traffic, and shall not block the sidewalk. Shelters shall contain at least 5 linear feet of seating. Safety lighting shall be provided under the roof of the shelter, but shall not cast illumination on adjacent roads or properties.

B. Street Furniture.

1. The following street furniture shall be provided: benches, trash and recycling receptacles, planters, and bike racks.
2. Street furniture shall be functional, durable, and properly scaled to the space; it is recommended that it be decorative as well.
3. Benches and trash and recycling receptacles shall be provided at least every 100'.
4. Planters shall be provided at least once every 50'.
5. Bike Racks shall be provided at a rate of at least one per every 250 parking spaces. Each bike rack shall accommodate at least ten bikes. Each building and main building entrance shall be located within 200 feet of a bike rack. At least half of all required bike racks storage spaces shall consist of bike locker spaces or covered bike rack spaces.

C. Public Open Space.

1. May consist of plazas, parks, central greens, urban gardens, and similar types of usable, public space.
1. For sites used to fulfill the minimum open space requirement, no open space area shall be smaller than 2,500 square feet.
2. For properties larger than one acre, a minimum of two open space areas shall be provided.
3. Land having a width of less than 25' may not be counted towards the minimum required open space area.
4. A minimum of 30% of the area shall be landscaped with a mixture of trees, shrubs, or ground cover. Such areas shall have benches, trash containers, and lighting fixtures.
5. Such areas shall be surrounded by streets and/or front facades of buildings along at least 45% of their perimeter.
6. At least one focal element, such as a fountain, clock tower, sculpture, trellis, garden, or other public art feature should be located in each public open space area.
7. Urban Garden (a bonus criteria option). Urban gardens shall meet the requirements of this subsection **§1105.C. Public Open Space**, unless otherwise regulated below. An urban garden shall not count towards the minimum open space requirement. It shall consist of one contiguous area, meeting the following requirements:
   a. Minimum size: 600 square feet;
   b. Minimum radius: 15 feet;
   c. A mixture of trees, shrubs, and ground cover shall comprise a minimum 60% of the garden;
   d. Seating shall be provided at a minimum of one seat per 30 square feet of garden area;
   e. Paths or sidewalks shall traverse the garden, and their total length shall be at least as long as the longest diameter of the garden.

SECTION 1106. LIGHTING:

A. The amounts and spacing of fixtures proposed shall be approved by the Township Engineer.

B. Lighting shall be directed and shielded so light is directed towards the proposed development,

and not towards abutting properties.

C. Light fixtures shall be set back at least 20 feet from properties where zoning permits residential uses, and shall not exceed 10 feet in height within 30 feet of such properties.

D. No light, except street lighting, shall fall onto external streets.

E. Lighting fixtures shall use a full-cutoff design.

F. A light source must not be visible from adjacent properties.

G. No parking lot lighting standard or building fixture designed to illuminate the ground shall exceed 18 feet in height. No pedestrian lighting fixture shall exceed 14 feet in height.

H. Recommendation: lighting fixtures should be in keeping with the rest of the development's architectural style and materials.

SECTION 1107. TRASH, LOADING AND UTILITIES SHALL BE REGULATED BY §2601.O: TRASH CONTAINMENT STANDARDS, AND SECTION 2312: OFF-STREET LOADING REQUIREMENTS, UNLESS OTHERWISE REGULATED BELOW:

A. The storage of refuse shall be provided inside the building(s) or within an outdoor area completely enclosed by either walls or opaque fencing at least 6 feet in height with self-closing and self-latching gates. No chain link fences or cinder block shall be used for such enclosures. It is recommended that refuse areas be designed to match or be compatible (in color and material) with the site's building(s). If the enclosure is painted, it shall be painted the same (or predominant) color as that of the building it serves.

B. Outdoor refuse areas shall not be located in the front of the building (not between the the building and the street).

C. All wall-mounted or ground-mounted mechanical, HVAC, utility, or communication equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.

D. Service and loading areas must be located to the side or rear of buildings and must be visually screened. Loading doors, service doors, and loading docks shall not be located on any façade facing a street, or on any portion of a façade within 35 feetof a street.

SECTION 1108. BONUSES.

The applicant shall be required to provide adequate information in order to demonstrate that the bonus feature standards will be met.

Figure 11.6

Bonuses

Bonus	Bonus Points or Conditions Required to Qualify
Increased Height (10'-15'), where permitted and as specified by Dimensional Spreadsheet.	4
Increased Density (where permitted and as specified by Dimensional Spreadsheet)	4
Increased FAR (Floor-to-Area Ratio). This varies by location (see **Figure 11.9 BC Business Center Districts: Dimensional Requirements**).	4
Two or more Bonuses	7
Eliminated Side Yard Setback	If shared parking and easement guaranteeing access are provided

Figure 11.7

Criteria to Qualify for Bonuses

Bonus Feature	Bonus Points	Bonus Feature Standard
Additional Public Open Space	1	Bonus point given for each additional 5% of lot area over that required, up to maximum 2 points.
Community Room or Meeting Space	1	Minimum 2,000 sf indoor meeting space, available to the public daily, minimum 12 hours per day.
Green Roof	1	At least 50% of roof must have vegetative cover. An operating & maintenance (O&M) agreement must be made with the Township, with provisions acceptable to the Township for the design and maintenance of the Green Roof.
Historic Preservation	1	Preservation and reuse of one of the following historic buildings: Noble train station or 1725 The Fairway.
Public Parking	2	Make parking available to the public (minimum 8 spaces or 25% of spaces on applicant's property).
Public Parking in Parking Garage	No points, but applicant's building coverage may be increased to 60%	Make minimum of 25% of parking spaces in parking garage available to public.
Recycle and/or salvage nonhazardous construction and demolition debris.	1 for 60% minimum	Develop and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or comingled. Excavated soil and land-clearing debris do not contribute to this credit. Calculations can be done by weight or volume, but must be consistent throughout.
Residential Uses Wrapping Parking Garage	Building Cover Increase to 80%	Residential units shall be located along at least 25% of garage perimeter. This applies to the Noble Triangle area (bounded by Old York Road, the Fairway, and the SEPTA Regional Rail line).
Road Connection Improvements	4 for minimum 100 L.F.; 2 for minimum 50 L.F.	Provision of public/private right-of-way and cartway to allow the future connection between Old York Rd and the Fairway, including sidewalk improvements
Shared Access	1	Establish shared access consistent with the Shared Parking and Access provisions, and eliminate curb cut(s) consistent with those provisions.
Shared Parking	Eliminated Side Yards	Make parking (minimum 8 spaces per acre) available to other **BC Business Center District** properties through shared parking and easement agreements.
Signage/Bus Stop Shelters/ Decorative Crosswalk	1	Provision of off-site wayfinding or gateway signage, on- or off-site bus shelter, or decorative crosswalk on public street, when concept and design is approved by Board of Commissioners.
Solar Array on Roof	1	Provision of a solar array with panels meeting a minimum size of 50 s.f., or 10% of the roof area, whichever is greater.
Urban Garden	1	*See* ***§1105.C.7: Urban Garden.***
Use Incentives	1	For movie theater or performing arts center.

Figure 11.8
Gateway Signage

SECTION 1109. CREATION OF INDIVIDUAL LOTS: In connection with the overall integrated development, individual lots may be created for purposes of financing and/or conveyancing, without the need for subdivision/land development approval. Such individual lots shall not be required to comply on an individual basis with the dimensional requirements of this ordinance, provided that (1) the overall development complies with such dimensional requirements; (2) the deeds conveying such separate lots contain covenants requiring the purchasers to, at all times, operate and maintain such lots in good order and repair and in a clean and sanitary condition; (3) cross-easements for parking areas and all appurtenant ways, pedestrian access, and utilities shall be created, recorded, and maintained between such lots; and (4) such cross-easements shall be subject to the approval of the township solicitor. The purchaser of any such lot shall so covenant and agree thereby to be bound by such conditions as set forth herein.

SECTION 1110. PHASING PLAN: In addition to the requirements for a phasing plan of the SALDO, when any property of at least 10 acres, existing at the time of this ordinance, is initially proposed for subdivision or land development in the BC Business Center District, a Phasing Plan shall be submitted. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.

SECTION 1111. EXPANSIONS, BC-NOBLE DISTRICT: Expansions of structures in the BC-Business Center District Noble Area, shall not occur until the required mix of uses is achieved.

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Figure 11.9

BC Business Center Districts: Dimensional Requirements

	Noble		Willow Grove Park		Abington Towne Center		Huntingdon Valley S.C.		Foxcroft		Lots <1 Acre		Comments
	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	
Density, Intensity, and Mix													
Mixing Requirement (for Lots > 1 Ac.), excluding structured parking.	20%-80% Residential; Triangle[1]: Minimum 20% Retail, Minimum 10% Office		Minimum 20% Retail, Minimum 10% Office		Minimum 20% Retail, Minimum 10% Office				N/A		N/A		Mixing is based on building floor area. Residential is prohibited at Willow Grove and Huntingdon Valley S.C.
Density (DU/Ac.)	Maximum: 10; 13 w/bonus.		N/A		N/A	4; 6 w/bonus	N/A		N/A	10; 13 w/bonus	N/A		
Intensity, measured by Floor-to-Area Ratio (FAR) (residential units count towards intensity as well as density).	N/A	.75; 1.00 w/bonus; "Triangle"[1] Area: 1:50; 2.00 w/ bonus	N/A	.30; .40 with bonus	N/A	.75; 1.00 w/bonus.	N/A	.75; 1.00 w/bonus	N/A	.75; 1.00 w/bonus	N/A		
Lot													
Lot Size	1 Ac.	N/A	1 Ac.	N/A	20,000 sf.	N/A	1 Ac.	N/A	1 Ac.	N/A	N/A	N/A	
Lot Width	Minimum: 100 ft.					N/A	100 ft.	N/A	100 ft.	N/A	100 ft.	N/A	
Lot Depth	Minimum: 150 ft.					N/A	150 ft.	N/A	150 ft.	N/A	150 ft.	N/A	
Impervious Coverage	N/A	70% (75% maximum paving); 80% (85% maximum paving) in Triangle[1, 4]	N/A	70% (75% maximum paving)	N/A	70% (75% max paving)	N/A	70% (75% max paving)	70%	N/A	N/A	70%	
Expansion of Nonconforming Site before conditions of BC District must be met	Maximum: 15%										N/A	N/A	
Green Area	Minimum: 25%, Minimum 15% in "Triangle" Area with Bonus												
Public Open Space (these areas shall be open to the general public; not just those using the site)	Minimum: 5% Gross Floor Area												
Build-to-Line (BTL; the Build-to-Line shall not override the sight triangle)[2, 3]													
. . . for Public Streets	20 ft.	30 ft.	20 ft (50 ft on Moreland W. of Park & Old Welsh W. of Reservoir)	50 ft. (100 ft. on Moreland W. of Park & Old Welsh W. of Reservoir)	20 ft. (70 ft. on Davidson & Williams)	25 ft (no maximum on Davidson & Williams)	20 ft.	20 ft./60 ft. when parking is in front of building (no maximum on Vansant & Rockledge b/t Henrietta & Vansant)	60 ft.	N/A	60 ft., but may be reduced to 20 ft. provided building height within 60 ft. of public street does not exceed 50 ft.	30 ft	
. . . for Main Access Drives/Private Streets	20 ft.	25 ft.	20 ft.	25 ft.	20 ft.	25 ft.	20 ft.	25 ft.	N/A		same as for larger lots		Huntingdon Valley S.C.: Public access from Shady La. Is prohibited. Developer must designate at least one "Main Access Drive."
. . . for Secondary Access Drives	16 ft.	25 ft.	16 ft.	25 ft.	16 ft.	25 ft.	16 ft.	25 ft.	N/A		same as for larger lots		
. . . on Side Streets or Secondary Access Drives	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Priority Street Front Names by Area	Old York Rd., Fairway		Easton Rd., Moreland Rd. (east of Park Ave), Old Welsh Rd. (east of Reservoir Ave.)		Old York Rd., London Rd.		Huntingdon Pike, Rockledge Ave. (between Huntingdon Pike and Henrietta Ave.)		N/A		N/A	N/A	

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	Noble		Willow Grove Park		Abington Towne Center		Huntingdon Valley S.C.		Foxcroft		Lots <1 Acre		Comments
	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	
Build-to-Line (BTL; the Build-to-Line shall not override the sight triangle) [2,3] continued:													
For Sites Larger than Five (5) Acres, % of New Floor Area in Buildings Extending into Build-to-Zone of Priority Street Fronts (If part of the building extends into the zone, the whole building may be counted).	50% for Old York Rd., 25% for the Fairway (if on more than one Priority Street Front, at least 20% of the total site's floor area must be in Old York Rd. build-to-zone, and at least 20% in Fairway build-to-zone)	N/A	40%	N/A	50% (if on more than one Priority Street Front, at least 20% of total site's floor area must be located in the Old York Rd. build-to-zone, and at least 20% must be located in the London St. build-to-zone)	N/A	50%	N/A	N/A		N/A		This requirement expires when priority street front reaches build-out. Build-out is considered to be achieved when the build-to-zone is entirely occupied by buildings, space separating buildings (up to 100 ft.), plazas (up to 25% of the frontage), and/or main access drives.
Setbacks (for buildings and parking), see also "Build-to-Lines"													
. . . from Side & Rear Property Lines, Abutting a District Permitting Single-Family Detached Residential (in Abington T.C., this buffer also applies to land along Davidson Rd.)	50 ft., Lots Smaller than 1 Ac.: 30 ft.; buildings taller than 35 ft. shall have setback equal to at least 1.5 times their height	N/A	75 ft.	N/A	100 ft.	N/A	50 ft.	N/A	50 ft.; buildings taller than 35 ft. shall have setback equal to at least 1.5 times their height	N/A	30 ft.	N/A	Abington Towne Center: no vehicular access permitted through residential area.
. . . from Side and Rear Property Lines Abutting Other Districts	30 ft.	N/A	30 ft.	N/A	30 ft.	N/A	30 ft.	N/A	30 ft.	N/A	30 ft.	N/A	Bonus: 0 ft. side yard setback if shared parking with the property having the shared side yard property line, and provided an access easement is recorded.
Building Setback from Parking	10 ft.	N/A	10 ft.	N/A	10 ft.	N/A	10 ft.	N/A	10 ft.	N/A	5 ft.	N/A	
Parking Lot Setback from Public Street	Minimum: 100 ft, unless a principal building lies between public street and parking										N/A	N/A	
Distance Between On-Site Buildings	Minimum: 20 ft. if both buildings are less than 40 ft. tall; otherwise: 40 ft.										N/A	N/A	
Access Points from External Street	200 ft. separation distance from street access points (on subject or other property)	1; 2 if more than 300 ft. of frontage	200 ft. separation distance from street access points (on subject or other property)	1; 2 if more than 300 ft. of frontage	200 ft. separation distance from street access points (on subject or other property)	1; 2 if more than 300 ft. of frontage	200 ft. separation distance from street access points (on subject or other property)	1; 2 if more than 300 ft. of frontage	200 ft. separation distance from street access points (on subject or other property)	1; 2 if more than 300 ft. of frontage	100 ft. separation distance from street access points (on subject or other property)	1; 2 if more than 300 ft. of frontage	

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	Noble		Willow Grove Park		Abington Towne Center		Huntingdon Valley S.C.		Foxcroft		Lots <1 Acre		Comments
	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	MInimum	Maximum	
Building, Principal													
Height (ft., measured to median height of roof)	20 (façade), if pitched roof, 25 to median height of roof.	65 in Triangle1. 35 within 100 ft. of Old York Rd. and Fairway. Elsewhere: 55, with 65 via bonus	20 façade height; if pitched roof, 25 to median height of roof	55; Bonus: 65. Buildings within 100 ft. of BC Business Center District boundary: 35	20 (façade); if pitched roof, 25 to median height of roof	35 for portions of buildings w/i 100 ft. of Old York Rd. or 150 ft. of Williams/ Davidson Rds. Bldgs. in London Rd. build-to-zone >2 stories must be horizontally stepped-back on front façade (10 ft. minimum per story). All other areas: 55; Bonus: 65.	20; if pitched roof, 25 to median height of roof	35; bonus: 50 for portions of buildings at least 100 ft. from external public street	20	40; 50 w/bonus	N/A	35	WGP: 75 ft. setback is one criteria for bonus.
Length (ft.)	N/A	300	N/A	300	N/A	300	N/A	300	N/A	400	N/A	N/A	
Size	N/A	150,000 sf.	N/A	150,000 sf.	N/A	150,000 sf.	N/A	150,000 sf.	N/A		N/A		To facilitate better design and pedestrian connections
Coverage	N/A	40%; 50% w/bonus	N/A	40%; 50% w/bonus	N/A	40%; 50% w/bonus	N/A	40%; 50% w/bonus	N/A	40%; 50% w/ bonus		50%; 60% w/bonus	

Notes:

1 = "Triangle" refers to area fronting east side of Old York Road, south of the Fairway. For designation on map, see Appendix: "Proposed Zoning Map Changes".

2 = Parking Garages have no maximum build-to line.

3 = Each principal building must be built in the build-to-zone of at least one street or access drive.

4 = By bonus only

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Article XII: SI Suburban Industrial Districts

- SI-G Suburban Industrial District-Glenside; and
- SI-W Suburban Industrial District-Willow Grove.

SECTION 1200. PURPOSE: The purpose and intent of the **SI-Suburban Industrial District** is to:

A. Provide for light industrial development in appropriate locations, thereby maximizing opportunities for economic development.

B. Mitigate the impact of **SI Suburban Industrial District** development on adjacent and existing residential areas, through the use of setbacks, buffers and screens.

C. Accommodate a range of industrial and compatible uses, appropriate for the economic well-being and needs of a suburban community.

Figure 12.1
Office-Industrial Use

SECTION 1201. 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. *See **Comprehensive Use Matrix** in the Appendix.*

SECTION 1202. DIMENSIONAL REGULATIONS: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration. *See **Figure 12.2 SI Suburban Industrial Districts**.*

SECTION 1203. SPECIAL SI SUBURBAN INDUSTRIAL DISTRICT DEVELOPMENT REGULATIONS:

A. Pre-existing residential dwelling units shall follow the dimensional standards for **R4 High-Density Residential Districts** with respect to alterations and additions.

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

C. It is recommended that each building be designed, insofar as practicable, so as to be harmonious with, and not detract from the character of the surrounding area.

D. Vehicular Access. There shall be a maximum of one vehicular access point per 200 feet of frontage. No more than two vehicular access points shall be permitted per frontage.

E. Loading Areas: shall be provided to the side or rear of the proposed use, and arranged so that they may be used without blocking or interfering with the use of driveways or parking areas.

F. Building Orientation. Buildings abutting Davisville Road, Jenkintown Road, or Highland Avenue shall face those roads.

G. Parking to the Rear. Landowners are encouraged to provide parking to the rear of their buildings, where feasible.

H. Rights-of-Way. In the **SI-G Suburban Industrial-Glenside** and **SI-W Suburban Industrial-Willow Grove Districts**, buffers may be located within existing or proposed street rights-of-way, provided (a) the streets are not likely ever to be widened because of their location and adjoining land uses, as determined by the Township, (b) the proposed buffer faces a nonresidential district or existing residential uses. Further, only a Low Intensity screen shall be required between any site element in the zoning district and any property line, provided the property line abuts property used for industrial purposes or a public street which has an existing industrial use located across from it.

I. Phasing Plan. In addition to the requirements for a phasing plan of the SALDO, when any property of at least 10 acres, existing at the time of this ordinance, is initially proposed for subdivision or land development in the SI Suburban Industrial Districts, a Phasing Plan shall be submitted. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.

Figure 12.2

SI Suburban Industrial District (SI-G, SI-W): Dimensional Requirements

Dimension	SI-G (All of Glenside, Penbryn)	SI-W (Willow Grove, Rockwell)	Comments
Density	10 Du/Ac.		
Tract, Minimum	4 Ac.		
Lot			
Area, Minimum		1 Ac.	
Width, Minimum	200 ft.	200 ft.	
Depth, Minimum	200 ft.	125 ft.	
Yard			
Front, Minimum	50 ft.	20 ft.	SI-W: 50 ft when opposite a residential zoning district.
Side, Minimum (2)	35 ft.	20 ft.	SI-G: or shall utilize setback established by other nonresidential buildings on same block; SI-W: 35 ft. when opposite a residential zoning district.
Rear, Minimum	35 ft.	20 ft.	SI-W: 35 ft. when opposite a residential zoning district.
Coverage			
Building, Maximum	70%	70%	
Impervious Surface, Maximum	80%	80%	
Green Area, Minimum	20%	20%	
Building			
Height, Maximum	55 ft.[1], 45 ft.[2], 35 ft.[3, 4]	55 ft.[1], 45 ft.[2], 35 ft. [3, 4]	[1] for Office, Medical Clinic, Medical Office; [2] for Athletic/Health Club and Indoor Recreation; [3] for other; [4] The use components of permitted connected buildings shall observe the building heights pertaining to the particular use.
Length/Width, Maximum	200 ft.	200 ft.	
Separation, Minimum	35 ft.	35 ft.	[1] 25 ft. between building and parking garage.

Article XIII: RC Recreation Conservation District

SECTION 1300. INTENT:

A. Protect the Township's natural resources, such as prime agricultural soils; stream valleys; floodplains; steep slopes; woodlands; and scenic open sites.

B. Encourage, for ecological purposes, environmental conservation; flood water management; ground water recharge; recreation; and other open space conservation purposes.

C. Facilitate the implementation of the Township's Open Space, Recreation and Environmental Protection Plan (2006), or as amended.

SECTION 1301. USES SPECIFICALLY PROHIBITED: In addition to uses prohibited in the Use Matrix, the following uses are also specifically prohibited:

A. Accessory uses involving business operations, except as permitted herein.

SECTION 1302. DIMENSIONAL REGULATIONS: The following dimensional regulations are the district standards which must be achieved for any use, addition or alteration:

Figure 13.1

RC Recreation Conservation District: Dimensional Requirements

	RC (proposed)	Comments
Lot: Area (Minimum)	5 Ac.	
Lot: Width (Minimum)	300 ft.	
Lot: Depth (Minimum)	300 ft.	
Yard: Front	100 ft.	
Yard : Side (2)	50 ft.	All clubs, private recreation, and active recreation (playing fields) shall have 100 ft. setback from all property lines.
: Rear	50 ft.	
Coverage : Building (Maximum)	10%	
: Impervious (Maximum)	15%	
: Green Area (Minimum)	85%	
Building : Height (Maximum)	35 ft.	
: Length (Maximum)	200 ft.	
: Separation (Minimum)	35 ft.	
Street and Property Line Setback	100 ft.	

Note: *Residential Buffer Requirements may change minimum yard size.*

SECTION 1303. SPECIAL DEVELOPMENT REGULATIONS: It is recommended that all uses and building designs be context-sensitive, and compatible with the natural character of the area and the conservation intent of the district.

Figure 13.2

Context-Sensitive Building

Article XIV: Floodplain Conservation Overlay District

SECTION 1400. STATUTORY AUTHORIZATION: The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Floodplain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Commissioners of Abington Township, does hereby ordain as follows.

SECTION 1401. INTENT: The intent of this Ordinance is to:

A. Protect areas of the floodplain necessary to contain floodwaters.

B. To permit only those uses in the floodplain that are compatible with preserving existing conditions and stream flow.

C. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.

D. Encourage the utilization of appropriate construction practices, tree-planting, and protection of floodplains in order to prevent or minimize flood damage in the future.

E. Minimize danger to public health by protecting water supply and natural drainage.

F. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

G. Comply with federal and state floodplain management requirements.

H. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

SECTION 1402. APPLICABILITY:

A. The Floodplain Conservation District is defined and established as a district applicable to those areas of the Township subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016. Said floodplain areas shall consist of the following specific areas:

1. Flood Zones

a. Zone A. Zone A is the flood insurance rate zone used for 1-percent-annual-chance (base flood) floodplains that are determined for the Flood Insurance Study (FIS) by approximate methods of analysis. Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations (BFEs) or depths are shown in this zone. Mandatory flood insurance purchase requirements apply.

b. Zone AE. Zone AE is the flood insurance rate zone used for the 1-percent-annual-chance floodplains that are determined for the FIS by detailed methods of analysis. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals in this zone. Mandatory flood insurance purchase requirements apply. AE zones are areas of inundation by the 1-percent-annual-chance flood, including areas with the 2-percent wave runup, elevation less than 3.0 feet above the ground, and areas with wave heights less than 3.0 feet. These areas are subdivided into elevation zones with BFEs assigned. The AE zone will generally extend inland to the limit of the 1-percent-annual-chance Stillwater Flood Level (SWEL).

c. Zone AE (No Floodplain Determined). Zone AE (no Floodplain Determined) is the AE zone where the boundaries of the floodplain have not yet been determined.

2. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at http://websoilsurvey.nrcs.usda.gov/), including the following soils:
    a. Bowmansville (Bo)
    b. Knauers (Bo)
    c. Gilbraltar (Gc)
    d. Hatboro (Ha)
    e. Rowland (Rt)
    f. Rowland (RwA)
    g. Rowland (RwB)
    h. Urban Land Occasionally Flooded (UlA)

B. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

C. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Abington Township which is hereby made a part of this article, and additional area based on soils as described in **§1402.A.2. Soils with a Frequency of Flooding of 1% or Greater...** The FIRM is available for inspection at the Township Office.

D. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

E. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Permit has been obtained from the Floodplain Administrator.

F. A Permit shall not be required for minor repairs to existing buildings or structures.

SECTION 1403. ABROGATION AND GREATER RESTRICTIONS: This ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

SECTION 1404. WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas will be free from flooding or flood damages.

SECTION 1405. DEFINITIONS: These definitions shall apply only as they pertain to the Floodplain Conservation District, unless otherwise noted:

§1405.1. General. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

§1405.2. Specific Definitions.

Accessory Use or Structure – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Base Flood – A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base Flood Elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

Basement – Any area of the building having its floor below ground level on all sides.

Building – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Development – Any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing Structure/Existing Construction – A structure for which the "start of construction" commenced before the effective date of the FIRM.

Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood – A temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM) – The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain Area – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe – That part of the floodplain adjacent to and extending from the floodway and subject to inundation by the 100-year flood.

Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structures – Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;

B. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;

C. Designated as historic by municipal ordinance:

   1. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code or

   2. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

Lowest Floor – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Minor Repair – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New Construction – Structures for which the start of construction commenced on or after September, 1978 and includes any subsequent improvements thereto.

New Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

One Hundred-Year Flood – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the '1% frequency flood', or the 'Base Flood', as defined by FEMA in the Flood Insurance Study for Abington Township.

Person – An individual, partnership, public or private association or corporation, firm, trust, estate, Township, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Post-FIRM Structure – A structure for which construction or substantial improvement occurred after 12/31/1974, or on or after the community's initial FIRM dated 9/30/1977 whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

Pre-Firm Structure – A structure for which construction or substantial improvement occurred on or before 12/31/1974, or before the community's initial FIRM dated 9/30/1977, and, as such would not be required to be compliant with the regulations of the NFIP.

Recreational Vehicle – A vehicle which is:

A. built on a single chassis;

B. not more than 400 square feet, measured at the largest horizontal projections;

C. designed to be self-propelled or permanently towable by a light-duty truck,

D. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment Area – A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.

Regulatory Flood Elevation – The regulatory flood elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 2 feet.

Repetitive Loss – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

Special Permit – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Special Flood Hazard Area (SFHA) – Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

Special Floodplain Area – The areas identified as Zone AE in the Flood Insurance Study, where 100-year flood elevations have been provided, but no floodway has been delineated.

Start of Construction – Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Subdivision – The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantial Damage – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds 50% or more of the market value of the structure before the damage occurred.

Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include 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. For alteration of historic structures, *see* ***§1409: Improvements to Existing Structures in the Floodplain Conservation District***.

Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the Township, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Violation – Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) (Floodplain Management Criteria for Flood-Prone Areas) is presumed to be in violation until such time as that documentation is provided.

SECTION 1406. IDENTIFICATION OF FLOODPLAIN AREAS:

§1406.1. Identification. The Floodplain Conservation District shall be any areas of the Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The Floodplain Conservation District shall also include areas with soils listed in **§1402.C. The Floodplain Conservation District...,** Shall be Delineated…, along with any community identified flood hazard areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be a part of this ordinance.

§1406.2. Description and Special Requirements of the Floodplain Conservation District. The Floodplain Conservation District shall consist of the following specific areas/districts:

A. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the

FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.

B. Within any floodway area, no encroachments, including fill, new construction, substantial Improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

1. Construction causing a rise of 2 feet or more in the BFE shall be prohibited.
2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
3. The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
4. In AE Area/District without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one foot.
5. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one foot at any point.

C. Community Identified Flood Hazard Areas shall be those areas where the Township has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

D. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

E. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

F. The Shallow Flooding Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annualchance shallow flooding where average depths are between 1 and 3 feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

§1406.3. Changes in Identification of Area. The Floodplain Conservation District may be revised or modified by the Township Board of Commissioners where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than 6 months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

§1406.4. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Abington Engineer and any party aggrieved by this decision or determination may appeal to Township Board of Commissioners. The burden of proof shall be on the appellant.

§1406.5. Corporate Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.: Floodplain Management Criteria for Floodplain Areas.

SECTION 1407. USES PERMITTED IN THE FLOODPLAIN CONSERVATION DISTRICT:

§1407.1. Uses Permitted by Right. The following uses are permitted by right in the floodplain Conservation District in compliance with the requirements of this Article:

A. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:

   1. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
   2. Recreation trails.
   3. Stream bank stabilization.

Figure 14.1
Stream Bank Stabilization

B. Agricultural crossings by farm vehicles and livestock are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable.

C. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. With respect to the Township's Riparian Corridor Conservation District or similar regulations, the more restrictive regulation shall apply.

D. Forestry operations reviewed by the Montgomery County Conservation District.

E. Public sewer and/or water lines and public utility transmission lines running along the corridor.

§1407.2. Use Permitted by Special Exception. Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities are permitted to cross the floodplain, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable. No driveways 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.

§1407.3. Uses Prohibited in the Floodplain Conservation District. Any use, activity, or expansion of such use or activity not authorized within the Floodplain Conservation District; and the following activities and facilities are specifically prohibited:

A. Required yard areas.

B. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year floodplain. However, existing fences may be replaced, provided they are constructed of open wire mesh or split rail.

C. Placement of fill within the 100-year floodplain is prohibited.

D. Removal of topsoil, except as permitted by special exception within this section.

E. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.

F. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under **§1407.1: Uses Permitted by Right**, herein, and where the effects of these actions are mitigated by re-establishment of vegetation.

G. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.

H. Roads or driveways, except where permitted as corridor crossings in compliance with **§1407.1: Uses Permitted by Right**, herein.

I. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.

J. Parking lots.

K. Subsurface sewage disposal areas.

L. Sod farming.

M. Stormwater basins, including necessary berms and outfall facilities.

N. All freestanding structures and buildings and retaining walls, with the exception of floodretention dams, culverts, and bridges, as approved by the Pennsylvania Department of Environmental Protection.

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

P. Private water supply wells.

SECTION 1408. NONCONFORMING STRUCTURES AND USES IN THE FLOODPLAIN DISTRICT. The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of **§1409: Improvements to Existing Structures…** of this ordinance, and (**Article XIX: Nonconforming Uses, Structures, Lots and Signs** shall apply.)

SECTION 1409. IMPROVEMENTS TO EXISTING STRUCTURES IN THE FLOODPLAIN CONSERVATION DISTRICT. The following provisions shall apply whenever any improvement is made to an existing structure located within the Floodplain Conservation District:

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.

B. No expansion or enlargement of an existing structure shall be allowed within any **AE Area/ District** with floodway, as defined in **§1406.2.B. The AE Area/District with Floodway…**, that would, together with all other existing and anticipated development, increase the BFE.

C. No expansion or enlargement of an existing structure shall be undertaken in the direction of the stream bank.

D. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

E. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

F. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2006 IBC and the 2006 IRC.

G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

SECTION 1410. VARIANCES:

§1410.1. General. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

§1410.2. Variance or Special Exception Procedures and Conditions.

A. For a use other than those permitted in **§1408. Uses Permitted in the Floodplain Conservation District…**, an application seeking approval by variance or special exception 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 Officer and Township Engineer.

B. No variance or special exception shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.

C. No variance or special exception shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

D. No variance or special exception shall be granted for any of the other requirements pertaining specifically to development regulated by **§1411.3: Special Technical Requirements or to Development Which May Endanger Human Life**.

E. The Zoning Hearing Board shall hold a public hearing within 60 days after an application is filed.

F. 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.

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

H. The general welfare or public interest of Abington Township or of other municipalities in the same watershed shall not be adversely affected.
Note: J, K, and L might be removed because it is covered under §1411.2. Elevation and Floodproofing Requirements.

I. 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 2 feet above the BFE.

Figure 14.2
Elevated Structure, Pennypack Creek

J. 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.

K. 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 Floodplain District shall not be granted if the activity, construction, development, or use should cause an increase of 2 feet or more in the BFE.

L. 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.

M. 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 BFE 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.

N. 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.

§1410.3. Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.

§1410.4. Special Requirements for Manufactured Homes.

A. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

B. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:

   1. Placed on a permanent foundation.

   2. Elevated so that the lowest floor of the manufactured home is at least 1½ feet above the Base Flood Elevation.

   3. Anchored to resist flotation, collapse, or lateral movement.

   4. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, and 34 PA Code Chapter 401-405 shall apply.

C. Consideration shall be given to the installation requirements of the 2006 IBC (International Building Code), and the 2006 IRC (International Residential Code) or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.

§1410.5. Special Requirements for Recreational Vehicles.

Recreational vehicles in Zones A1-30, AH and AE must either be:

A. On the site for fewer than 180 consecutive days, and

B. Be fully licensed and ready for highway use, or

C. Meet the permit requirements for manufactured homes in **§1410.4: Special Requirements for Manufactured Homes**.

§1410.6. Variance Conditions.

A. If granted, a variance shall involve only the least modification necessary to provide relief.

B. In granting any variance, the Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the Township.

C. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood insurance.
2. Such variances may increase the risks to life and property.

D. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:

1. That there is good and sufficient cause, including:
   a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
   b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
   c. That such unnecessary hardship has not been created by the appellant.
   d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
2. That failure to grant the variance would result in exceptional hardship to the applicant.
3. That the granting of the variance will:
   a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
   b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
4. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

SECTION 1411. TECHNICAL PROVISIONS IN THE EVENT OF A VARIANCE BEING GRANTED:

§1411.1. General. In granting any variance, Abington Township shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the Township.

A. Pertaining To the Alteration or Relocation of Watercourse.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. In addition, FEMA and Pennsylvania Department of Community and Economic Development (DCED), shall be notified prior to any alteration or relocation of any watercourse.

B. The Township shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within 6 months of the completion of any new construction, development, or other activity resulting in changes in the BFE. An LOMR or Conditional Letter of Map Revision (CLOMR) is required for:

1. Any development that causes a rise in the base flood elevations within the floodway; or

2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of one foot or more in the base flood elevation; or

3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. Any new construction, development, uses or activities allowed by variance within the Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured 50 feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

§1411.2. Elevation and Floodproofing Requirements.

A. Residential Structures.

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated 2 feet above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2006 International Building Code (IBC) and in the 2006 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with **§1406.2.D: The A Area/District...** of this ordinance.

3. In AO Zones, any new construction or substantial improvement shall have the lowest floor including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Nonresidential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
   a. Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
   b. Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with **§14.06.2.D: The A Area/District…** of this ordinance.
3. In the AO Apartment—Office District, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

D. Space below the lowest floor.
1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
   a. Minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
   b. The bottom of all openings shall be no higher than one foot (1') above grade.
   c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles; or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 100 square feet.
3. The structure will have a low damage potential.

4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    a. A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
        (1) The bottom of all openings shall be no higher than one foot above grade.
        (2) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

§1411.3. Special Technical Requirements (in the Event of a Variance Being Granted).

A. Development Which May Endanger Human Life. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development (DCED) as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone;
2. Ammonia;
3. Benzene;
4. Calcium carbide;
5. Carbon disulfide;
6. Celluloid;
7. Chlorine;
8. Hydrochloric acid;
9. Hydrocyanic acid;
10. Magnesium;
11. Nitric acid and oxides of nitrogen;
12. Petroleum products (gasoline, fuel oil, etc.);
13. Phosphorus;
14. Potassium;
15. Sodium;
16. Sulphur and sulphur products;
17. Pesticides (including insecticides, fungicides, and rodenticides);
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Where permitted by a variance within the floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. Elevated or designed and constructed to remain completely dry up to at least 1½ feet above the Base Flood Elevation and,
2. Designed to prevent pollution from the structure or activity during the course of a base flood elevation.
3. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

§1411.4. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:

A. Fill. If fill is used, it shall:

1. Extend laterally at least 15 feet beyond the building line from all points;
2. Consist of soil or small rock materials only – Sanitary Landfills shall not be permitted;
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. Be no steeper than 1 vertical to 2 horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and The International Private Sewage Disposal Code shall be utilized.

D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.

F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in **§1411.3.A. Development Which May Endanger Human Life**, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimal effect upon the flow and height of flood water.

H. Anchoring.

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings.

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives.

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components.

1. Electrical distribution panels shall be at least 3 feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination. The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

1. International Building Code (IBC) 2006 or the latest edition thereof: §801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
2. International Residential Building Code (IRC) 2006 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

SECTION 1412. ACTIVITIES REQUIRING SPECIAL PERMITS:

§1412.1. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development (DCED) to implement the Pennsylvania Floodplain Management Act, the activities indicated in **§1412.1.A The Commencement of any of the following…** and **§1412.1.B The Commencement of, or any Construction…**, below shall be prohibited within the Floodplain Conservation District unless a Special Permit has been issued by the Township. In order to apply for a special permit, a variance must first be obtained, as outlined in **SECTION 1410. Variances**.

A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
   1. Hospitals.
   2. Nursing homes.
   3. Jails or prisons.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§1412.2. Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:

A. A written request including a completed Special Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
   1. North arrow, scale and date;
   2. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of 2 feet;
   3. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
   4. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
   5. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
   6. The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
   7. The location of all proposed buildings, structures, utilities, and any other improvements; and
   8. Any other information which the Township considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

1. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
2. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;
4. Detailed information concerning any proposed floodproofing measures;
5. Cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
6. Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
7. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood elevation;
3. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;
4. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows;
5. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;
6. The appropriate component of the Department of Environmental Protection's (DEP's) "Planning Module for Land Development;"
7. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection (DEP) under Section 302 of Act 1978-166; and
9. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§1412.3. Application Review Procedures. Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of **SECTION 1401. Intent:**, through **SECTION 1404. Warning and Disclaimer of Liability:**

A. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Montgomery County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning commission and Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development (DCED), by registered or certified mail, within 5 working days after the date of approval.

E. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development (DCED) 30 days, after receipt of the notification by the Department, to review the application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community and Economic Development (DCED) during the 30 day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community and Economic Development (DCED) should decide to disapprove an application, it shall notify Abington Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

§1412.4. Special Technical Requirements (for Proposed Developments Requiring a Special Permit).

A. In addition to the requirements of **SECTION 1411. Technical Provisions in the Event of a Variance Being Granted of this Ordinance:**, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in **SECTION 1406. Identification of Floodplain Areas:**, of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

   1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

      a. The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the Base Flood Elevation (BFE).

      b. The lowest floor (including basement) will be elevated to at least 1½ feet above the Base Flood Elevation (BFE).

      c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.

   2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development (DCED).

SECTION 1413. ADMINISTRATION:

§1413.1. Designation of the Floodplain Administrator. The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

§1413.2. Permits Required.

A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referred to here would be the Special Permit of **SECTION 1413. Activities Requiring Special Permits.**

§1413.3. Duties and Responsibilities of the Floodplain Administrator.

A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.

D. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.

E. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

F. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Commissioners for whatever action it considers necessary.

G. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.

H. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2006 IBC (International Building Code) and the 2006 IRC (International Residential Code) or latest revisions thereof.

§1413.4. Application Procedures and Requirements.

A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Abington Township. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits or variances required.
6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.

B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards;
4. Structures will be anchored to prevent floatation, collapse, or lateral movement;
5. Building materials are flood-resistant;
6. Appropriate practices that minimize flood damage have been used;
7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
   a. North arrow, scale, and date;
   b. Topographic contour lines, if available;
   c. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
   d. The location of all existing streets, drives, and other access ways; and
   e. The location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one inch being equal to 100 feet or less showing the following:
   a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

b. The elevation of the base flood;

c. Supplemental information as may be necessary under 34 PA Code, the 2006 IBC or the 2006 IRC.

4. The following data and documentation:

a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.

b. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point.

c. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

d. Detailed information needed to determine compliance with **§1411.4 F. Storage**, and **§1411.3.A. Development Which May Endanger Human Life**, including:

(1) The amount, location and purpose of any materials or substances referred to in **§1411.3.A. Development Which May Endanger Human Life** and **§1411.4.F. Storage** which are intended to be used, produced, stored or otherwise maintained on site.

(2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in **§1411.3.A. Development Which May Endanger Human Life** during a base flood.

e. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

f. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

5. Applications for Permits shall be accompanied by a fee, payable to the Township based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

§1413.5. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§1413.6. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. Township Planning Commission, Township Engineer, etc.) for review and comment.

§1413.7. Changes. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§1413.8. Placards. In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit and the date of its issuance, and shall be signed by the Floodplain Administrator.

§1413.9. Start of Construction. Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term, 'start of construction" shall be understood as defined in Article II: Definitions of this ordinance. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§1413.10. Enforcement.

A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
4. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties. See the current Building Code of the State of Pennsylvania.

§1413.11. Appeals.

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.

B. Upon receipt of such appeal the Zoning Hearing Board shall set a time and place, within not less than 10 or not more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Floodplain Management Act.

Article XV: Riparian Corridor Conservation District

SECTION 1500. INTENT: The Pennypack, Tookany, and Sandy Run/Wissahickon watersheds, creeks, and tributaries all have significant impairments. The three watersheds have suffered from extensive land development, including extensive disturbance of riparian corridors and floodplain areas, and removal of the vital natural vegetation which provides critical water quality and quantity functions. Scientific research focusing on riparian buffer performance has demonstrated that no other single management practice provides as much water quality benefit as riparian buffers, through a complex array of surface and sub-surface mechanisms which physically, biologically, and chemically reduce pollutant loads. Given the extent of existing water quality impairment in the watersheds comprising Abington Township, together with potential for even more water quality impacts from build-out and re-development projects, use of the riparian corridor management practice with its maximum water quality performance is critical.

In recognition of the fact that natural features contribute to the welfare of its residents, it is the purpose of this article to provide reasonable controls governing the restoration, conservation, disturbance and management of existing riparian corridors by establishing a designated Riparian Corridor Conservation District, in order to:

A. Reduce the amount of nutrients, sediment, organic matter, pesticides and other harmful substances that reach watercourses, wetlands, subsurface and surface water bodies by using processes, including filtration, deposition, absorption, adsorption, plant uptake and denitrification, and by improving infiltration, encouraging sheet flow and stabilizing concentrated flows.

B. Improve and maintain the safety, reliability and adequacy of the water supply for domestic, agricultural, commercial, industrial and recreational uses along with sustaining diverse populations of aquatic flora and fauna.

C. Regulate the land use, siting and engineering of all development, so as to be consistent with the intent and objectives of this ordinance, accepted conservation practices and to work within the carrying capacity of existing natural resources.

D. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically erosion control, of the Pennsylvania Clean Streams Law, Act 394, p.1. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980, Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.

E. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.

F. Work with the Township's Floodplain Conservation District, the environmental protection standards and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property and riparian features.

G. Conserve natural, scenic and recreation areas within and adjacent to riparian areas for the community's benefit.

H. Protect property rights by ensuring that the requirements of the riparian corridor conservation district do not unduly burden owners of smaller properties.

SECTION 1501. DEFINITIONS: For purposes of this article only, the following words and phrases, when used, shall have the meanings attributed to same in this section unless the context clearly indicates otherwise:

Bankfull Flow – The water level that fills a stable alluvial channel up to the elevation of the active floodplain. In many natural channels, this is the discharge that just fills the cross section without overtopping the banks.

Identified Waterway – A body of water that has been identified for purposes of inclusion within the Riparian Corridor Conservation District. *These include, but are not limited to, water bodies identified in Riparian Corridor Conservation District Map, Appendix, of Abington Township.*

Riparian Corridor Conservation District – An overlay district consisting of areas surrounding identified waterways that intercept surface water runoff, wastewater, subsurface flow and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperatures, attenuate flood flow and provide opportunities for passive recreation.

SECTION 1502. ESTABLISHMENT AND WIDTH DETERMINATION OF THE RIPARIAN CORRIDOR CONSERVATION DISTRICT:

A. Establishment.

1. Location. The Riparian Corridor Conservation District is an overlay that applies to properties of at least one acre that partially or wholly within the riparian corridor along an identified waterway in Abington Township. The following watercourses or water bodies and their tributaries shall be considered an identified waterway in Abington Township: Pennypack Creek, Sandy Run, Tookany Creek, Baederwood Creek, Jenkintown Creek, Meadow Brook, Robinhood Brook, etc. as identified in **Figure 15.2 Approximate Location of Riparian Corridor Conservation District** of Abington Township, which is a part of this chapter and which shall also be kept on file at the Township offices.

2. Width. The Riparian Corridor Conservation District shall extend a minimum of 75 feet from the defined edge of an identified waterway at bankfull flow, or shall equal the extent of the one-hundred-year floodplain, whichever is greater. The District will consist of two distinct zones designated as:

a. Zone One.

(1) This zone shall begin at each edge of an identified waterway and shall occupy a margin of land with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge of water at bankfull flow. The width of Zone One may be required to extend beyond the minimum 25 feet depending upon existing topography, woodlands and other natural conditions. The Township Engineer or his/her appointed representative will make this determination.

(2) Where steep slopes (prohibitive slopes of 25% or greater) are located within 25 feet of an identified waterway, Zone One shall extend the entire distance of the steep slope area. If the distance of this prohibitive steep slope area is greater than 75 feet, there will be no requirement for the establishment of Zone Two. If the distance is less than 75 feet, the width of Zone Two shall be adjusted so that the total corridor width (Zone One plus Zone Two) will be 75 feet maximum, except as noted below in section §1502.A.2.b.(2): Width Adjustment for Floodplain].

b. Zone Two.

(1) This zone will begin at the outer edge of Zone One and shall occupy a minimum width of 50 feet in addition to Zone One, up to a maximum combined width (Zones One plus Zone Two) of 75 feet.

(2) Width Adjustment for Floodplain. Where the one-hundred-year floodplain extends greater than 75 feet from the waterway, Zone Two shall extend to the outer edge of the one-hundred-year floodplain.

B. Width determination. The developer, applicant or designated representative shall be responsible for the initial width determination of the riparian corridor and identifying this area on any plan that is submitted to the Township for subdivision, land development or other improvements that require plan submissions or permits. This initial determination shall be subject to review and approval by the Board or its appointed representative.

Figure 15.1

Riparian Corridor, Conceptual Diagram

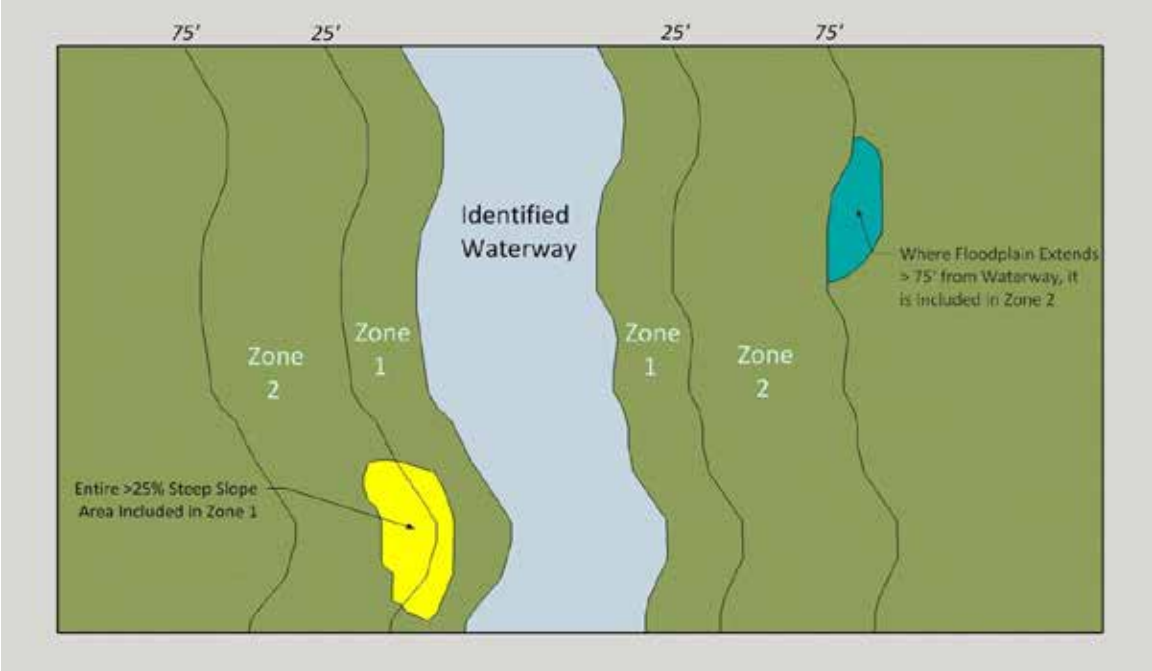


Figure 15.2

Approximate Location of Riparian Corridor Conservation District

SECTION 1503. PERMITTED USES: The following uses are permitted, either by right or as a conditional use, in the Riparian Corridor Conservation District. However, within any corridor, no construction, development, use, activity or encroachment shall be permitted unless the activity will be developed and mitigated by measures outlined in accordance with **§1508. Riparian Management** of this chapter.

A. Zone One.

1. Uses permitted by right.

a. Open space uses: those primarily passive in character, including public and private parklands, nature and forest preserves, reforestation and planting of riparian plants, proper pruning and other plant maintenance.

b. Residential lot area: Up to half of any required yard setback area, for any individual lot.

2. Uses permitted by conditional use:

a. Corridor crossings by driveways, recreational trails, roads and/or railroads, provided that any disturbance is offset by riparian management measures as outlined in **§1508. Riparian Management** of this chapter, and provided the following requirements are met:

(1) The width of the crossing is the minimum required for such access or as required by this article.

(2) The crossing is designed to cross the riparian corridor at a right angle or close to a right angle (defined as that between 80 and 100 degrees).

(3) Any proposed crossing of the riparian corridor is at least 500 feet, as measured along the length of the corridor, from any other crossing of the riparian corridor. Shorter distances from existing crossings on abutting properties may be permitted with approval from the Board of Commissioners.

(4) All crossings shall be capable of passing the 100-year flood event. Bridges shall be used in place of culverts when crossings would require a 72-inch or greater diameter pipe. When culverts are installed, they shall consist of slab arch or box culverts and not corrugated metal pipe. Culverts shall also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

(a) Corridor crossings by driveways, recreational trails, roads and/or railroads, provided that any disturbance is offset by riparian management measures as outlined in **§1508. Riparian Management** of this chapter, and provided underground utility and pipe crossings are located at least three feet below the stream invert.

(b) Selective cutting of extremely high economic value trees when the land will be reforested and removal is consistent with a long-term forest management plan prepared by a professional forester in accordance with the best management practices of the sustainable forestry initiative and the principles and criteria of the Forestry Stewardship Council, and in accordance with all other applicable municipal and state regulations.

B. Zone Two.

1. Uses permitted by right. The following uses, which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two, including: Passive areas of public and private parklands, recreational trails (pervious materials), reforestation and planting of riparian plants, proper pruning and other plant maintenance.

2. Uses permitted by conditional use:

   a. Corridor crossings by driveways, recreational trails, roads and/or railroads, provided that any disturbance is offset by riparian management measures as outlined in **§1508. Riparian Management** of this chapter, and provided the following requirements are met:

      (1) The width of the crossing is the minimum required for such access or as required by this article.

      (2) The crossing is designed to cross the riparian corridor at a right angle or close to a right angle.

      (3) Any proposed crossing of the riparian corridor is at least 500 feet, as measured along the length of the corridor, from any other crossing of the riparian corridor. Shorter distances from existing crossings on abutting properties may be permitted with approval from the Board of Commissioners.

      (4) All crossings shall be capable of passing the 100-year flood event. Bridges shall be used in place of culverts when crossings would require a 72-inch or greater diameter pipe. When culverts are installed, they shall consist of slab arch or box culverts and not corrugated metal pipe. Culverts shall also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

   b. Corridor crossings by centralized sewer and water lines, and/or public utility transmission lines, provided that any disturbance is offset by corridor mitigation measures as outlined in **§1508. Riparian Management** of this chapter, and provided underground utility and pipe crossings are located at least 3 feet below the stream invert.

   c. Centralized sewer and/or water lines and public utility transmission lines running along the corridor, provided that any disturbance is, at a minimum, offset by corridor mitigation measures. These lines shall be located as far from Zone One as practical.

   d. Selective cutting of extremely high economic value trees when the land will be reforested and removal is consistent with a long-term forest management plan prepared by a professional forester in accordance with the best management practices of the sustainable forestry initiative and the principles and criteria of the Forestry Stewardship Council, and in accordance with all other applicable municipal and state regulations.

   e. Passive uses such as camps, campgrounds, picnic areas and golf courses; active recreation such as ball fields, playgrounds and courts, provided that these uses are designed in a manner that will not permit concentrated flow and that permanent structures are limited to playground equipment, backstops, fences, basketball hoops and nets, goal posts, scoreboards and bleachers.

   f. Naturalized stormwater management areas, provided that any disturbance is offset by **§1508. Riparian Management** mitigation methods and that the entire basin shall be located no closer than 25 feet to the defined edge of the identified waterway.

§1504. USES SPECIFICALLY PROHIBITED. Any use or activity not specifically authorized in **§1503. Permitted Uses** shall be prohibited within the Riparian Corridor Conservation District. By way of example, the following activities and facilities are specifically prohibited:

A. Buildings and any other type of permanent structure, with the exception of recreational uses identified in **§1503. Permitted Uses,** above.

B. In Zone 1, the required front, rear or side yards of mixed-use or nonresidential lots; and at least half the required front, rear or side yards of residential lots.

C. Roads and driveways, except where permitted as corridor crossings in compliance with **§1503.A.2.a: Corridor Crossings by Driveways…**

D. Motor or wheeled vehicular traffic in any area except on a permitted corridor crossing.

E. Parking lots.

F. Clear-cutting of trees and other vegetation.

G. Removal of trees in excess of selective cutting, except where such removal is necessary as a means to eliminate dead, diseased or hazardous tree stands that jeopardize public safety or as a part of a reforestation program, provided that the removal and reforestation processes are approved by the Board or its appointed representative.

H. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and corridor protection.

I. Storage of any hazardous or noxious materials.

J. Use of fertilizers, pesticides, herbicides and/or any other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.

K. Subsurface sewage disposal areas.

L. Stormwater basins.

M. Sod farming.

§1505. NONCONFORMITIES. Nonconforming structures, uses, lots and signs within the Riparian Corridor Conservation District shall be regulated under the provisions of **Article XIX: Nonconforming Uses, Lots, Structures, and Signs** of this chapter. The following additional regulations shall also apply:

A. Existing nonconforming structures or uses within Zones One or Two that are not permitted under §1504. Uses Specifically Prohibited may be continued but shall not be permitted to have the existing building footprint or uses expanded or enlarged.

B. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance, but not thereafter, when showing a clear indication of abandonment. No change or resumption shall be permitted that is more detrimental to the Riparian Corridor Conservation District, as measured against §1500. Intent, than the existing or former nonconforming use.

§1506. BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.

A. When a landowner or applicant disputes the Zone One or Two boundaries of the Riparian Corridor Conservation District or the defined edge of a waterway, the landowner or applicant shall submit evidence to Abington Township that describes the boundary, presents the landowner's or applicant's proposed boundary and presents all justification for the proposed boundary change.

B. The township staff, in consultation with its professionals, shall evaluate all material submitted and shall make a written determination of the Riparian Corridor Conservation District boundaries with 45 days of the submission to the Township. A copy of this determination shall be submitted to the Planning Commission and the landowner or applicant.

C. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Article XX: Zoning Hearing Board of this chapter. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

SECTION 1507. INSPECTION:

A. Lands within the Riparian Corridor Conservation District or adjacent to an identified waterway will be inspected by a Township representative when:

1. A subdivision or land development plan is submitted for review and approval.
2. A building permit is requested.
3. A change or resumption of nonconforming use is proposed.

B. The district may also be inspected periodically by a Township representative for compliance with an approved restoration or forestry plan, to check for excessive or potentially problematic erosion or hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of the Township officials.

SECTION 1508. RIPARIAN MANAGEMENT:

A. Riparian Corridor Planting. Re-establishment of forest cover and woodland habitat shall be required consistent with the requirements of the landscape regulations within the Township's Subdivision and Land Development Ordinance (SALDO).

B. Mitigation Measures. Uses permitted in **§1503. Permitted Uses** involving corridor crossings or other encroachment within the Riparian Corridor Conservation District shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment or disturbance, so that the total corridor area (land area within Zone One and Zone Two) for each applicable side of the stream or watercourse is equal to that required by **§1502.A.2. Width**. Corridor area is the product of the corridor width required by **§1502.A.2. Width** and the total length for each applicable side of the stream or watercourse for which a Riparian Corridor Conservation District is being established. Perimeter shall be used in place of length for determining wetland buffer area. The increased width shall be spread throughout the corridor to the maximum extent possible. For streams and watercourses, the increased width shall be applied along the length of the stream in blocks of 1,000 feet or more, or the full length of the corridor on the affected property, whichever is less.

Article XVI: Steep Slope Conservation District

SECTION 1600. INTENT: The purpose of this ordinance is to reduce sedimentation, degradation of water quality, and other damage to streams and wetlands that result from construction, erosion, and stormwater runoff on steep slopes; and to preserve the natural topography, drainage patterns, vegetative cover, wildlife habitats, and scenic views of steeply sloping areas.

SECTION 1601. DELINEATION OF STEEP SLOPE CONSERVATION DISTRICT:

The Steep Slope Conservation District consists of two specially designated steep slope areas defined below. Steep Slope Conservation District calculations are to be based on a site survey by a registered surveyor, on topographic information plotted from a verified aerial survey, or an analysis of U.S. Geological Survey (U.S.G.S.) topographic maps where the calculated slope category (i.e., prohibitive or precautionary slope, as defined below) exists for an area which spans five contiguous 10-foot contour intervals. The two specially designated steep slope areas are defined as follows:

A. Precautionary Slope: those slopes greater than 15% and less than or equal to 25%, measured over a ten foot run.

B. Prohibitive Slope: those slopes greater than 25%, measured over a ten foot run.

SECTION 1602. DEFINITIONS:

Erosion – The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Sedimentation – The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a watercourse or wetland.

Site disturbance – Any activity which removes the vegetative cover from the land surface.

Slope – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.

Vegetation cover – Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

SECTION 1603. STEEP SLOPE CONSERVATION DISTRICT PROTECTION STANDARDS:

A. General: The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district now or hereinafter enacted by Abington Township.

1. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slopes.

2. The requirements of the Steep Slope Conservation District, as defined, shall supersede the requirements of the underlying zoning district.

3. Sloped area to be developed, regraded or stripped of vegetation shall be drawn on the development plans.

4. The developer, shall undertake the following actions in the Steep Slope Conservation District:

a. Minimization of site design and grading.

b. Minimization of disruption of view corridors.

c. Preservation of natural topographic features (i.e., large trees [6” dbh or greater], tree groves or stands, wildlife habitats, etc.).

B. Prohibitive Slopes (slopes greater than 25%): On at least 90% of the prohibitive slope area, development, regrading or stripping of vegetation shall be prohibited unless the disturbance is for roadway crossings or utility construction, and unless it can be demonstrated that the roadway or utility improvements are necessary in the sloped area. In no case, however, shall more than 15% of the total prohibitive slope areas be developed, regraded and/or disturbed (even if roadway crossings/and or utility construction is permitted in the prohibitive slope area).

C. Precautionary Slopes (15% to 25% grade): On at least 75% of the precautionary slope area, development, regrading, or stripping of vegetation shall be prohibited.

SECTION 1604. USES PERMITTED AS OF RIGHT:

The following uses shall be permitted as of right, provided that they are consistent with requirements of the underlying zoning district and other applicable requirements.

A. Passive parks and outdoor recreational uses, consistent with the goals of watershed protection. It is recommended that site disturbance and impervious surfaces be minimized or avoided.

B. Tree farming, forestry, logging, woodcutting, and other agricultural uses, where such activity is limited to highly selective removal of trees, consistent with conservation-oriented Best Management Practices, including minimum tillage methods, as approved by the Montgomery County Conservation District.

C. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.

D. Grading for the minimum portion of a driveway necessary to access the proposed building or land use, when it has been demonstrated that no other routing which avoids steep slopes is feasible.

E. Yard area of any permitted building, as long as the building itself is not within a Prohibitive Slope area.

F. Outdoor plant nursery or orchard, in accordance with recognized natural resource and soil conservation practices.

G. Wildlife sanctuary, woodland preserve, or arboretum.

H. Accessory uses necessary for the operation and maintenance of the above uses (except swimming pool, tennis or sport court, and golf course).

I. Yard area of any permitted building or land use.

J. Access roads for the passage of emergency vehicles.

SECTION 1605. REQUIREMENTS FOR SITE PLAN:

A. For all earth moving activities within the Steep Slope Conservation District, the Applicant shall submit a site plan prepared by a Pennsylvania-licensed engineer which shows or includes, at a minimum, the following:

1. Slopes in classes of (a) 0 through 15%, (b) greater than 15 through 25%, and (c) greater than 25%, based, at minimum, on 10-foot contour intervals.

2. Location of all water bodies, including but not limited to streams and wetlands.Existing natural and topographic features.

3. Location of all proposed and existing buildings and streets.

4. Location of all existing vegetation including meadow, forest, and scrub lands broken down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for revegetation shall also be included.

5. Specific methods which will be utilized to control soil erosion and sedimentation, soil loss, and excessive stormwater runoff, both during and after construction.
6. A statement and description of the stability of the soils on-site and the appropriateness of the construction method proposed.
7. A hydrology, drainage, and flooding analysis, to include a statement on the effect of the proposed development upon water bodies or wetlands in the vicinity of the project.
8. A statement describing the underlying geology attesting to the stability of the site.
9. Calculations of the area of proposed disturbance of each slope class on each proposed lot, as well as within any proposed road right-of-way.
10. A grading plan for the construction site and all access routes.

B. The site plan submitted shall be reviewed by the Township Engineer. The Township Engineer shall accept or reject the plan as submitted, or may require that specific conditions be complied with in order for the plan to meet approval. In evaluating the site plan for impacts where development encroaches into the Steep Slope Conservation District, the following criteria shall apply. No building permit shall be issued and no grading or site clearing shall occur until a site plan including all of the items below has been reviewed and approved by the Township:

1. Minimized disturbance of especially sensitive features, including the most steeply sloping portions of the site.
2. Disturbance to areas shall be minimized, where the length or area of steep slopes on the site and extending 200 feet into adjacent lands is extensive.
3. Disturbance shall not cause runoff and/or related problems off the site and onto adjacent properties.
4. Disturbance shall be undertaken in such a way as to minimize adverse effects on visual qualities of the site to the maximum extent feasible, including hilltops, ridgelines, rock outcroppings.
5. When grading within 3 feet of the property line, the applicant shall submit engineered prints for the proposed change.
6. Measures shall be undertaken to minimize disturbance to and removal of natural vegetation at the site; vegetation removal shall be evaluated with particular regard to impacts on slope stability, transpiration and recharge of stormwater, existing drainage patterns, and the overall characteristics of the landscape. Special mitigation may be required, such as use of retaining walls to preserve existing vegetation.
7. Road construction, if it is to be permitted on steeply sloping terrain, shall be required to follow the natural topography to the extent feasible.

SECTION 1606. SPECIAL STEEP SLOPE CONSERVATION DISTRICT REQUIREMENTS:

All development proposals which propose development in the Steep Slope Conservation District shall conform to the following:

A. Those lands to be undisturbed and preserved as open space due to the presence of steep slopes may be offered for dedication to the Township, a private land trust or a non-profit agency in order to preserve and maintain the area in its natural state.

B. The use of conservation easements on steep slopes shall be required to preserve the area in perpetuity. A conservation easement for the slope area required to be preserved shall be delineated on the plan. The plan shall also clearly note any restrictions on earthmoving activities on the plan. This information shall be also recorded with the approved plan.

Article XVII: Land Preservation District Overlay
(Cluster development for R1 Residential Zoning District)

SECTION 1701. QUALIFYING PARCELS:

A. The Land Preservation District shall apply to all tracts with a gross site area of 15 acres or more within the **R1 Low-Density Residential District**. For tracts of at least ten, but less than fifteen acres within the **R1 Low-Density Residential District**, the implementation of the Land Preservation District shall be at the option of the developer and/or land owner, subject to conditional use approval by Board of Commissioners and such that the following criteria are met.

B. Land parcels shall exhibit certain physical features such that standard **R1 Low-Density Residential District** development would adversely affect these features and that the implementation of this ordinance on the subject land parcel would protect and preserve these features. The physical features to be considered are as follows:

1. Topography;
2. Woodland Areas;*
3. Waterways;
4. Wetlands;
5. Natural buffers to neighboring residential parcels.

**Defined Terms within Article II: Definitions.*

C. In addition to the standards pertaining to conditional use approval set forth in this Section and elsewhere in the Ordinance, development of a qualifying parcel pursuant to this Section shall be subject to the following requirements:

1. Restricted land areas, primarily woodland areas* within the defined buffer areas shall be permanently preserved on the parcel.
2. The applicant is required to submit a development plan for review and comment, as per the standards defined for with **Article III: R1 Low-Density Residential District, Dimensional Requirements Table**.
   a. A portion of the site, the area of which shall be calculated in accordance with **Section 1703. Land Preservation Calculation**, shall be permanently set aside as Open Space and be deed restricted as such.
   b. The standard set forth in **Section 1806. Conditional Uses** must be met.

SECTION 1702. DENSITY YIELD CALCULATION:

A. Determination of the density or the maximum number of permitted dwelling units shall be based upon the underlying standard of one dwelling unit per acre, applied to the net site area. Net site area in the **LP Land Preservation Overlay District** is the gross site area in acres minus restricted land areas. Restricted land areas consist of all rights-of-way for existing dedicated roadways, floodplain areas, wetland areas and steep slope areas, and all lands previously set aside for conservation and/or preservation, whether by restrictive covenant, conservation or preservation easement, or otherwise.

The following formula determines the maximum number of permitted dwellings units.

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

SECTION 1703. 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 Net Site Area (in acres) by the land preservation factor of (50%). The formula is as follows:

Total Land Preservation Area = Net Site Area (in acres) X 50%

In no event shall restricted land, as defined within **SECTION 1702: Density Yield Calculation,** or required yard areas be included in the total land preservation area.

SECTION 1704. DIMENSIONAL REQUIREMENTS: The following dimensional regulations are minimum standards which must be achieved for each of the permitted uses, additions and/or alterations.

A. Single Family Dwellings:

Minimum Tract Size	5 Acres
Minimum Open Space Requirement	50%
Minimum Lot Area	10,890 square feet (¼ Acre)
Minimum Lot Frontage	50 feet (90 feet for Estate Lots)
Minimum Lot Depth	125 feet or 1.33 X the lot frontage*
Minimum Side Yard	15 feet
Minimum Rear Yard	30 feet
Minimum Front Yard	30 feet
Maximum Impervious Coverage	45%
Maximum Building Coverage	35%
Maximum Building Height	40 feet
Minimum Building Separation	30 feet

B. Village and Townhouse Uses

Requirement:	**Village Dwelling**	**Townhouse**
Minimum Tract Size	5 Ac.	5 Ac.
Minimum Common Open Space	50 %	50 %
Minimum Lot Area	4,000 s.f.	2,500 s.f.
Minimum Lot Width	40’	25’, 40’ end
Minimum Lot Depth	100’	100’
Minimum Front Yard	20’	25’
Minimum Side Yard	8’	15’ end unit
Minimum Rear Yard	25’	25’
Maximum Building Cover	40 %	50 %
Maximum Impervious	55 %	65 %
Maximum Building Heightt	35’	35’
Minimum Building Separation	16’	30’ end unit

*Whichever of the two are greater.

SECTION 1705. SPECIAL DEVELOPMENT REGULATIONS:

A. Corner properties may reduce the front yard setback on one frontage by a maximum of 5 feet.

B. Front yard setbacks may be reduced by 5 feet if the dwelling presents a covered porch as the forward most design feature. This does not apply to corner properties and may only occur on one of four contiguous building lots.

C. The front yard setback may be reduced by a maximum of 5 feet if the dwelling does not present the garage as the forward-most design feature.

D. As part of the review process the developer shall present a site plan showing the relationship of neighboring properties and individual parcel layouts, along with architectural plans and elevations of proposed dwellings types, for review and comment by the Planning Commission.

It is desired that the parcels developed under this Ordinance present dwellings that include similar materials, design features and diversity that is present in the surrounding community.

SECTION 1706. SPECIAL DEVELOPMENT REGULATIONS:

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

B. Individual neighborhoods within a tract that contain at least 30 dwelling units shall be required to contain at least 2 dwelling types. 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 100-foot 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 100-foot setback.
   3. They shall contain a minimum of 5 dwelling units, and maximum of 20 dwelling units.

C. Cul-de-Sacs shall be designed with a 25-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.

Figure 17.1

Cul-de-Sac Island

Source: Google, 2014

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

E. Each single-family residential lot shall include two 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 10 feet behind the front facade of the dwelling.

F. Each townhouse dwelling shall have a minimum of two 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 one-foot planting strips.

G. 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 units in a row. A row of townhouses shall not exceed 180 feet. A minimum 18-inch variation in setback shall occur at least every second dwelling unit.

H. One Estate Lot is permitted, if used to manage open space. Estates lots can be flag or rear lot parcels with a 30-foot wide access strip. While estate lots vary in size, the buildable portion of the lot is restricted to a maximum area of 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 ecluded from the 50% preservation requirement.

I. The overall site design shall 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.

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

K. Each lot shall be provided with access to the common open-space land by a 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 recommended 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.

L. 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.

M. No building setback line or building envelope shall be located closer than 25 feet from a floodplain or wetland area.

N. Security guard stations and 6-foot high decorative brick or iron security fences are permitted on the tract perimeter.

O. 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.

P. Open Space areas shall meet the open space criteria as established in the **Open Space Standards section of the SALDO**.

Q. In order to promote design flexibility and site variations, 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.

R. In order to preserve more than the minimum required open space ratio, the Planning Commission may recommend that up to 25% of the planned dwelling units may have reduced yard requirements provided, the minimum required building separation is achieved.

SECTION 1707. 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 1 inch equals 100 feet, and the plan shall include:

   a. Topographic contours at 2-foot intervals, showing rock outcrops and steep slope area 15% 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 restrictive covenant.

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 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 standards established for Sketch Plans in the Township Sketch Plan Ordinance No. 1961.

D. Planning Commission Analysis: In evaluating the layout of lots and open space, the following criteria shall be considered by the Planning Commission:

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.

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.

8. Safe pedestrian circulation systems which are constructed according to Township specifications and have minimal interference from existing and proposed roadways.
9. 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 1708. 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 District.

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.

D. 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.

E. Following completion of the review, and not later than 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, Township, and future land owners.

Article XVIII: Administration and Permits

SECTION 1800. 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 1801. 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/she shall have the power to:

1. Receive and examine all permit applications for the Township.
2. 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 use approval by the governing body shall be issued only after receipt of approval from the Board of Commissioners.
3. 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.
4. Issue stop, cease, and desist orders, and identify in writing, correction of all conditions found to be in violation of the provisions of this Ordinance. 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.
5. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Ordinance.
6. 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.
7. Maintain a map showing the current zoning classification of all land; which shall be posted at the Township Administration building.
8. 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.
9. 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 1802. 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 a 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 Township, 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 1803. 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 surface on the site is to be increased by greater than 1,000 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 Township, 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 24 hours before any work is started in connection with the installation of said improvements.
3. The Zoning Officer shall not issue an occupancy permit for 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 1804. 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 nonresidential, 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 Township, 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. 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 90 days; provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the Township and all permit fees have been paid, and provided further that the person seeking the temporary use and occupancy permit posts with the Township 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 1805. SIGN PERMIT: A sign permit shall be required for each sign erected in accordance with the provisions of **Article XXII: Signs** of this Ordinance.

SECTION 1806. 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 properties in the immediate vicinity, and which shall be in the best interests of the Township.
   4. In conformance with all applicable requirements of this Ordinance and all municipal, state and federal codes applicable to the use or process in question.

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 complete 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 Township 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. For conditional uses concerning existing buildings, a site plan shall be submitted that includes the following:

      a. Name and address of establishment;
      b. Name and address of owner;
      c. North arrow;
      d. Date of plan;
      e. Roads and streets adjacent to property;
      f. Location of all structures on the property (existing and proposed);
      g. Zoning classification of the property;

h. Proposed hours of operation;

i. Existing and proposed parking;

j. Existing and proposed trash receptacles and shielding devices;

k. Existing and proposed lighting;

l. Existing and proposed methods of ingress and egress; and

m. Existing and proposed fencing, buffering and landscaping.

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 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, acting chairman, or designee 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 crossexamine 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 Township, 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 addition to the requirements of the Pennsylvania Municipalities Planning Code (MPC), the following criteria shall be considered by the Board of Commissioners:

1. Consistency with the goals, objectives, and recommendations of the Township and County Comprehensive Plans; Old York Road Corridor Improvement Plan; Township Open Space, Recreation, and Environmental Resource Protection Plan; Township Revitalization Plans, and other plans adopted by the Township.
2. Suitability of the proposed use for the property in question. This criterion shall consider issues such as traffic, vehicular and pedestrian circulation, adjacent land use(s), buffering, and other impacts on the surrounding area.
3. 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. 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 with existing buildings on the site.
4. Nuisance/Safety Analysis. The use shall not generate excessive noise, noxious odors, air pollution or lighting, 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 offsite. 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.
5. 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 by significant volumes of traffic from the proposed facility. The Board of Commissioners may request a traffic impact study, as described in **Traffic Impact Study section of the SALDO**.
6. Public Utilities. All uses shall be capable of being served by public sewer. A use may be permitted to be served by an onlot 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 Protection. Sufficient water supply must be available to accommodate all the needs of the proposed use.
7. Conditions. The Board of Commissioners may require adjustments to the proposal as a condition of approval. These may include, but are not limited to:
    a. Alternate Layouts, including the relocation of certain site elements (including but not limited to access drives, trash containers, loading docks, etc.).
    b. Increased setbacks or additional landscaping if it will reduce the impact on neighboring properties.
    c. Changes to the circulation pattern.
    d. Addition or modification of fences or berms.
    e. Other changes deemed necessary to insure that any proposed development will substantially secure the objectives of this ordinance.
    f. Limitation on hours of operation, to limit adverse impacts on surrounding.

Article XIX: Nonconforming Uses, Structures, Lots and Signs

SECTION 1900. 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 nonconformities can be gradually eliminated and reestablished in more suitable locations within the Township.

SECTION 1901. DEFINITIONS:

A. 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.

B. 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.

C. 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.

D. 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.

SECTION 1902. 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. Nonconforming impervious coverage levels may not be increased.

SECTION 1903. 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 year and may be renewed for additional 6month periods upon reapplication. If a nonconforming use of land or of a structure ceases or is discontinued for an uninterrupted period of one 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.

SECTION 1904. RECONSTRUCTION:

A. 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 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 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 year of such event, and the use shall not be enlarged.

B. 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.

SECTION 1905. CHANGES:

A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming condition or use.

B. 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.

SECTION 1906. EXPANSION OF A NONCONFORMING USE:

A. 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 25% of the building coverage or impervious coverage devoted to the nonconforming use that existed on the date that such use first became nonconforming. Such expansion shall be permitted only by special exception, provided:

1. The proposed expansion shall take place only on the lot containing the nonconformity provided all such lots were held in single and separate ownership at the time the use became nonconforming.

2. The proposed expansion shall conform with the use regulations' 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.

SECTION 1907. EXPANSION OF A NONCONFORMING STRUCTURE:

A. 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:

1. The use of the structure is single-family residential. This provision does not apply to nonresidential uses.

2. The extension or addition is no closer to the side, rear, or front property line than the existing nonconforming structure.

SECTION 1908. EXPANSION OF OR CONSTRUCTION ON A NONCONFORMING LOT: 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.

SECTION 1909. NONCONFORMING YARDS: Alterations or additions on existing single family dwelling units with nonconforming 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.

SECTION 1910. 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.

SECTION 1911. 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 (including nonconforming impervious coverage levels) may not be continued or transferred to the new development proposal.

Article XX: Zoning Hearing Board

SECTION 2001. STANDARDS FOR REVIEW:

§2001.1. General Provisions.

A. 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.

§2001.2. Provisions for Special Exception Consideration.

Special Exception Criteria. In addition to the requirements of the Pennsylvania Municipalities Planning Code (MPC), the following criteria shall be considered by the Zoning Hearing Board:

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, the Zoning Hearing Board shall consider the following criteria:

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. Suitability of the proposed use for the property in question. This criterion shall consider issues such as traffic, vehicular and pedestrian circulation, adjacent land use(s), buffering, and other impacts on the surrounding area.
4. Consistency with the Township and County Comprehensive Plans; Old York Road Corridor Improvement Plan; Township Open Space, Recreation, and Environmental Resource Protection Plan; Township Revitalization Plans, and other plans adopted by the Township.
5. 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. 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 with existing buildings on the site.
6. Nuisance/Safety Analysis. Artificial lighting shall be located to avoid shining into habitable room windows offsite. 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.

7. 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 by significant volumes of traffic from the proposed facility. The Zoning Hearing Board may request a traffic impact study, as described in the **Traffic Impact Study section of the SALDO.**

8. Public Utilities. All uses shall be capable of being served by public sewer. A use may be permitted to be served by an onlot sanitary system, only if deemed consistent with the adopted 537 Plan of the Township, upon recommendation of the Township Engineer, and upon approval of the Pennsylvania Department of Environmental Protection. Sufficient water supply must be available to accommodate all the needs of the proposed use.

9. Conditions. The Zoning Hearing Board may require adjustments to the proposal as a condition of a Special Exception. These may include, but are not limited to:

    a. Alternate layouts, including the relocation of certain site elements (including but not limited to access drives, trash containers, loading docks, etc.)

    b. Increased setbacks or additional landscaping if it will reduce the impact on neighboring properties.

    c. Changes to the circulation pattern

    d. Addition or modification of fences or berms

    e. Other changes deemed necessary to insure that any proposed development will substantially secure the objectives of this ordinance.

    f. Limitation on hours of operation, to limit adverse impacts on surrounding properties.

Article XXI: Use Regulations

SECTION 2100. 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 2101. 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 described use, then the proposed use shall be classified according to that described use.

C. Any one individual use not specifically prohibited that complies with **Article XXVI General Regulations** and all other applicable sections of this ordinance shall be permitted by Conditional Use in the **SI-G Suburban Industrial-Glenside District.** The requirement that **§2001.2.A** requiring that a Special Exception be specifically authorized does not apply.

D. Unless they are expressly permitted by zoning, multiple principal uses are not permitted on a building, structure, lot, or premises.

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 10% 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. 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.

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

SECTION 2102. 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. Nonconforming Use: The use does not meet all applicable standards and regulations as established in this Zoning Ordinance.
3. Legally Nonconforming 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 2103. CATEGORIES OF PERMITTED USES:

§2103.A. Accessory Uses. Note: some uses may be permitted in certain instances both as principal uses and accessory uses; in that case, the use regulation appears with the principal uses, organized by land use type.

Use A-1 Accessory Dwelling Units (ADUs). A suite, either detached from or attached to the primary dwelling unit on the lot.

1. Intent: The intent of these provisions is to:
   a. Provide more affordable housing and increased companionship for the elderly.
   b. Prohibit the creation of rental units in Accessory Dwelling Units.
   c. Ensure Accessory Dwelling Units fit unobtrusively into the Township's residential neighborhoods.
2. Accessory Dwelling Units are subject to the following conditions:
   a. An ADU is only permitted when accessory to a single-family detached dwelling.
   b. No more than one (1) ADU will be permitted on any property.
   c. Occupancy
      (1) An ADU may be occupied only when the lot owner's family is living in the principal dwelling on the lot.
      (2) All ADU occupants must be one of the following: A parent; grandparent; or a spouse, partner or sibling of one of the those relatives.
   d. Physical, Dimensional, and Design Requirements:
      (1) Maximum size of detached ADU: 625 s.f.
      (2) An ADU may not be a mobile home, motor home, or trailer.
      (3) ADUs on lots less than 10,000 square feet must be attached to the principal dwelling.
      (4) ADUs must be set back at least 10 feet from all lot lines, or the district setback, whichever is greater.
      (5) Each detached ADU must have a kitchen and full bath, but no more than one bedroom.
      (6) For sewage disposal, water supply, and all other utilities, ADUs shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used, and all connections must meet the applicable utility system standards.

(7) The ADU must not have a separate address or mailbox from the principal dwelling.

3. Design Requirements. Detached ADUs, and homes expanded to accommodate ADUs shall comply with the following:
   a. Materials for the ADU shall match those of the principal dwelling.
   b. Wall-to-window ratios shall be similar to those of the principal dwelling (the ratio may vary by up to 20%).
   c. The roof pitch of ADUs shall match that of the principal dwelling.
4. Permits (monitoring).
   a. Permits for ADUs shall be issued for a period not longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.
   b. Renewal of permits requires inspection of the ADU by the Zoning Officer.
   c. If a permit for an ADU is not renewed, all rights granted to the Landowner under such permit expire, and the Landowner must re-apply for the issuance of a new permit under the then current standards for the issuance of such permit.
   d. Permits for ADUs expire when a change of occupancy occurs.
   e. To ensure compliance with these provisions, an ADU may be inspected at any time, provided that 24-hour notice is given.

Use A-2A: 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 between the building and the street 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 nonresidential zoning districts, ground-mounted, commercially utilized antennas, and antennas exceeding 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 200 feet from the residential district.
5. In nonresidential 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 **§2601.F. for Height Exceptions**.*
7. This use shall not include telecommunications towers, as that term is regulated under Use A-2D: Telecommunications Towers.

Use A-2B: 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 than 24" 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 nonresidential buildings must be architecturally screened if visible from the public street. Ground-mounted antennas installed on nonresidential 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 4 feet of any property line.
5. This use shall not include telecommunications towers, as that term is regulated under Use A-2D: Telecommunications Towers.

Use A-2C: 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.
4. This use shall not include telecommunications towers, as that term is regulated under Use A-2D: Telecommunications Towers.

Use A-2D: Telecommunications Towers. A system of wires, poles, rods, towers or similar devices used to support antennas for the reception or transmission of electromagnetic waves for commercial purposes. The following requirements shall apply to Telecommunications Towers (but not other types of towers).

1. Tower: 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, and the like. The term includes the structure and any support thereto.
2. Alternative tower structure: 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.
3. If there is a conflict with or inconsistency between **Article XXVIII: Wireless Communications** and the rest of the zoning ordinance, **Article XXVIII: Wireless Communications** shall control.

Use A-2E: Commercial Antennas. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. In addition to any applicable other portions of the Zoning Ordinance, this use shall also be subject to

Article XXVIII: Wireless Communications. To the extent that any provisions of the zoning ordinance conflict with or are inconsistent with **Article XXVIII...**, the latter shall control.

Use A-2F: Roof or Structure-Mounted Telecommunications Equipment. Telecommunications equipment mounted on a freestanding structure. These shall be screened from public view, consistent with **Article XXIV: Landscaping**.

Use A-3: Car Share. An on- or off-street parking space where car share members can pick-up or drop-off a vehicle for rental periods as short as one hour. Customers of a car share facility (as distinguished from Use C-23: Rental Agency, Vehicle) sign up for annual memberships and pay hourly or daily usage rates for vehicles that are reserved online at a specific self-service location for a set length of time. Vehicles are parked in convenient locations throughout the region, with the goal that residents are within a 5- to 10-minute walk of a self-service car.

Figure 21.1
Car Share Vehicle

Use A-4: Chapel. A room or building for worship in an institution.

Use A-5: Chickens, Limited Keeping of:

1. Lot size. A minimum lot size of 10,000 square feet is required for the keeping of up to four chicken hens in a pen or enclosure on any one property, as an accessory use. For each additional 20,000 square feet of lot size, an additional 2 chickens are permitted, up to a maximum 8 chickens per property.
2. Roosters. The keeping of roosters is prohibited.
3. Enclosures. Chickens must be kept in an enclosure, such as a hen house or fenced area at all times during daylight hours, and must be kept within a fenced yard at all times. Enclosures must be clean, dry, and odor-free, and kept in a neat and sanitary condition at all times. Enclosures shall not exceed 50 square feet in floor area. Pens or enclosures for this use are prohibited between the building and street, and must comply with side and rear setback lines of the principal building.
4. Chickens are not permitted in any part of a house or garage.

5. Predators, Rodents, Insects, and Parasites. The property/chicken owner shall take all necessary action to reduce the attraction of predators and rodents. Infestation of insects and parasites that may result in unhealthy conditions to human habitation will result in the chicken facility being removed by the Township, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property/chicken owner. In tandem with any removal of a chicken facility the Township will revoke any permit for same.
6. Feed and Water. Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.
7. Waste Storage and Removal. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one, 20 gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed or composted. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Use A-6: Club House. A building or group of buildings used as a meeting place or for other social gatherings for a development or community. The "Club House" shall not be open to public and is limited to the residents of an SNR Senior Neighborhood Residential development or community, their guests and invited guests of a resident or the owner for special functions.

Use A-7: Commercial Accessory Apartment. Such use shall include a commercial operation consisting of retail or office uses only, less than 5,000 square feet in gross floor area, and which contains one or more dwelling units for temporary residential purposes which may or may not be owner-occupied.

1. The dwelling unit must have separate access from, but be located in the principle structure.
2. The apartment or dwelling use is limited to 50% of the gross floor area of the commercial operation.
3. The commercial use must meet the required minimum lot area.
4. For each apartment or dwelling unit established in excess of one unit, an additional lot area of 2,500 square feet per unit shall be provided, and parking requirements shall meet the standards of Use H-1: Apartment/Condominium Building.

Use A-8: Commercial Vehicle Parking. The parking of tractor trailers, vans and similar vehicles on lots or parcels, with or without advertising.

1. 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.
2. Commercial vehicles cannot be parked in required buffer yards or rights-of-way.
3. The area on which they are parked cannot be parking spaces required for uses already on the lot.
4. Commercial vehicles greater than 25 feet in length may not be parked overnight in Residential or Community Service zoning districts.

Use A-9: Day Care, as Accessory Use *(see Use Category E-4: Day Cares).*

Use A-10: Dining Facilities.

Use A-11: Drive-Through-Facility. Any building, design, facility, 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, such as, but not

limited to restaurants, banks, and pharmacies.

1. Stacking Spaces. As an accessory use to the principal operation of a premises, there must be sufficient stacking space for six vehicles, per drive-through-facility. The stacking area may not interfere with required parking spaces or vehicular aisles.
2. Ingress/Egress. Ingress to the drive-through-facility must occur from an aisle way within the interior circulation of the lot, and not directly from an arterial highway. Egress from the drive-through-facility may not occur within 15 feet from a public entrance or exit of the building.
3. Minimum Lot Size: 40,000 square feet.
4. Minimum Lot Width: 100 feet
5. Setback from Residential: at least 50 feet from a residential property or district permitting residential uses.
6. Drive-Through Facilities shall not be located in any build-to-zone; when attached to a building in a build-to-zone, they shall be located on the opposite side of the building from the build-to-zone. When attached a building in the **BC Business Center** or **MS Main Street Districts** that is not required to be located in a build-to zone, the Drive-Through Facility shall not be located between the building and the street.
7. Bypass Lane. Banks and Pharmacies with drive-through facilities must have a bypass lane.

Use A-12: Farmers' Market (Temporary or Seasonal). An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers where Farm products shall be transported no more than 150 miles to reach the market (this shall be a rule to be enforced by the market manager).

Use A-13: Fences and Walls. Any constructed barrier or structure of any material or combination of materials, erected to enclose or screen areas of land, create a barrier, limit access to or direct passage across land, define boundaries, or serve a decorative purpose.

1. Unless otherwise regulated, the maximum height of fences and walls shall be six feet (6').
2. The maximum permitted height of Fences and Walls shall be 4 feet in the required front yard area (or in the area between the street and principal building on a lot with a required build-to-line), and 6 feet in the required side or required rear yard.
3. A fence or wall 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.
4. A fence or wall must be accessible and regularly maintained by the landowner; this may require breaks or gates in the fence.
5. A fence or wall may not be erected in, or interfere with, the sight triangle for vehicular traffic.
6. A fence or wall 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. Fences constructed of wire or walls constructed of unpainted cinder block are prohibited. Chain link fences shall be vinyl-coated.
8. The side of the fence facing the abutting property or properties must be finished.

Use A-14: 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 detached, twin, duplex, or single-family attached (townhouse) residential dwelling unit and which does not affect the residential character of the neighborhood.

1. No more than one home occupation shall be permitted per residence.

2. The home occupation shall be conducted wholly indoors within a dwelling unit or structure accessory thereto.
3. 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.
4. There shall be no exterior storage of materials or parking of commercial vehicles associated with the home occupation.
5. No external alterations, or additions to the structure shall be permitted in order to accommodate the home occupation, unless they are done to a single-family detached dwelling, and are done consistent with Use H-7: Single-Family Detached Dwelling Unit. To ensure compliance with the intent of this section, no building permit for an addition to the structure may be issued within 2 years after the use commences. The date of the use permit shall govern in this matter.
6. 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.
7. Servicing by commercial vehicles for supplies and materials, other than parcel drop-off, shall not be permitted.
8. No more than one employee from off-site is permitted to work on the premises, and at least one employee must be a resident.
9. The floor area devoted to such use shall not exceed 25% of the ground floor area of the principal building, or a maximum of four hundred 400 square feet, whichever is less.
10. Visitation by clients shall be by appointment only, and regulated in such a fashion so that parking on-lot is available for their use. Where a home occupation necessitates creation of expanded parking area, the parking area shall be screened consistent with the requirements for parking screens in **Article XXIV: Landscaping**, and shall be located to the side or rear of the home.
11. Home occupations shall not be used for the purpose of conducting religious services or other assemblies.
12. The home occupation shall operate no earlier than 8:00 a.m. and no later than 7:00 p.m.
13. The existence of a Home Occupation on a property does not preclude the establishment of a No-Impact Home-Based Business on the same.
14. Permits (monitoring)
    a. Permits for Home Occupations shall be issued for a period not longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.
    b. Renewal of permits requires inspection of the Home Occupation by the Zoning Officer.
    c. If a permit for a Home Occupation is not renewed, all rights granted to the Landowner under such permit expire, and the Landowner must re-apply for the issuance of a new permit under the then current standards for the issuance of such permit.
    d. Permits for Home Occupations expire when a change of occupancy occurs.
    e. To ensure compliance with these provisions, a Home Occupation may be inspected at any time, provided that 24-hour notice is given.

A-15: No-Impact Home-Based Business. A business or commercial activity administered or conducted as an accessory use; which is clearly secondary to the use as a residential dwelling; and which involves no customer, client or patient traffic—whether vehicular or pedestrian,

pickup, delivery or removal functions to or from the premises—in excess of those normally associated with a residential use. A No-Impact Home-Based Business is separate and distinct from a "Home Occupation".

The business or commercial activity must satisfy the following requirements:

1. The business activity shall not interfere with the residential use of the property nor surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods, and no stockpiling of inventory.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signage, or commercial lighting.
5. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
6. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

Use A-16: Nonresidential Accessory Structure. Such use shall include a detached accessory building or structure for uses customarily incidental to the principal nonresidential use of the premises.

1. When used for a purpose other than storage, a Nonresidential Accessory Structure accessory to a use permitted by special exception or variance shall also only be established by special exception or variance hearing.
2. A trailer, freezer, or shipping container, whether or not removed from its wheels, may not be used as a Nonresidential Accessory Building.
3. Nonresidential Accessory Buildings and structures are limited in size to 25% of the ground floor area of the principal building which it/they serve(s).
4. A Nonresidential Accessory Building or structure may not be located closer than 15 feet from another building or property line, and may not be located closer to the street than the principal building.
5. A Nonresidential Accessory Building may not be used to establish a new or unrelated use on the premises.
6. Vending machines are not permitted on public property or in rights-of-way, and are only permitted within enclosed buildings or under arcades which are set back greater than 100 feet from any property line facing a public street or right-of way.
7. Public phones may not be located in the required front yard area.
8. Except for banks and financial institutions, automated teller machines (ATMs) are permitted only within enclosed buildings or under arcades which are set back greater than 100 feet from any property line facing a public street or right-of way.
9. **RC Recreation Conservation District**: May include a display or museum building.
10. The provisions of this paragraph shall not apply to Accessory Use A-2E Commercial Antennas.

Use A-17: Outdoor Dining. Such use shall include an outdoor eating area, accessory to a restaurant. An outdoor eating area shall meet the following requirements:

1. It shall be enclosed by a removable partition, such as planters, or posts with ropes, that clearly demarcate the boundary of the outdoor dining area. Construction barricades shall

not be used for such a purpose. Openings in the partition for ingress/egress shall not be wider than five feet.

2. It must not obstruct or interfere with pedestrian circulation on or off-site, and must have unobstructed aisles and entrances. A minimum sidewalk or pathway of five feet free of obstacles shall be maintained.
3. Screening requirements shall be met, consistent with **§2403.C. Site Element Screens**.
4. It shall not block the sight triangle.
5. It shall be set back so as to provide a 5-foot clearance from fire hydrants and other utility fixtures.
6. Outdoor furnishing shall be limited to tables, chairs, umbrellas, waste receptacles, and the removable partition.
7. Outdoor furniture shall be stored inside the restaurant after normal operating hours, or secured.
8. The outside dining area must be secured and kept sanitary, neat and clean at all times. It shall be kept free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter. The restaurant must participate in an approved rodent control program.
9. In addition to the regulations above, the following requirements apply to outdoor dining areas located in the right-of-way: a space at least 44 inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.
10. Parking. The outdoor dining area must be physically separated from parking areas by a railing, fence, planting boxes, or combination thereof. The outdoor area cannot infringe or encroach on the minimum number of required parking spaces
11. Location. The outdoor dining area must be located directly in front of or adjoining a street-level eating or drinking establishment.
12. Advertising. Advertising or promotional features shall be limited to umbrellas, a menu board, and canopies.
13. Odor. If located adjoining a residential zoning district, odor control devices shall be installed to minimize food odor impacts.
14. Encroachment into Right-of-Way. Any such encroachment shall be subject to and conditioned upon the restaurant maintaining liability insurance, with commercially reasonable limits and coverages, including for its operation within the encroachment area, and permission to establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.
    a. By accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the Township from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.
    b. The authorization granted by a permit approved under this Section to establish and maintain the encroachment is not intended to constitute, and shall not be deemed to be, a waiver of sovereign immunity by or on behalf of the Township or any of its officers or employees.

c. Neither the Township nor any public utility company shall be responsible for damage to property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

d. The authorization granted by a permit approved under this section to establish and maintain the encroachment shall be terminated whenever the Township desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the Township. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the Township shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Figure 21.2
Outdoor Dining

Use A-18: Outdoor Recreation, Uses Accessory To: 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.

Use A-19: 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:

1. Accessory play structures shall only be permitted when accessory to a residential use.
2. The structure cannot be located within 4 feet of a property line or public right-of-way.
3. If the structure exceeds 100 square feet, measured around the circumference, it shall be set back at least 5 feet from side and rear property lines.
4. The structure shall not be located in the required front yard area, or in a build-to-zone.

Use A-20: Recreational Vehicle (RV) Storage, Residential Properties. The temporary or seasonal outdoor storage of boats, campers, motor bikes, and other recreation vehicle(s) in residential zoning districts.

1. The RVs shall be stored only on the premises of the owner of the RV.
2. Such stored vehicles shall not be longer than 25 feet.
3. Recreational vehicles shall not be parked in the street for longer than 48 hours.

Use A-21: Recycling Drop-Off Facility. An accessory use that serves as a neighborhood or municipal drop-off point for the temporary storage of recoverable or recyclable resources, for collection and transport to a recycling center. Recoverable or recyclable resources permitted for recycling at an A-21: Recycling Drop-Off Facility shall include aluminum cans, steel cans, glass, paper, plastics, and household metals and other common household recyclables.

1. No processing of such items is permitted.
2. As a stand-alone container, they may not be located between the principal building and the street, and may not be placed within a required on-site parking stall or any required buffer area.
3. The use shall be located to the side or rear of the principal building.
4. The use shall be screened consistent with Article VII: Landscaping.

Use A-22: 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:

1. The building or structure shall be limited to one story, but in no event shall it be greater than 17 feet in height.
2. On lots less than three-quarter (.75) acres, the total building area of all detached accessory structures shall be limited to 35% of the ground floor area of the principal building, or a maximum area of 625 square feet, whichever is greater.
3. On lots less than three-quarter (.75) acres in lot area, detached Residential Accessory Structures may not be constructed closer than 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 10 feet from the principal building or any other accessory structure on the lot, unless it is contained within the established building envelope.
4. 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 10 feet from any side or rear property lines with all other conditions of this section in effect.
5. Notwithstanding Subsections 3. and 4., above, any Residential Accessory Structure larger than 250 square feet must not be constructed in any required yard area or build-to-zone.
6. A detached accessory building or structure may not be erected within the required front yard area, public rights-of-way, easements, or storm water swales.
7. Structures for domesticated household pets or chickens may not be located closer than 10 feet from any property line, and are not permitted in required front yard areas.

8. A horse stable may not be erected on any property less than 3 acres in size, and may not be located closer than twenty-five feet to any property line.
9. Applicants are encouraged to construct roofs on sheds that match the style and color of the roof of the principal dwelling.

Use A-23: Storage (Outdoor). The outdoor keeping of material, merchandise, vehicles, or any goods in an unroofed or open area for more than 24 hours.

1. 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.
2. Where permitted, outside accessory storage areas shall occupy an area less than 25% of the ground floor area of the principal building or structure.
3. 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, consistent with the screening requirements of Article VII: Landscaping.
4. 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.
5. The outside storage area shall not be located closer than 15 feet to any side or rear property line, nor 15 feet from any structure on-lot.
6. No flammable or explosive liquid, solids or gases shall be stored in bulk above ground except for tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.
7. No materials or wastes shall be deposited upon a lot in such form or manner that may be transported off by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any streams or watercourse. Applicable PADEP regulations shall apply.
8. All materials and wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
9. No truck trailer or vehicle of any type may be used for permanent storage of goods, supplies, or materials of any kind or type in any zoning district.
10. Outdoor storage shall not be visible from the primary entrance of any commercial use.

Use A-24: Swimming Pool. An artificial or man-made container of water capable of being filled to depth exceeding 12 inches. 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 12 inches, and which are completely emptied of water when not in use:

1. Accessory swimming pools shall only be permitted when accessory to residential uses.
2. 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.
3. As accessory structures, they are permitted to be located no closer than 10 feet to a side or rear property line, and must be located no closer than 10 feet from any additional structures, either primary or accessory, located on the lot or premises.
4. Swimming pools are not permitted in the required front yard area or within approved swale or storm water management systems.

5. 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.
6. Swimming pools must be discharged according to guidelines established by the Department of Environmental Protection. 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.
7. Approved circulators and filtration systems must be provided for all pools except wading pools.
8. Elevated outdoor lighting, if used, shall be installed with glare shields and not be directed toward adjacent property owners.
9. No pool shall be located under or within 10 horizontal feet of a power or service entry line.
10. Abandoned pools must be removed or appropriately filled in and covered under ground.
11. Spas or health pools shall meet the same requirements as swimming pools, except that when less than 10 feet in width and located on an existing deck or elevated patio adjoining the principal structure, the 10-foot separation from structures shall not apply.
12. 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 10 feet. They must be single-story structures, not exceeding 14 feet in height, and may not contain permanent cooking equipment.
13. Fencing: Swimming pools at, below or above grade must be completely enclosed with a minimum, 4-foot high fence, with self-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 4 feet above the ground, which have ladders or pull down steps, require fencing at the bottom of the ladder or steps. Door alarms may also be required. Fencing need not be installed if the design prevents access by ladders or steps which can be made inaccessible and locked when not attended or in use.

Use A-25: Tennis/Sports 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:

1. The outer edge of the playing area, including any fence designed to contain the playing area, may not be located closer than 10 feet from any property line, and may not be located in the required front yard area.
2. A fence containing the playing areas may be as high as 12 feet provided the setback of ten feet is maintained.
3. Courts may be lighted provided the light source is shielded so it is not visible from adjoining properties.

§2103.B. Agricultural Uses.

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.

1. Minimum lot size: shall be 10 acres, which must be held in single ownership by any legal entity.

2. Farm structures: must be located a minimum of 50 feet from all property lines.
3. No goods may be sold on the premises.
4. Building Separation. The minimum distance between buildings shall be 30 feet.
5. Building Length. The maximum length of any building shall be no more than 200 feet.
6. Perimeter Fences: shall be constructed around all fields and meadows that are used for livestock grazing, feeding and similar activities. No perimeter fence shall be closer than ten feet from a property line.
7. The landowner or occupant shall be responsible for collecting and disposing of litter and droppings from the animals in such a way as to minimize the presence of fly larvae and/or objectionable odors.
8. The owner/operator of the facility shall incorporate best management practices (BMPs) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMPs that they will use on the site and notify the township whenever a change is made to those BMPs. Whenever a change is made to BMPs used on the site, the owner/operator shall certify that the new BMPs provide equal or greater pollution prevention protection than the former management practice.
9. Storage of manure or odor or dust producing substances shall not be permitted within 200 feet of any property line.
10. Buildings or kennels in which animals or poultry are kept shall not hereafter, be erected within 200 feet of any lot line. Additional farm buildings other than a dwelling shall not be constructed closer than 50 feet to any property line.
11. Livestock: Shall be defined as the keeping of animals other than domesticated pets, shall be limited to lots of at least 3 acres in size, and shall be limited to one head of livestock or horse, on lots less than 10 acres in size. Riding academies, livery or boarding stables, and commercial kennels are not included in this provision. Fowl must comply with all requirements in Use A-5: Chickens, Limited Keeping of, except provision A. Lot Size.

Use B-2: Kennel. An establishment licensed by the state keep and house cats, dogs, or other permitted household pets; and where grooming, breeding, boarding, training, selling or show of animals is conducted for profit: It is intended that such use shall not be for any wild creature whether or not native to the locale of this Township.

1. The minimum lot size shall be 5 acres.
2. No animal shelter or runway shall be located closer than 100 feet from any property line.
3. Outdoor runs and similar facilities shall be secured by a fence with a self-latching gate.
4. Kennels constructed on properties adjacent to residential districts shall be soundproofed, to minimize noise impact on adjacent properties.
5. At no time shall the animals be permitted to run loose on the property other than in a completely enclosed area.
6. The owner/operator of the facility shall incorporate best management practices (BMPs) to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMPs that they will use on the site and notify the township whenever a change is made to those BMPs. Whenever a change is made to BMPs used on the site, the owner/operator shall certify that the new BMPs provide equal or greater pollution prevention protection than the former management practice.

Use B-3: Nursery. The outdoor raising of plants, shrubs and trees for sale and transplantation. RC District: Maximum building size = 2,000 s.f., Maximum use size = 12,000 s.f., Maximum building coverage = 10%

Use B-4: Riding Academy/Stable. A riding academy, livery, or commercial boarding of horses shall be permitted, provided that:

1. A lot area of not less than 10 acres shall be required for any profit-making or commercial operations.
2. Animal sheds and storage buildings shall not be located closer than 100 feet to any property line.

§2103.C. Retail & Service Uses.

Use C-1: Automotive Detailing. Thorough cleaning, waxing, or polishing of an automotive vehicle.

1. Customers shall be by appointment only.
2. Vehicles may not be kept outdoors overnight.
3. Tractor trailers and abandoned vehicles may not be stored on the premises.
4. All repair work must be performed within a building.
5. All storage, including parts; tires; refuse; and similar articles must be stored within a building or fully enclosed area.
6. A Parking Storage Plan shall be submitted with any application for Conditional Use or Special Exception. The Plan shall show where vehicles, parts, and refuse are to be stored.

Use C-2: Automotive Sales. Automotive sales uses include facilities for the sale or lease of new or used automobiles, motorcycles, trailers, trucks, boats, and the like. Facilities may include showroom, office, display parking, service/repair, and delivery canopies, provided:

1. Primary access to the sales facility shall be from an arterial or collector road.
2. Customer and employee parking areas must be clearly identified, and not used for vehicle display purposes.
3. Except for incidental emergency repair work, vehicle repairs and service must be conducted indoors.
4. Vehicle delivery shall be conducted on-site, or through off-site contract arrangements, but not from public streets or right-of-ways.
5. Elevated stands for display of vehicles must be located at least five feet (5') from any property line.
6. Test drives shall not be conducted through residential districts, and specific routes shall be approved by the Township.
7. Collective accessory uses to the principal use of selling or leasing shall not occupy more than 50% of the premises and must be conducted in direct relationship to the principal use. Accessory repair/auto body shop operations must be located to the side or rear of the principal use.
8. Vehicle display spaces may be reduced to 8 feet X 16 feet and may be stacked up to three cars deep without aisle ways. 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 10-foot wide parking spaces.

9. Front yard display vehicles may not protrude into the public right-of-way or over public sidewalks or buffer areas.
10. Sound systems shall not be audible off-site.
11. Delivery canopies shall not be located in restricted yard areas.

Use C-3: 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:

1. Tractor trailers and abandoned vehicles may not be stored on the premises.
2. All repair work must be performed within a building.
3. All storage, including parts; tires; refuse; and similar articles must be stored within a building or fully enclosed area.
4. The sale of vehicles shall be prohibited.
5. Retail sales of parts and supplies must be accessory to the principal use.
6. Parking spaces for vehicles being repaired may be reduced to 8 feet x 16 feet and may be stacked up to 3 cars deep, without aisle ways.
7. Vehicles parked in public view, awaiting repair, may not remain on the property longer than 14 consecutive days.
8. Junk vehicles or unlicensed vehicles may not be stored in the open at any time.
9. This use shall only be permitted on an arterial or collector road.
10. Painting shall be prohibited at Automotive Service businesses in the **MS-Main Street Districts**.
11. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. An illustration showing where vehicles, parts, and refuse are to be stored
    b. A determination of whether any improvements are necessary for noise abatement

Use C-4: 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.

1. A drive-through facility may not be located within the front yard or build-to-zone area.
2. Where a drive-through 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 two cars per lane, plus six additional total stacking spaces. 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.
3. A bypass/escape lane shall be provided, which shall be separated from the drive-through lanes and parking spaces.
4. **AO Apartment–Office District**: Drive-through window or ATM is permitted by Special Exception.

Use C-5: Bed & Breakfast. A single-family detached dwelling which provides, by rent, overnight sleeping accommodations and bathroom access to guests. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for persons

other than overnight guests, unless the requirements for a restaurant are also met.

1. No more than five rooms shall be rented.
2. Rooms shall be rented for a period of not more than 14 consecutive nights in a 30-day period.
3. This use shall not include a boarding house, rooming house, group home, or hotel.

Use C-6: Brewpub. An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar, where 40% or more of the beer produced on site is sold on site [for Brewpubs with outdoor dining space, see Use A-16: Outdoor Dining].,

Use C-7: 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.

1. 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.
2. The display of goods and merchandise shall not be located within the required front yard area or build-to-zone, nor shall they be visible from the public street.
3. All goods and related accessory structures shall meet the minimum required setbacks for accessory structures in the district.
4. If customers are permitted to enter outside storage areas, then such area shall be counted as retail floor area.
5. Such uses shall have a defined pick-up area which does not interfere with the flow of internal traffic or required parking areas.
6. Public address systems shall not be audible off site.

Use C-8: Car Wash. A building, structure or area of land with machine or hand-operated facilities used principally for the cleaning, polishing, washing or waxing of motor vehicles:

1. All washing and drying facilities must be located entirely within an enclosed building or roofed structure.
2. Automatic car washes shall provide stacking lanes to accommodate a minimum of 10 automobiles for the first washing bay on-site, and 2 automobiles for each additional washing bay on-site; in addition, stacking lanes shall be provided to accommodate up to 3 automobiles per lane after servicing; an additional space shall be provided for each special service area (other than washing). Self-service car washes shall provide stacking lanes to accommodate a minimum of 4 automobiles for the first washing bay on the site, and 1 additional automobile for each additional washing bay. The standing spaces shall not interfere with the free flow of traffic on the site and shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties or streets.
3. The location of parking shall be such as not to require the re-entry of cars into the street, or the re-crossing of sidewalks to gain access into the actual car washing facilities.
4. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets, and on-lot traffic circulation channels and parking areas shall be clearly marked.
5. No less than one trash receptacle per washing lane, in addition to required dumpster, shall be located near the washing or vacuuming area.
6. On-site drainage systems must be provided to prevent water run-off and freezing on streets and adjoining properties. Water used in the operation shall be collected and recycled.

7. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00pm and 7:00am. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
8. Where permitted as conditional use or special exception: The car wash, vacuums, etc. shall be located as far as possible from adjacent districts permitting residential uses.
9. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. An illustration showing where vehicles, parts, and refuse are to be stored
    b. Determination of whether any improvements are necessary for noise abatement

Use C-9: Club, Fraternal Organization, or Lodge. 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.

1. The use shall be for dues-paying members and their authorized guests only, and such use shall not be open to the general public.
2. Club rules and by-laws shall be provided to the Township at the time of occupancy certification.
3. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. Identification of specific uses and activities
    b. Specification location of outdoor activities
    c. Indication of method(s) to be used to abate any and all impacts on surrounding residential properties

Use C-10: Convenience Store. A mini food market, where retail trade intended for quick sale and carry-out is the principal use. Such use shall 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.

1. The following accessory uses shall be permitted inside, provided parking spaces are provided consistent with Article IX: Parking and Transportation.
    a. Automated teller machines and financial services.
    b. Legal lottery sales.
    c. Sale of alcoholic beverages.
2. Separate and distinct ingress and egress, and marked egress patterns must be provided on-lot.
3. A minimum of two separate trash receptacles must be provided and maintained outdoors.
4. No outside vending machines, outside sales, ATM's, or phones are permitted.
5. In the **MS-VC Main Street-Village Center District**, the gross retail floor area may not exceed 3,000 square feet.

Use C-11: Dry Cleaners (Drop-Off): A dry cleaning establishment which does not have any on-site cleaning equipment or processes other than clothes pressing.

1. **AO Apartment–Office District:** Permitted as accessory use to permitted principal uses.

Use C-12: Dry Cleaners (On-Site). Facilities or shops specializing in or providing on-site processing for laundry, dry-cleaning, and or clothes-pressing and tailoring. 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:

1. Where permitted as a Special Exception or Conditional Use, material safety data sheets (MSDS) 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 hearing for the Special Exception or Conditional Use.

Use C-13: Farmers' Market (Indoors, Year-Round). An indoor establishment or premises where the retail sale of farm products and/or prepared foods produced by local growers occurs. As used herein the following terms shall have the following meaning:

Producer means (a) a person or entity that raises or farms products on land that the person or entity farms and owns, rents or leases or (b) a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) Value-added Farm Products.

Farm Products means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Value-Added Farm Products means any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods; provided it is associated with no retail store, and it was processed within 15 miles.

1. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
2. At least 75% of the displayed inventory of the products sold in each Farmers' Market is Farm Products or Value-Added Farm Products.
3. At least 75% of the booths open during the market's hours of operation are Producers, or family members or employees or agents of Producers; and
4. If a booth sells Farm Products or Value-Added Farm Products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.
5. Special Permit Requirements: Unless otherwise expressly noted in the district regulations, issuance of a special permit, in the manner prescribed herein, is required to operate a Farmers' Market. Said permit shall expire 12 months from issuance and such use shall thereafter only operate upon issuance of a new special administrative permit in the manner prescribed herein. A Farmers' Market shall submit documentation showing it will comply with the following standards: (a) On-site presence of a Market Manager during all hours of operation who shall direct the operations of all vendors participating in the market and verify that the requisite number of individual booths are operated by Producers, (b) Assignment of booths and registration of Producers; (c) An established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, security requirements, and the appointment of a Market Manager.

6. Montgomery County Health Department approval must be obtained.
7. Farm products shall be transported no more than 150 miles to reach the market (this shall be a rule to be enforced by the market manager).
8. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

Figure 21.3
Farmers' Market Indoor Year-Round

Use C-14: Funeral Home. A building or portions thereof used for human funeral services. Such facilities may contain provisions for chapel, embalming, viewing of the deceased and ceremonies connected therewith, and other services used in preparation of the dead, including the storage of caskets, supplies, and funeral vehicles, provided **Article XXIII: Parking and Transportation** is complied with. Cremation is prohibited.

Use C-15: 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:

1. 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 road.
2. The maximum permitted density is 32 overnight guest rooms per acre of land developed for this use.
3. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boarding house and shall meet the requirements of that use.
4. **MS-VC District**. Hotel/Motel/Inns in the **MS-VC Main Street-Village Center District** shall be limited to 40 rooms and a footprint of 10,000 square feet.

Use C-16: Laundry (Self-Service)

Use C-17: Motor Vehicle Fueling Center: Motor Vehicle Fueling Centers may include, but not be limited to, sale of the following: takeout coffee, dairy products, delicatessen, dry goods, food

stuffs, grocery items, newspapers, tobacco, legal lottery sales, motor vehicle fuels, and minor automotive accessories and similar product lines, subject to the limitations and conditions set forth under this section. Food preparation for take-away consumption shall be permitted. The use may provide for indoor automated teller machines (ATMs) and financial services, indoor public telephone facilities, indoor vending machines, electric vehicle charging stations, and air pumps for the inflation of tires.

1. A Motor Vehicle Fueling Center may include more than one additional principal use on a single parcel of 2.75 acres or more, provided that any additional uses are limited to:
   a. One C-4: Bank with drive-through; or
   b. A single building not to exceed 7,000 square feet of gross floor area occupied by any number of the following uses:
      (1) C-11: Dry Cleaners (Drop-Off);
      (2) C-20: Professional Care Business;
      (3) C-28: Retail Shop;
      (4) F-5: Professional Office;
      (5) C-25: Restaurant, Fast-Food, C-26: Restaurant, Sit-Down & C-27: Restaurant: Take-Out, limited to a combined maximum of 4,000 square feet.
2. Dimensional Requirements. See Table below.

Figure 21.4

Dimensional Requirements, Motor Vehicle Fueling Center

Minimum lot Area	2 Ac.
Minimum lot width	300’
Minimum frontage	300’, on an arterial road
Maximum building coverage	60%
Maximum impervious surface	70%
Minimum lot depth	200’
Minimum front yard setback	20’
Minimum side yard setback	15’ for Commercial Property Line; 40’ for Residential Property Line (15’ where there is a retaining wall)
Minimum rear yard setback	50’
Minimum setback for principal buildings -family residential dwelling	150’
Minimum setback for sign support	5’
Minimum trash enclosure setback	5’ for Commercial Property Line, 10’ for Residential Property Line
Maximum access drive apron width	40’
Maximum access drives per street frontage	2

§2601.M.4.h.(8): Resource Yard Requirements shall apply to Use C-17: Motor Vehicle Fueling Center only when the following natural resources are present: floodplains, wetlands, streams, steep slopes and/or public rights-of-way.

Unless otherwise specified in this section, the dimensional requirements of the **BC Business Center District** shall apply.

3. Landscaped Buffers.
   a. Buffer areas shall be as provided under **§2403.B. Buffer Requirements**.
   b. For lots which utilize retaining walls at the rear of proposed improvements, **§2403.B.Buffer Requirements** shall not apply, and no buffers shall be required on any lot line or on any parcel where not less than 35% of the lot area is preserved as green space.

4. Development Conditions.
   a. Past Uses. An applicant must demonstrate that any parcel on which a Motor Vehicle Fueling Center is proposed has been used for not less than 2 of the following 3 uses, one of which uses must have been present on the proposed parcel within the 5 years preceding the date of application:
      (1) C-2: Automotive Sales
      (2) C-3: Automotive Service
      (3) C-32: Service Station
   b. Location Requirements.
      (1) Separation Distance. Each Motor Vehicle Fueling must maintain a minimum separation from any other Motor Vehicle Fueling Center within the Township of not less than 2,000 feet.
      (2) A Motor Vehicle Fueling Center must be located on a property which is within 2,000 linear feet of a public rail transportation station.
   c. Enclosed Building. All activities, except those performed at fuel pumps, air pumps, or within a drive-through facility, must be performed completely within an enclosed building.
   d. The Use Regulations for A-12: Fences and Walls do not apply where retaining walls are installed to assist in grade stabilization and screening, provided that double-sided fencing is installed. The fencing is required to be 6 feet in height and is not permitted within 20 feet of a public right-of-way or vehicle ingress or egress point. The Use Regulations for A-12: Fences and Walls does not apply to decorative fencing and piers along a street frontage.
   e. Elimination of Grade Change and Landscaping Requirements. The grade change limitations provided under the **Grading, Storm Water, and Erosion Control Requirements of the SALDO** and the landscaping standards provided under **Article XXIV: Landscaping** shall not apply to any use under this section whose overall tract size is less than 3 acres.
   f. The requirements contained in **§2601.G: Lighting Standards** shall apply to Motor Vehicle Fueling Centers, provided that carry-over illumination standards shall apply only to adjoining residential properties, and further provided that all on-lot public parking areas, aisles, and access ways for any Motor Vehicle Fueling Center use shall be provided with an average minimum of one half (.5) foot candles of light calculated over the on-lot public parking areas, aisles and access ways.
   g. 24 Hour Operations. Retail and fuel sales may be conducted on a 24-hour basis, notwithstanding any other provision of this Ordinance, provided that all of the following criteria are met:

(1) No deliveries or pick-up of inventory, merchandise, food stuffs, fuel, trash, or other product shall occur between 10:00 p.m. and 7:00 a.m. for any property that shares a property line with a residential use and is less than 10 acres in size.

(2) Properties that adjoin residential properties shall provide a screen which is a minimum 6-foot high above grade, consisting of two of the following elements (except for an area occupied by a trash enclosure, in which case the screen shall consist of one of the following elements): a decorative wall, fencing, or landscaping to screen adjoining residential properties and to inhibit light generated on-site from traveling off-site.

h. No drive-through windows are permitted for the sale of convenience items. Drive-through windows are permitted as an accessory use to any bank use, without regard to the requirements of Use C-4: Bank (relating to a drive-through facility not being permitted in the front yard area, and those requiring a stacking lane for each drive-through window, sufficient to serve a minimum of eight cars. The stacking lane shall not be used for required parking, and may not be a part of, or interfere with aisles, circulation, or required parking spaces.), provided that such use shall be subject to land development review and must be approved by the Board of Commissioners in accordance with the Township Subdivision and Land Development Ordinance (SALDO). A bank drive-through facility may be located in the front yard, except along a state highway. Stacking for two vehicles for each drive-through lane shall be provided in lieu of the requirements of **§2304.C Commercial Land Uses** (of **Article XXIII: Parking and Transportation**), if a bypass lane is provided.

i. The applicant shall incorporate design elements such as buffer plantings, sidewalks, fencing, ornamental plantings, street lights, and other similar features to enhance the aesthetics of the street frontage of the Motor Vehicle Fueling Center.

j. No vehicles may be stored on the site, and no vehicle may remain on the premises for more than 24 hours.

k. No trash enclosure may be located within any front yard setback area or within 150 linear feet from any principle structure used as a single-family dwelling.

l. As part of the subdivision and land development process, the applicant is required to present a plan that demonstrates the methods by which any spills of liquids will be contained and shall also demonstrate that the storm water management system is designed to capture volatile organic compounds, oils, and solids. The applicant is required to submit a copy of the maintenance agreement setting forth the terms for the management of the facility.

m. When the development of the lot and the uses therein are in accordance with an approved unified development plan, then a conveyance of a parcel or parcels within the approved plan shall be permitted upon compliance with the following conditions:

(1) Irrevocable cross-easements are in effect and recorded in favor of and duly binding on all title owners within the area of the approved plan, their successors and assigns, with respect to use, control and maintenance of the common areas including but not limited to access areas, green areas and parking areas. All easements shall be submitted to the Township solicitor for review prior to recording.

(2) Application of zoning requirements including, but not limited to, building

coverage, impervious surface coverage, green area, parking, loading, buffers, setbacks, and landscaping, shall apply to the overall site approved as a unified development plan. Individual lots created pursuant to this section need not comply with these zoning requirements.

n. Architecture. All buildings shall follow a single architectural theme. Canopies over pump islands shall be constructed with pitched roofs, and canopy columns shall be faced with brick wainscoting or similar materials up to a height of at least 6 feet. All building facades facing a public right-of-way shall include two additional features among this list: windows, pent roofs, offsets, variation in materials, or other architectural amenities designed to enhance the building's appearance.

o. Sidewalks on Old York Road. For sites with frontage on Old York Road, Moreland Road and Huntingdon Pike, sidewalks with a minimum width of 6 feet, clear of all obstructions (unless otherwise compelled by PennDOT requirements); and a grass strip of at least 5 feet in width shall be provided to separate the site from those roadways, and brick piers and fencing shall be installed between the internal parking area and the public sidewalk.

p. A decorative pedestrian walkway, consistent with the architectural character and materials of the structures, shall connect the sidewalks with and provide direct access to each building occupied by the principal uses.

5. All fuel, oil and other flammable substances shall be stored at least 25 feet from any property line.

6. Gasoline pumps shall be located at least 20 feet from the edge of the right-of-way of any public street.

Use C-18: Parking Garage (Commercial): 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.

1. Parking Decks – shall be constructed to the following minimum standards:

a. Setback. Parking decks shall have a minimum setback of 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, unless the parking deck is located in the **MS Main Street**, or **BC Business Center Districts**; if that is the case, see b: **Main Street and BC Districts**, below

b. **MS Main Street and BC Business Center Districts**. If the parking deck is located in the **MS Main Street**, or **BC Business Center Districts**, the deck may be built to the street, provided that a ground-floor retail use occupies a location at the front of the same building (along the street front).

c. In cases where parking decks are constructed to meet the minimum 30-foot setback in Subsection A.1 Setback, above, a minimum 20-foot wide planting strip shall be provided between the face of the parking deck and the sidewalk.

a. The façade of the parking deck facing a public street or right-of-way shall be treated in such a manner as to screen parked vehicles, and provide visual interest. This can be accomplished through the use of articulated precast concrete panels, ornamental grillwork, a false building front with artificial windows or openings, or by other means, such as utilizing a variety of building materials.

Figure 21.5
Parking Lot Screening

2. Underground Parking Structures—shall be constructed to the following minimum standards:
   a. These are permitted within any required setback, side yard, and rear yard, on any lot in any nonresidential zoning district, provided no portion of the underground structure extends above grade more than 3 feet at any point.
   b. A parapet or railing may extend above the permitted structure height, provided it is not greater than 36" in height; is set back from the property line at least 3 feet; and has openings equal to at least 50% 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.
   c. 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 4 feet of soil between the above ground surface and the top of the underground parking structure.

Use C-19: Parking Lot (Commercial): As a primary use, an area comprising a collective number of individual parking spaces, that are not located within a building or structure, 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 nonresidential districts, provided:

1. They shall not be located in required buffer areas.
2. 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.

Use C-20: 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.

C-21: Professional Service Business: Such use shall include businesses which typically offer service in conjunction with the sale of goods. Such uses differ from other retail or from

office businesses in that the customer area is 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, dental lab, eyeglass labs, and other similar uses, unless otherwise provided for in this Ordinance.

Use C-22: 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:

1. If studio seating or auditorium areas are provided, parking spaces shall be separately calculated based on the use classification.
2. Antennas systems shall not be visible from the public street, and shall meet the requirements for antennas, as contained in this Ordinance.

Use C-23: Rental Agency, Vehicle: A business 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:

1. Fleet vehicles, or vehicles used in providing the loan or lease service, must be separated from required customer parking areas.
2. Campers, haulers, trailers, trucks, and other transport devices may not be parked within the restricted front yard area.
3. Fleet automobiles parked in front yard areas must be parked in rows in required display spaces.
4. On-site washing is prohibited unless the premises contains a washing bay located within a building or in the rear of the premises.
5. Display parking may be reduced to 8 feet x 16 feet and may be stacked, up to 3 cars deep without aisle ways, provided no variance for parking on the site is necessary, or was previously granted.

Use C-24: 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, electronic appliances, watches, business equipment or electronic machines, and similar products:

1. This use does not include auto or vehicle repair.
2. All items must be repaired on the premises.
3. Retail sales must be accessory to the use and are limited to 50% of the gross floor area.
4. No outside storage is permitted.

Use C-25: Restaurant, Fast-Food: An establishment specializing in food and beverages that can be prepared and served quickly, where food is typically ordered and delivered at a counter, typically served in disposable containers which must be cleared from tables by the customers. This use category shall also include Drive-Through Restaurants (any place or premises used for the sale, dispensing or serving of food, refreshments or beverages whose design, method of operation or any portion of whose business includes the delivery of the food or beverage directly to the customer to consume the food or beverage within a motor vehicle parked on the subject property). A Fast-Food Restaurant may include carry-out services.

1. Separation Distance. In the **MS-VC District**, Fast-Food Restaurants shall not be located within 500 feet of one another.

Use C-26: Restaurant, Sit-Down: 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. At Sit-Down Restaurants, customers are normally involved with an individual menu and served the food or beverage by a restaurant employee at the table or counter at which said items are consumed. Foods or beverages are typically served on nondisposable dishware. A Sit-Down Restaurant may include carry-out services, but shall not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, entertainment, or to the sale of merchandise or non-food-related services.

1. In the SI-G and SI-W Districts, the following regulations apply:
    a. A single restaurant shall not exceed 4,000 s.f.
    b. There shall be no more than one restaurant per development tract;
    c. The restaurant shall not include a drive-through window
    d. The restaurant shall not exclusively provide take-out and delivery service
    e. The restaurant shall be permitted to serve food and beverages in an outdoor location adjacent to the building, provided that all such service cease at 11:00 p.m., and
    f. The primary character of the restaurant shall be that of a family style restaurant serving food to persons of all ages. The restaurant may also serve alcoholic beverages.

[For restaurants with outdoor dining space, see Use A-16: Outdoor Dining]

Use C-27: Restaurant, Take-Out: 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 in disposable containers take-out and consumption elsewhere; and/or 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 20% of the gross leaseable floor area of the use; and/or where customers typically pay for their food and beverages prior to consumption. Restaurants with no public restrooms shall also be considered take-out restaurants.

[For restaurants with outdoor dining space, see Use A-16: Outdoor Dining]

Use C-28: Retail Shop: A small shop or store (smaller than 10,000 s.f.) where the single principle use of the premises is the retail sale of goods and merchandise.

1. There shall be no outdoor display or storage unless permitted by district regulations.
2. The making or selling of cooked food shall not be permitted as an accessory use.
3. Only one business enterprise is permitted on the premises or lot (although more than one enterprise may be permitted as part of Use J-1: Mixed-Use Building or C-33: Shopping Center).
4. The gross leaseable floor area devoted to retail use and storage shall be less than 10,000 square feet.
5. The retail use shall employs no more than 2 employees per 1,000 square feet of gross leaseable floor area devoted to retail use.

Use C-29: Retail Store: A large retail facility where the single principle use of the premises is the retail sale of goods and merchandise, and whose customer base 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 10,000 square feet in gross floor area. In large retail stores, at least 90% of the gross leaseable floor area is devoted to a single tenant:

1. A Retail Store shall not include wholesaling, manufacturing or processing of the goods offered for sale.

2. To qualify for this category, the store must be an individual use located in a freestanding building.
3. The site shall have a minimum of 2 vehicular ingress/egress locations, unless otherwise regulated by the zoning district within which it is located.
4. In addition to required loading/unloading zones, the premises shall define a customer pickup area sufficient to maintain at least 4 vehicles without interference to the normal flow of traffic.
5. 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.
6. 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.

Use C-30: School: Commercial, Trade or Instructional: Such use shall include a commercial school, trade school, professional school, music school, dance school, and the like.

Use C-31: Self-Storage Facility: A building, structure or group of buildings and structures; that consist of or contain varying sizes of individual, compartmentalized, self-contained, and controlled access stalls or spaces. Such stalls or spaces are leased or rented for the storage of business, private, or household goods.

All storage must be contained within a permanent building.

1. Temporary storage containers are not permitted.
2. Minimum distance between buildings, where vehicular access is provided = 26 feet.
3. Maximum height of storage unit = 12 feet.
4. An office and residence is permitted as an accessory use to provide for a full-time caretaker.
5. No retail business activities other than those directly associated with the storage units business shall be permitted; rental of trucks or vehicles is not permitted.
6. No storage of explosive, toxic, radioactive or highly flammable materials shall be permitted.

Use C-32: Service Station: Any premises, lot or parcel where the primary use is the storage, dispensing and sale of gasoline, other petroleum fuels, and/or alternative fuels for vehicles are sold; and/or light maintenance activities such as engine tune-ups, lubrication, battery and tire replacement; and other minor repairs on vehicles is performed.

Service stations shall not include premises or uses where repair activities such as engine overhaul, transmission repair, painting or body work is conducted.

1. 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.
2. No merchandise may be displayed in front of the building line facing a public street, or under the canopy area.
3. All authorized minor repair work, car washing and lubrication shall be conducted within an enclosed building.
4. All automobile parts and accessories, dismantled vehicles, and similar materials shall be stored within an enclosed building.
5. Minimum setback of pump islands shall be 50 feet from the street, 80 feet from residential property lines, and 30 feet from all other property lines.
6. Minimum setback of parking (any portion) from fuel pumps is 30 feet.

7. The fuel pump area shall not be considered part of internal circulation or count towards meeting parking requirements.
8. Outdoor storage is not permitted.
9. Canopies shall meet the following requirements:
    a. They shall meet the setback requirements for principal structures.
    b. Canopies shall be set back at least 15 feet from property and ultimate rights-of-way lines and 50 feet from abutting residentially zoned properties.
    c. Canopies shall have a maximum height of 16 feet measured to the underside of the canopy.
    d. Individual canopies shall have a maximum area of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet.
    e. Lighting for canopies shall use full cutoff flat lens luminaires.
    f. Canopies shall use pitched roofs (4:1).
    g. It is recommended that canopies be designed to be architecturally compatible with structures in the surrounding area with regard to color and building materials.

Use C-33: Shopping Center: A building or group of buildings and related uses, consisting of at least four distinct and different retail uses sharing a single premises or lot with common parking facilities, primarily designed to serve a limited neighborhood or community area.

1. Not more than 25% of uses may be non-retail uses, as permitted by zoning district.
2. Ownership and easements. The shopping center shall be under common ownership, or be subject to reciprocal parking and ingress and egress agreements or easements.
3. Individual uses in the shopping center shall be connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, be interconnected by common parking areas, travel lanes, walk ways or access drives designed to facilitate customer interchange between the uses on site.
4. Minimum Site Size: 2 acres.
5. Build-to Zone. When located in **MS Main Street Districts**, at least 50% of front facades must be located in the build-to-zone. If a common use area is provided along the street, the common use area may count towards this requirement.
6. Anchor Stores over 25,000 square feet. Where an indoor mall area is not provided, anchor stores greater than 25,000 square feet in floor area and movie theaters shall be located at the ends of the shopping center or in separate wings.
7. Architectural Offsets. In order to provide architectural variety, no individual section or strip of stores shall exceed 150 feet in length without an offset greater than 6 feet in depth.
8. Stores over 25,000 square feet. In addition to the standards expressed in this subsection, anchor or retail stores greater than 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.
9. Green Buffer. 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 10-foot green buffer along all walls of the building not identified as the main entrance, or containing drive-through facilities.
10. Loading/unloading zones, dumpsters, and service structures may not be located in front of the store building facade, and shall not face the public streets surrounding the Shopping Center.

11. Shopping Centers or Large Retail Uses with 100,000 square feet or more of gross building floor area shall contain:

    a. A common use area that will serve as a focal point for the center and provide walkways, seating, and landscaping. Water features, courtyards, mini-parks and plazas are encouraged. The common use area shall meet the following requirements:

        (1) It shall be located between the street and the front facade of the primary shopping center or large retail establishment building, within 200 feet of this building.

        (2) It shall be equal to or greater in size than 5% of the gross floor area of the shopping center or large retail establishment.

        (3) It shall be directly connected to the sidewalk in front of the shopping center or large retail establishment, without intervening driveways or streets.

        (4) It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by the Board of Commissioners in consultation with the Township Planning Commission.

        (5) It shall be improved with one of the following: a gazebo, pavilion, clock tower, or fountain to help identify this area as the central gathering place for the development. Gazebos or pavilions shall be at least 300 square feet in size. Fountains shall be at least 200 square feet in size.

Figure 21.6
Plaza

Source: pedbikeimages.org by Dan Burden

    b. Transit. A pickup area for public transportation located between the street and the front façade of the large retail use or shopping center, meeting the following requirements:

        (1) The pickup area must include a 10-foot by 20-foot waiting area, which shall be connected to, but not impinge on the required minimum sidewalk area. The pickup area must also include an area where a forty-foot bus can park without blocking any lanes of the development's driveways.

        (2) Access drives and a parking area that can handle and are designed for the weight and length of a 40-foot passenger bus.

Use C-34: Shopping Mall, or Shopping Center, Regional: A building or buildings, where more than 15 individual retail or service businesses, primarily designed to service a regional market, share a single premises or lot with or without interior access from a mall or common area, and share common parking facilities:

1. Minimum Site Area: 15 acres in site area.
2. Anchor stores greater than 50,000 square feet in floor area and movie theaters shall be located no closer than 75 feet from one another.
3. Pedestrian and Bicycle Networks. Use C-34: Shopping Malls or Shopping Center, Regional shall provide pedestrian and bicycle path systems to the collector or arterial highways on which they take ingress and egress, and to adjacent commercial or residential neighborhoods. Such paths shall be separate and distinct from required parking and aisle ways.
4. Stores over 50,000 square feet. In addition to the standards expressed in this subsection, anchor or retail stores greater than 50,000 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.
5. Green Buffer. Anchor stores, large retail stores, banks, supermarkets, and other spaces which constitute a separate or detached building on the lot or premises shall provide a 10-foot green buffer along 3 walls of the building, not identified as the main entrance side, or that contain drive-through facilities. Such detached buildings and uses may not be located closer than 50 feet to any street surrounding the center.
6. Loading/unloading zones, dumpsters, and service structures may not be located in front of the store building facade, and shall not face the public streets surrounding the mall.
7. Kiosks and Carts. The use of indoor kiosks and carts shall be allowed provided the uses are permitted, and maintain the requirements of the adopted building and fire codes for occupancy standards and mall aisle width regulations.
8. Outside Storage or Outside Sales. There shall be no outside storage or outside sales. All areas for parking of tractor trailers must be shielded from public view.

Use C-35: Supermarket or Grocery: A retail store dedicated to the sale of food goods and associated household products customarily incidental to food shopping activity.

1. The conditions of Use C-29: Retail Store shall be applicable.
2. Maximum Size in **MS-VC Main Street-Village Center District**: 10,000 square feet.

Use C-36: Tavern/Bar/Night Club: Any premises wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business is the sale of such beverages. It shall not include establishments where alcoholic beverages are sold in conjunction with the sale of food consumed on the premises, provided that the sale of the alcohol comprises less than 25% of the gross receipts:

1. The facility must be licensed by the Pennsylvania Liquor Control Board.
2. No such use shall be located within 1,000 feet of a Place of Worship or School.
3. Live entertainment shall be permitted in Taverns/Bars/Night Clubs, provided that it shall occur in an enclosed building. Outside entertainment shall be permitted only with proper event permits from the Township. For Adult Use Regulations, see **Article XXIX: Adult Uses**.
4. The following shall be submitted with any application for a Conditional Use or Special Exception: Tavern shall specify hours of operation and methods to be employed to abate any and all impacts on surrounding residential properties, particularly after 9:00 pm.

Use C-37: Tool Rental: Establishment renting tools and equipment for use off-premises.

1. Does not include rental of automobiles, trucks, or motorcycles.

Use C-38: Veterinary Clinic: The office of a veterinarian with accessory animal pens, the latter which shall not be allowed as a primary use. Veterinary Clinics are subject to the following requirements:

1. The minimum setback for a veterinary clinic shall be equal to twice that of the zoning district where the use is located.
2. Interior pens shall be sound-proofed so that animal noises will not be heard off-premises.
3. If outdoor boarding of animals, outdoor pens, or animal runways are provided, the minimum lot size shall be one acre.
4. Outdoor runs and similar facilities shall be constructed for easy cleaning, and shall be adequately secured by a fence with a self-latching gate.
5. At no time shall the animals be permitted to run loose on the property other than in a completely enclosed area.
6. Accessory pens and runways shall be kept a minimum of 100 feet from any property line, and are not to be used for the boarding of animals.

§2103.D. Industrial Uses.

Use D-1: Assembly Plant: A building, structure, or use engaged in the manufacture, predominantly 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. The following shall be submitted with any application for a Conditional Use or Special Exception:

1. A general description of the use of the facility and the type of materials to be processed.
2. Environmental, traffic, water and/or sewer impact studies.
3. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.

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.

1. All tools, equipment, supplies, and vehicles shall be located indoors wherever possible.
2. Tools, equipment, and supplies not stored indoors shall be located in a rear yard.
3. All operations, other than deliveries, shall be conducted within a completely enclosed building.
4. No shipping or receiving shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

Use D-3: Distribution Center: A building, structure, or use designed or utilized for the purpose of handling goods or freight in transit from one location to another, including short-term warehousing, but not including truck terminals.

1. Distribution Centers shall be set back at least 50 feet from residential districts.

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.

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. The minimum lot size shall be one acre (in case of conflict with zoning district regulations, the more restrictive provision shall apply). The following shall be submitted with any application for a Conditional Use or Special Exception:

1. Method for containing fuel spills shall be shown.
2. Specification of what type of equipment and where equipment is to be stored on the site.

Use D-6: Industrial Repair Shop: A facility designed or intended for the repair of mechanical parts or equipment, engines, vending machines, commercial vehicles, heavy-wheeled vehicles and other heavy-duty commercial equipment.

Use D-7: Junk or Salvage Yard: Any yard, lot or place covered or uncovered, outdoors or in an enclosed building, containing junk as defined herein, upon which principally occurs one or more acts or buying, keeping, storing, accumulating, dismantling, processing, recycling, salvaging, selling or offering for sale, any such junk, in whole units or by parts, or any premises used for the storage of two or more junked motor vehicles. This definition shall not include a transfer station licensed or permitted by the Commonwealth of Pennsylvania, or a recycling center licensed or permitted by Abington Township.

1. Any area where vehicles are disassembled shall be paved or lined to prevent any degradation to groundwater quality.
2. Such uses shall be entirely enclosed by a solid fence or wall, at least 6 feet high, which shall be kept in good repair and of uniform color.
3. The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
4. The storage of paper shall be within a building.
5. The storage of toxic chemicals or nuclear waste shall be prohibited.
6. The burning of any materials shall be in accordance with regulations of the Department of Environmental Protection and the Environmental Protection Agency.

Use D-8: Lumber Yard: Such use shall include the storage and sale of lumber, including millworking and related accessory use, provided such use conform to the standards of Use C-6: Building Materials.

Use D-9: Manufacturing/Assembly: A building, structure, or use engaged in the basic processing, manufacturing, assembly, packaging, or testing of materials and products; or the incidental storage, sales, and distribution of such products to the end consumer. Such facilities may include large-scale printing and publication services, but does not include smaller convenience copy centers (which shall be considered Use C-21: Professional Service Business).

1. All manufacturing/assembly operations shall be take place in a completely enclosed building.
2. All use permits shall be accompanied by an application signed by a registered architect or engineer certifying that no dust, vibration, odors, or fumes will be detectable at the property line.
3. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. A general description of the use of the facility and the type of materials to be processed.
    b. Environmental, traffic, water and/or sewer impact studies.
    c. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.

d. Manufacture of chemicals shall not involve noxious odors or danger from fire or explosives; (such as adhesives, bleaching products and dyestuffs).

4. Manufacture of metal products shall not include the processing of basic products of such metals from raw materials, including open-hearth furnaces and Bessemer converters;

5. The following uses and activities are specifically prohibited: the manufacturing of explosives or highly flammable cellulose products; the manufacturing of fireworks or explosives; the manufacturing of animal glue, gelatin, or size; the manufacturing of paint, varnish or lacquer and the reduction of garbage, offal or dead animals.

6. Storage of petroleum or gas (except for Township use), and storage of explosives is prohibited.

7. The following uses are permitted only by Special Exception:
   a. Abattoir;
   b. Acetylene gas manufacturers and/or storage;
   c. Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphanous, carbolic);
   d. Ammonia, bleaching powder or chlorine manufacture;
   e. Ammunition manufacture and/or storage;
   f. Arsenal;
   g. Asphalt manufacture or refining;
   h. Blast furnace;
   i. Bone distillation;
   j. Celluloid manufacture;Cement, lime, gypsum or plaster of Paris manufacture;
   k. Coal distillation;
   l. Coke ovens;
   m. Dead animal and offal reduction;
   n. Distillation of bones, coal, petroleum, refuse grain or wood (except in the manufacture of gas);
   o. Explosives, fireworks and gunpowder manufacture or storage;
   p. Fat rendering;
   q. Fertilizer manufacture;
   r. Forge plant;
   s. Hog farm;
   t. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animal or offal;
   u. Junk yard;
   v. Leather Processing;
   w. Oilcloth or linoleum manufacture;
   x. Ore reduction;
   y. Petroleum or kerosene refining, distillation or derivation of by-products and/or storage;
   z. Potash works;
   aa. Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as a necessary incident of manufacture of which these processes form a minor part, and which are carried on without objectionable noise outside the plant);

ab. Steel furnace, blooming or rolling mill;

ac. Stock yards;

ad. Tar distillation or manufacture;

ae. Transfer station;

af. Wood or wood pulp processing.

Use D-10: Quarry/Resource Extraction: Extraction of minerals, coal, oil, and gas, subject to these regulations and the requirements of the Surface Mining Conservation and Reclamation act (P.L. 1093, No. 219), the Noncoal Surface Mining Conservation and Reclamation act (P.L. 1140, No. 223), the Oil and Gas Act, the Bituminous Mine Subsidence and Land Conservation Act. No mining or extraction of limestone is permitted in resource-protected areas; any limestone extraction in other areas shall be permitted only if the applicant can demonstrate that there will be no harm to the aquifer.

A. When applying for a zoning permit, the applicant shall provide the following plans and information:

1. Plan of general area (within a 1 mile radius of site) at a scale of 1,000 feet or less to the inch with a 20 feet or less contour interval to show:

   a. Existing Data: Location of proposed site. Land use pattern including building locations and historical sites and buildings. Roads, indicating major roads and showing width, weight loads, types of surfaces and traffic data.

   b. Proposed Uses or Facilities within 100 feet of the site proposed for the use:

      (1) Subdivisions. Parks, schools, and religious uses. Highways (new and reconstructed). Other uses potentially affecting or affected by the proposed extractive operation.

      (2) Plan of Proposed Site at a scale of 100 feet or less to the inch with a 5-foot or less contour interval to show:

         (a) Basic Data: Soils and geology. Groundwater data and water courses. Vegetation with dominant species. Wind data directions and percentage of time.

         (b) Proposed Usage: Final grading by contours. Interior road pattern, its relation to operation yard and points of ingress and egress to state and township roads. Estimated amount and description of aggregate and overburden to be removed. Ultimate use and ownership of site after completion of operation. Source and amount of water if final plan shows use of water. Plan of operation showing proposed tree screen locations. Soil embankments for noise, dust, and visual barriers and heights of spoil mounds. Method of disposition of excess water during operation. Location and typical schedule of blasting. Machinery - type and noise levels. Safety measures - monitoring of complaints.

B. Minimum lot area: 15 acres.

C. Minimum lot width at building setback line: 500 feet.

D. Performance Standards:

1. Operations. Extractive operations shall meet all other standards of this Chapter.

2. Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within 200 feet of any lot line, 200 feet of any street right-of-way, or within 200 feet of any residential district or use.

3. Grading. All excavations, except stone quarries over 25 feet in depth, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.

   a. Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of waste products of the manufacturing operation or other clean fill materials, providing such materials are composed of non-noxious, noncombustible solids.

   b. Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such materials, or 45° in angle, whichever is less. During grading and backfilling, the setback requirements in Subsection D.2.: Setbacks, above may be reduced by one-half, so that the toe of the graded slope shall not be closer than 100 feet of any agricultural or residential district boundary line, any lot line or any street right-of-way. Stockpiles shall not exceed 100 feet in height.

   c. When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of 7 feet horizontal to one foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of 5 feet.

   d. Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.

4. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.

5. Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soils to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

6. Stone Quarry. Stone quarries whose ultimate depth shall be more than 25 feet shall provide the following:

   a. A chain link (or equal) fence at least 10 feet high and with an extra slanted section and top strung with barbed wire shall be placed at either the inner or outer edge of planting completely surrounding the area.

   b. Warning signs shall be placed on the fence at intervals of no more than 100 feet.

7. No ground vibration caused by blasting or machinery shall exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S., §s 164-168, and the rules and regulations adopted thereunder, with the exception that no blasting shall cause a peak particle velocity greater than one inch per second, measured at any property line. Blasting shall not occur between the hours of 10:00 p.m. and 7:00 a.m.

8. Applicants for this use shall submit a water impact study in accordance with the requirements of this Chapter.

9. Blasting. No blasting or use of explosives shall be permitted upon said quarry except in accordance with the laws of the Commonwealth of Pennsylvania and in accordance with the regulations that may be promulgated by the Secretary of Labor and Industry of the Commonwealth of Pennsylvania, and, prior to the firing of a blast or the setting off of explosives in any quarry in the Township, said owner/operator shall advise, at least 24

hours prior to the time of said detonation, one adult occupant of each dwelling located on a property adjoining the property line of said quarry as to the date and time that said blast will be detonated.

10. Conformity to Federal, State and Local Laws. All permitted quarrying and related uses and operations shall conform to any applicable federal, state and local statutes, ordinances, regulations and standards relative to water or air pollution, particle emission, noise, waste disposal, vibration, land rehabilitation and reclamation, and performance bond requirements. The applicable laws shall include, but not be limited to, the Cleans Streams Act and the Surface Mining Conservation and Reclamation Act, as amended.
11. The applicant shall submit a reclamation plan which shall designate how the land will be returned to productive use after the completion of quarrying on the site.

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.

1. If such a structure is located on a lot in or abutting a residential district, it must be located at least 200' from all abutting property lines.
2. Cell transmission equipment is not included in this use.

Use D-12: Research Facility: A use, building, structure, or group of buildings and structures, in which are located laboratories or other facilities for scientific research, investigation, experimentation or testing in the natural, physical, social sciences, engineering, or biomedical fields; but not facilities for the manufacture, production, or sale of products, except as incidental to the primary purpose or on a limited pilot scale.

1. Minimum Lot Size: 10,000 square feet.
2. Development standards for Use F-4: Office Campus shall be applicable to multi-building development.
3. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Township for record.

Use D-13: Recycling Center: A facility, lot, parcel, building, or group of buildings, together with such necessary equipment, where recoverable resources such as paper, glass, aluminum or plastic are recycled, reprocessed, and treated for return or reuse in industry; or a business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product. This use does not include Use D-7: Junk or Salvage Yards.

Use D-14: Resource Recovery Facility: A facility or land that is used for any one or a combination of the following: composting, incineration, or trash transfer. No resource recovery facility may handle infectious or hazardous waste.

1. Related Definitions:
    a. Composting Facility: A facility for the composting of the organic matter in municipal solid waste.
    b. Incinerator: A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.
    c. Material Separation and/or Refuse Derived Fuel (RDF) Facility: The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

d. Municipal Solid Waste: The combined and/or unprocessed combination of residential and commercial solid waste materials generated in a Township.

e. Transfer Station: A facility where municipal solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility (a transfer station may include the separation and collection of material for the purpose of recycling.)

2. Dimensional Requirements.

   a. Minimum Lot Area: 6 acres.

   b. Minimum Lot Width: 800 feet.

   c. Maximum Building Coverage: 10%.

   d. Maximum Impervious Surface: 55%.

3. Setbacks from all streets and property lines: 200 feet.

4. Setbacks from residential districts or uses: 300 feet.

5. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gate or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade shall be at least six feet high and shall be kept in good repair and neatly painted in a uniform color.

6. Unloading of municipal solid waste shall be continuously supervised by a facility operator.

7. Hazardous waste, as included in the list of hazardous waste as maintained by the PA DEP, shall not be disposed of in a resource recovery facility nor shall any resource recovery facility accept infectious or hospital waste.

8. Litter control shall be exercised to confine blowing litter to the work area and a working plan for the clean-up of litter shall be submitted to the Township. To control blowing paper, a fence shall be erected having a minimum height of 6 feet, with openings of not more than three inches by three inches along all boundaries. The entire area shall be kept clean and orderly.

9. All parts of the process [i.e., unloading, handling and storage of municipal solid waste] shall occur within a building. However, certain separated recyclable materials like glass, aluminum, and other metals may be stored outdoors.

10. The storage of paper shall be within a building.

11. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property.

12. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

13. No municipal solid waste shall be processed or stored at a recycling facility. For all other types of resource recovery facilities, municipal solid waste shall not be stored on the site for more than 72 hours.

14. A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the Township and approved by the Borough Council.

15. Leachate from the municipal solid waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with PA DEP regulations. If the leachate is to be discharged to a municipal sewage treatment plant appropriate

permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP's regulations.

16. Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This process waste shall be located at least 100 feet from any property line and stored in leak-proof and vector-proof containers. Such process waste shall be disposed of in a sanitary landfill approved by PA DEP or in another manner approved by PA DEP.
17. Solid waste landfill operations and open burning of any materials shall specifically be prohibited.
18. No use shall emit noise in such quantity as to be audible beyond its lot lines.
19. Traffic, water and sewerage, and environmental impact studies shall be required.
20. A zoning permit shall be obtained on an annual basis.

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.

1. A designated overnight parking area and designated overflow parking area shall be provided. At least 15% of parking shall be allocated to this type of parking.
2. No more than eight trucks and truck trailers in any combination may be parked outdoors in the designated overnight parking area.
3. No more than three trucks and truck trailers in any combination may be parked outdoors in the designated overflow parking area.
4. No outdoor storage of materials, truck, or trailer equipment or parts, or truck cargo shall be permitted, unless placed within the overflow parking area.
5. Truck terminals shall be located no closer than 2,000 feet from any other truck terminal.

Use D-16: 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.

Use D-17: Wholesale Facility: The sale of goods in large amounts to retailers or supply companies, rather than to consumers directly. A retail use and/or showroom shall be permitted as an accessory use to a Wholesale Facility.

§2103.E. Community Service Uses (Institutional Uses):

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 columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery:

1. The minimum lot size shall be 25 acres for any newly proposed cemetery land use.
2. No more than 10% of the entire area, to a maximum of 5 acres, may be devoted to aboveground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, bathhouses, greenhouses, work houses, repair shops, and the like. This restriction includes parking facilities.
3. A 40-foot buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.

4. For all entrance features including gates, fountains, statuary, identification signs, and the like;
   a. There shall be not more than two signs at such entrance, which shall comply with the sign regulations.
   b. The main portion of entrance features shall be located at least 10 feet from the nearest right-of-way line of any public street.
   c. No such entrance features shall exceed 20 feet in height.
5. Where interior roads are provided, they shall have a clearance of at least 14 feet, be paved according to municipal standards, and shall have a minimum width of 12 feet for oneway and 20 feet for twoway. There shall be no dead-end roads, unless provided with a turnaround having a centerline radius of at least 40 feet.
6. A crematorium, where allowed, shall be set back a minimum of 250 feet from all lot lines of residential districts and uses.
7. No grave sites shall impede flood waters.

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; gatherings and conferences; child-care facilities; gymnasiums; exercise facilities; swimming pools; locker rooms; tracks; playing fields for various sports; programs, and other community uses; which might serve as a location for community meetings, and owned and operated by a civic, educational, municipal, philanthropic, religious, or tax-exempt entity:

1. The use shall not be conducted as a private, gainful business.
2. No outside recreational area shall be located nearer to any residential district or use than 100 feet.
3. The following shall be submitted with any Conditional Use or Special Exception application:
   a. Identification of specific uses and activities.
   b. Specification of location of outdoor activities.
   c. Indication of method(s) to be used to abate any and all impacts on surrounding residential properties.

Use E-3: Community Service (CS) Planned Development.

1. Location. A CS Planned Development shall be located on Easton Road.
2. Dimensional Requirements.
   a. Min. Lot Size: 2 acres.
   b. Min. Tract Size: 8 acres.
   c. Min. Front Yard: 25 feet (if school building is demolished).
   d. Unless otherwise noted in this Use Regulation, all other dimensional requirements shall meet those of the **CS Community Service District**.
3. Permitted Uses. Uses in a CS Planned Development shall be the same as those permitted in the **MS-VC Main Street-Village Center District**, except that Use H-1: Apartments/ Condominium Building and Use H-2: Apartment/ Condominium Campus shall be age-restricted, and use H-2: Apartments/Condominiums Campus shall be permitted by-right.
4. Conditional Use Criteria. In order to obtain a conditional use for a CS Community Service Planned Development, the applicant for a development tract must meet the following criteria to the satisfaction of the Board of Commissioners:
   a. School. An existing school building may (a) be preserved, (b) be demolished up to 50%, based on floor area, provided the front façade is left intact, or (c) have 50% or

more of the school, based on floor area, demolished by conditional use, provided a site plan has been submitted and approved by the Board of Commissioners.

b. Residential Impact. Impact on neighboring residential uses must be minimized and mitigated, as appropriate. The increase in traffic resulting from the new development must be limited to 5% or less.

c. Open Space. A minimum of 80,000 square feet of contiguous open space shall be provided that is suitable for at least two baseball or softball fields with minimum 60' baselines. Additional open space in the form of a park or landscaped plaza (including benches, shade trees, walkways, public art, and/or a water feature) shall be provided, located proximate to Easton or Parkdale Roads.

d. Master Plan. A master plan showing compliance with the above criteria shall be submitted.

5. Connection to Keswick Village. A strong connection to Keswick Village (both vehicular and pedestrian) is required. Properties with frontage on Parkdale Road shall take access from that road.

6. Shared Parking. Shared parking and access, consistent with the procedure in **§2313: Shared Parking and Access**, shall be implemented.

7. Green Area. A minimum 50% of the tract must be green area.

8. Building Height. When a new building is constructed, the maximum height shall be lower than 60'.

9. Bonuses and Bonus Criteria.

   a. If a developer preserves and reuses the existing building, parking requirements shall be reduced by 25%, provided the applicant can prove that adequate parking will be provided.

   b. If the existing school building is retained and expanded, the applicant will be eligible for a higher maximum building coverage of 30%, and reduced side and/or rear yard of 25 feet. To qualify for this bonus, the building may be expanded to the rear or side, but not to the front. The yards would not be permitted to extend outside the existing line of nonconformity.

Use E-4A: Day Care Center, Adult: A facility (including any outdoor recreation area) operated in which older adult daily living services, assistance, or care are provided for four or more older or disabled individuals, who are not relatives of the operator, for part of a 16 hour day. The facility may offer programs including personal care, nutrition, health, social, educational, recreational, therapeutic, rehabilitative, and developmental activities. Recognizing the growing need for adult day care facilities, it is the intent of the Township to encourage the establishment of adult day cares in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Aging. Adult day care facilities, operated within a residence, are not subject to the requirements for Use A-14: Home Occupations.

1. Type of Care. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse, and shall not meet the definition of Treatment Centers.

2. Hours per Week. This use shall involve typical stays of less than a total of 60 hours per week per person.

3. Minimum Lot Size. 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.

4. In residential districts, no Adult Day Care Center shall provide more than six (6) adults with day care at one time.
5. Limit of Services. Adult day care facilities shall not provide medical or personal care services which extend beyond assistance with dressing, bathing, diet, and medication prescribed for self-administration unless licensed to provide such services.
6. Shall be permitted as an accessory use to a Use H-7: Single-Family Detached Dwelling Unit in all residential districts. The uses shall be permitted as an accessory use to a single-family detached residence.
7. Lighting. All pedestrian pathways shall be adequately lit for safety and security if used during non-daylight hours for purposes relating to the day care. Specific areas for lighting are entrance ways, sidewalks, drop-off areas, merchandise delivery areas, and any parking areas.
8. Shall be permitted in all residential districts as an accessory use to a Use H-7: Single-Family Detached Dwelling Unit or any Place of Worship (Uses E-13A, E-13B, and E-13C).
9. Day cares shall include constant supervision during all hours of operation.
10. All trash or refuse generated by the operation of any Child Day Care Center shall be placed for disposal in a container with a close fitting lid. All such trash containers shall be stored within a building or enclosed structure with a self-closing gate until the day of regular trash collection. The location of the waste area shall be to the rear of the principal building.
11. A Drop-off/Pick-up Area shall be provided with sufficient capacity for the proposed use. An existing driveway or common parking lot may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. Minimum dimensions for a drop-off/pick-up area shall be a lane nine feet (9') X 60' (3 car spaces), with appropriate tapers from and to the driveway it adjoins, subject to approval by the Code Enforcement Officer. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn-around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided (see **§2300: Off-Street Parking Requirements**). In cases where the drop-off area cannot be accommodated on-site, the applicant shall demonstrate that there is adequate on-street parking or some other available parking area located within 250' of the property line of the proposed use. Minimum setbacks for drop-off area:
    a. From residential property lines: 30'.
    b. From other property lines: 20'.
    c. From buildings: 10'.
12. Minimum parking area setbacks:
    a. From ultimate right-of-way:
        (1) Parking areas with 25 or more spaces: 50'.
        (2) Parking areas with fewer than 25 spaces: 20'.
    b. From buildings: 10'.
    c. From property lines:
        (1) From residential use lot lines: 50', and 30' for parking areas with fewer than 25 spaces.
        (2) From all other lot lines: 25', and 15' for parking areas with fewer than 25 spaces.
13. Day Care facilities shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of any daytime or resident sleeping areas, and hours of operation.

14. Where permitted as a conditional use or special exception, the applicant shall:
    a. Provide proof that it will meet the State Licensing Requirements.
    b. Show that the proposed use will have adequate outdoor recreational area per child and adequate recreational equipment.
    c. Provide the means to ensure that the number of children does not exceed that permitted.
15. Babysitting. The practice of "babysitting" or caring for an individual on an occasional basis shall not be restricted under this use.
16. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near an outdoor area accessible by those being cared for, there shall be fencing to restrict said individuals from these areas. Natural or physical barriers, such as hedge rows, walls, or dense vegetation may be used in place of fencing for this purpose, so long as such barriers functionally restrict access to unsafe areas.
17. It is recommended that alterations of exteriors of residential structures involving additions or improvements for purposes of adult day care shall preserve the structure's residential character.

Use E-4B: Day Care Center, Child: A facility (including any outdoor play area) that is licensed to provide care for seven or more children at any one time, where the child care areas are not being used as a family residence.

1. Applicability. The provisions of this section apply to day care service for children, including out-of-home child day care for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. The practice of babysitting on an occasional basis shall not be restricted by these regulations.
2. Shall be permitted in all residential districts as an accessory use to a Use H-7: Single-Family Detached Dwelling Unit.
3. Shall be permitted as an accessory use to any Place of Worship (Uses E-13A, E-13B, and E-13C).
4. Minimum Lot Size. 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.
5. Minimum Indoor Square Footage. There shall be provided a minimum of forty (40) square feet of space for each child, excluding for such calculation halls, kitchen, staff areas, utility rooms and bathroom areas.
6. Lighting. All pedestrian pathways shall be adequately lit for safety and security if used during non-daylight hours for purposes relating to the day care. Specific areas for lighting are entrance ways, sidewalks, drop-off areas, merchandise delivery areas, and any parking areas.
7. Shall include constant supervision during all hours of operation.
8. All trash or refuse generated by the operation of any Child Day Care Center shall be placed for disposal in a container with a close fitting lid. All such trash containers shall be stored within a building or enclosed structure with a self-closing gate until the day of regular trash collection. The location of the waste area shall be to the rear of the principal building.
9. A Drop-off/Pick-up Area shall be provided with sufficient capacity for the proposed use. An existing driveway or common parking lot may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise

occupied or committed to safely accommodate a parked vehicle. Minimum dimensions for a drop-off/pick-up area shall be a lane nine feet (9') X 60' (3 car spaces), with appropriate tapers from and to the driveway it adjoins, subject to approval by the Code Enforcement Officer. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn-around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided (see **§2300: Off-Street Parking Requirements**). In cases where the drop-off area cannot be accommodated on-site, the applicant shall demonstrate that there is adequate on-street parking or some other available parking area located within 250' of the property line of the proposed use. Minimum setbacks for drop-off area:

a. From residential property lines: 30'.

b. From other property lines: 20'.

c. From buildings: 10'.

10. Minimum parking area setbacks:

    a. From ultimate right-of-way:

        (1) Parking areas with 25 or more spaces: 50'.

        (2) Parking areas with fewer than 25 spaces: 20'.

    b. From buildings: 10'.

    c. From property lines:

        (1) From residential use lot lines: 50', and 30' for parking areas with fewer than 25 spaces.

        (2) From all other lot lines: 25', and 15' for parking areas with fewer than 25 spaces.

11. Minimum parking area setbacks:

    a. From ultimate right-of-way:

        (1) Parking areas with 25 or more spaces: 50'.

        (2) Parking areas with fewer than 25 spaces: 20'.

    b. From buildings: 10'.

    c. From property lines:

        (1) From residential use lot lines: 50', and 30' for parking areas with fewer than 25 spaces.

        (2) From all other lot lines: 25', and 15' for parking areas with fewer than 25 spaces.

12. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedge rows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

13. License. Prior to initiation of the use, the Child day care Provider shall provide to the Township's Code Enforcement Department a copy of such Child day care Provider's License issued by the Department of Public Welfare of the Commonwealth of Pennsylvania. The Child day care Provider shall execute a consent to the Township's Code Enforcement Department that will allow such Department to be informed by the Department of Public Welfare of the termination or revocation of such License.

14. Day Care facilities shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of any daytime sleeping areas, and hours of operation.
15. Evidence of Code Compliance. The child day care provider shall provide evidence of compliance with other applicable provisions of the Township Code when requested by the Township, including but not limited to, the Fire Prevention Code, Building Code and Existing Structure Code.
16. Where permitted as a conditional use or special exception, the applicant shall:
    a. Provide proof that it will meet the State Licensing Requirements.
    b. Show that the proposed use will have adequate outdoor recreational area per child and adequate recreational equipment.
    c. Provide the means to ensure that the number of children does not exceed that permitted.

Use E-4C: Day Care Home, Family: Any premises or dwelling unit (including any outdoor play area) other than the child's own home, where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to four, five, or six children, who are not relatives of the caregiver.

1. Applicability. The provisions of this section apply to day care service for children, including out-of-home child day care for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. The practice of babysitting on an occasional basis shall not be restricted by these use regulations.
2. When within residential zoning districts, the use of the premises as a Use E-4C: Family Day Care Home shall not be the principal use of the property, but shall be accessory to a Use H-7: Single-Family Dwelling Unit.
3. Minimum Indoor Square Footage. There shall be provided a minimum of forty (40) square feet of space for each child, excluding for such calculation halls, kitchen, staff areas, utility rooms and bathroom areas.
4. Lighting. All pedestrian pathways shall be adequately lit for safety and security if used during non-daylight hours for purposes relating to the day care. Specific areas for lighting are entrance ways, sidewalks, drop-off areas, merchandise delivery areas, and any parking areas.
5. Shall include constant supervision during all hours of operation.
6. All trash or refuse generated by the operation of any Child Day Care Center shall be placed for disposal in a container with a close fitting lid. All such trash containers shall be stored within a building or enclosed structure with a self-closing gate until the day of regular trash collection. The location of the waste area shall be to the rear of the principal building.
7. A Drop-off/Pick-up Area shall be provided with sufficient capacity for the proposed use. An existing driveway or common parking lot may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. Minimum dimensions for a drop-off/pick-up area shall be a lane nine feet (9') X 60' (3 car spaces), with appropriate tapers from and to the driveway it adjoins, subject to approval by the Code Enforcement Officer. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn-around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided (see **§2300: Off-Street**

Parking Requirements). In cases where the drop-off area cannot be accommodated on-site, the applicant shall demonstrate that there is adequate on-street parking or some other available parking area located within 250' of the property line of the proposed use. Minimum setbacks for drop-off area:

a. From residential property lines: 30'.

b. From other property lines: 20'.

c. From buildings: 10'.

8. Minimum parking area setbacks:

   a. From ultimate right-of-way:

      (1) Parking areas with 25 or more spaces: 50'.

      (2) Parking areas with fewer than 25 spaces: 20'.

   b. From buildings: 10'.

   c. From property lines:

      (1) From residential use lot lines: 50', and 30' for parking areas with fewer than 25 spaces.

      (2) From all other lot lines: 25', and 15' for parking areas with fewer than 25 spaces.

9. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedge rows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

10. The Day Care Provider must have his or her principal place of residence at the same location as the proposed Use E-4C: Family Day Care Home and must be present on the premises during the hours of operation of such Use E-4C: Family Day Care Home.

11. The hours of operation shall be limited to between the hours of 6:00 a.m. and 9:30 p.m., Monday through Friday. Where located in a residential district, the hours of operation shall be 7:00 a.m. to 7:00 p.m.

12. It is recommended that alterations of exterior of residential structures involving additions or improvements for purposes of child day care shall preserve its residential character.

13. Shall not provide medical or personal care services which extend beyond assistance with dressing, bathing, diet, and medication prescribed for self-administration unless licensed to provide such services.

14. Shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of any sleeping areas, and hours of operation.

15. The person primarily responsible for the family or group day care home shall be a full-time resident of the single-family dwelling.

16. No more than one (1) person not in residence in the dwelling shall be employed in a family or group day care home.

17. Shall not be located within 300' of a Use E-4C: Family Dare Care Home or a Use E-4D: Group Day Care Home when located on the same street.

18. Shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of any daytime or resident sleeping areas, and hours of operation.

19. License. Prior to initiation of the use, the Child Day Care Provider shall provide to the Township's Code Enforcement Department a copy of such Child Day Care Provider's License issued by the Department of Public Welfare of the Commonwealth of Pennsylvania. The Child Day Care Provider shall execute a consent to the Township's Code Enforcement Department that will allow such Department to be informed by the Department of Public Welfare of the termination or revocation of such License. The provider shall provide proof of the registration renewal every two years. At such time that a Use E-4C: Family Day Care Home wishes to expand its operation to the level of a Use E-4D: Group Day Care Home, where permitted by zoning, the operator of the facility shall notify the Township in writing at least 90 days prior to the expansion of the use and provide proof that all requirements for licensure by DPW have been met.
20. Evidence of Code Compliance. The child day care provider shall provide evidence of compliance with other applicable provisions of the Township Code when requested by the Township, including but not limited to, the Fire Prevention Code, Building Code and Existing Structure Code.
21. Where permitted as a conditional use or special exception, the applicant shall:
    a. Provide proof that it will meet the State Licensing Requirements.
    b. Show that the proposed use will have adequate outdoor recreational area per child and adequate recreational equipment.
    a. Provide the means to ensure that the number of children does not exceed that permitted.

Use E-4D: Day Care Home, Group: A facility (including any outdoor play area) in which care is provided for more than six but fewer than twelve children, at any one time, where the child care areas are being used as a family residence.

1. Applicability. The provisions of this section apply to day care service for children, including out-of-home child day care for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. The practice of babysitting on an occasional basis shall not be restricted by these use regulations.
2. When within residential zoning districts, the use of the premises as a Use E-4D: Group Day Care Home shall not be the principal use of the property, but shall be accessory to a Use H-7: Single-Family Dwelling Unit.
3. Minimum Indoor Square Footage. There shall be provided a minimum of forty (40) square feet of space for each child, excluding for such calculation halls, kitchen, staff areas, utility rooms and bathroom areas.
4. Lighting. All pedestrian pathways shall be adequately lit for safety and security if used during non-daylight hours for purposes relating to the day care. Specific areas for lighting are entrance ways, sidewalks, drop-off areas, merchandise delivery areas, and any parking areas.
5. Day cares shall include constant supervision during all hours of operation.
6. All trash or refuse generated by the operation of any Child Day Care Center shall be placed for disposal in a container with a close fitting lid. All such trash containers shall be stored within a building or enclosed structure with a self-closing gate until the day of regular trash collection. The location of the waste area shall be to the rear of the principal building.
7. A Drop-off/Pick-up Area shall be provided with sufficient capacity for the proposed use. An existing driveway or common parking lot may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. Minimum dimensions for a drop-off/pick-up area shall be a lane nine feet (9') X 60' (3 car spaces), with appropriate

tapers from and to the driveway it adjoins, subject to approval by the Code Enforcement Officer. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn-around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided (see **§2300: Off-Street Parking Requirements**). In cases where the drop-off area cannot be accommodated on-site, the applicant shall demonstrate that there is adequate on-street parking or some other available parking area located within 250' of the property line of the proposed use. Minimum setbacks for drop-off area:

a. From residential property lines: 30'.

b. From other property lines: 20'.

c. From buildings: 10'.

8. Minimum parking area setbacks:

   a. From ultimate right-of-way:

      (1) Parking areas with 25 or more spaces: 50'.

      (2) Parking areas with fewer than 25 spaces: 20'.

   b. From buildings: 10'.

   c. From property lines:

      (1) From residential use lot lines: 50', and 30' for parking areas with fewer than 25 spaces

      (2) From all other lot lines: 25', and 15' for parking areas with fewer than 25 spaces.

9. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedge rows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

10. Day Care Providers Present. There shall be at least two (2) Day Care Providers present at any time when there are more than six (6) children, including relatives of such Day Care Providers, present at one time in any Group Day Care Home.

11. The use of the premises as a Use E-4D: Group Day Care Home shall not be the principal use of the property, but shall be accessory to the use of the premises as a single family dwelling unit, when within residential districts.

12. The Day Care Provider must have his or her principal place of residence at the same location as the proposed Use E-4D: Group Day Care Home and must be present on the premises during the hours of operation of such Use E-4D: Group Day Care Home.

    a. The hours of operation shall be limited to between the hours of 6:00 a.m. and 9:30 p.m., Monday through Friday. Where located in a residential district, the hours of operation shall be 7:00 a.m. to 7:00 p.m.

    b. It is recommended that alterations of exterior of residential structures involving additions or improvements for purposes of child day care shall preserve its residential character.

    c. Registration/Licensing. In addition to the licensing requirements for all child day care uses, above, the use must show proof of the registration renewal every two years. At such time that a Family Day Care home wishes to expand its operation to the level of a group day care home, where permitted by zoning, the operator of the facility shall

notify the Township in writing at least 90 days prior to the expansion of the use and provide proof that all requirements for licensure by DPW have been met.

d. Family or group day care homes shall not provide medical or personal care services which extend beyond assistance with dressing, bathing, diet, and medication prescribed for self-administration unless licensed to provide such services.

e. Family or group day care homes shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of any sleeping areas, and hours of operation.

f. The person primarily responsible for the family or group day care home shall be a full-time resident of the single-family dwelling.

g. No more than one (1) person not in residence in the dwelling shall be employed in a family or group day care home.

h. Shall not be located within 300' of a Use E-4C: Family Dare Care Home or a Use E-4D: Group Day Care Home when located on the same street.

13. Day Care facilities shall give written notice to local police and fire departments as to the scope of their operation, including number of customers, location of any daytime or resident sleeping areas, and hours of operation.

14. License. Prior to initiation of the use, the Child day care Provider shall provide to the Township's Code Enforcement Department a copy of such Child day care Provider's License issued by the Department of Public Welfare of the Commonwealth of Pennsylvania. The Child day care Provider shall execute a consent to the Township's Code Enforcement Department that will allow such Department to be informed by the Department of Public Welfare of the termination or revocation of such License.

15. Evidence of Code Compliance. The child day care provider shall provide evidence of compliance with other applicable provisions of the Township Code when requested by the Township, including but not limited to, the Fire Prevention Code, Building Code and Existing Structure Code.

16. Where permitted as a conditional use or special exception, the applicant shall:

    a. Provide proof that it will meet the State Licensing Requirements.

    b. Show that the proposed use will have adequate outdoor recreational area per child and adequate recreational equipment.

    c. Provide the means to ensure that the number of children does not exceed that permitted.

Use E-5: 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.

1. This use shall only be permitted by Special Exception, as an accessory use to a college, university, boarding school, or similar educational use.

2. Dormitories shall utilize 24-hour video monitoring.

Use E-6: Emergency Services: Such use shall include ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature.

1. The following shall be submitted with any application for a Conditional Use or Special Exception:

    a. Evaluation of impact on neighboring properties and specify improvements to abate any nuisances.

b. Specification of any accessory uses or activities.

Use E-7: Group Home/Personal Care Home: Must meet federal requirements. Where permitted as a special exception, the applicant must:

1. Provide the means to ensure that the number of occupants will not exceed the maximum permitted.
2. Provide information concerning the sponsor and proof of its licensing by the county or state.

Use E-8: Hospital: An institution providing human health-care services and offering clinical, temporary, diagnostic, or emergency medical or surgical care procedures and/or treatments 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.

1. A lot area of not less than 10 acres shall be required.
2. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors. Emergency entrances shall be located on arterial highways of at least four lanes.
3. Such use must have access from a four-lane, arterial highway.
4. The tract of land on which this 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.

Use E-9: Library, Museum, or Cultural Center: 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. A museum is a building or place, open to the general public; with entry provided for free or for a fee; where works of art, scientific specimens, or other objects of permanent value are kept and displayed.

1. Retail activity shall not permitted, except as an accessory use

Use E-10: Life Care Facility (Continuing Care): 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.

1. Permitted Uses:
   a. Village Dwelling Unit: When part of a Life Care Facility, 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.
   b. Large Apartment Building: A multifamily 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.
   c. Dependent Care Facility: A group of living units which consist of one, or a combination of the following care arrangements, where rooms are not complete dwelling units:
      (1) Personal Care Facility.

(2) Congregate Care Facility.

(3) Intermediate Care Facility.

(4) Skilled Nursing Care Facility.

2. 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.

3. 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:

   a. Dimensional Requirements Table (The following dimensional standards shall apply to Life Care Facilities, with the exception that those in the **MS-H Main Street-High Intensity/Density District** shall meet **MS-H Main Street-High Intensity/Density District Dimensional Standards**):

Figure 21.7

Dimensional Requirements, Life Care Facility

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot/Site Width**	**Lot/Site Depth**
5 Acre minimum	300’	300’
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
100’	50’	50’
COVERAGE		
Maximum Building Area	**Maximum Impervious**	**Minimum Green Area**
40%	70%	30%
BUILDING DIMENSIONS		
Maximum Height	**Maximum Length**	**Minimum Separation**
40’ maximum	160’ max.	30’ minimum

b. Permitted Density: Calculation of the permitted density is based on the declared dwelling unit types per gross site area, according to the following ratios:

(1) Village Dwelling Units: 8 dwelling units per gross acre of land declared for this use.

(2) Apartment Dwelling Units: 24 dwelling units per gross acre of land declared for this use.

(3) Dependent Care Units: 36 beds per gross acre of land declared for this use.

c. Unit Mix. With respect to Life Care Facilities, a mix of housing unit types is encouraged. A minimum of two different dwelling unit types must be provided, and a minimum of 25% of the total permitted number of dwelling units must be of one type.

d. Intended Use. Development plans for life care facilities must clearly designate the intended use for each structure and building.

e. 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 (HUD).

f. Dependent Care Facilities shall be in conformance with the Regulations of the Commonwealth of Pennsylvania.

g. Distance Between Buildings:

(1) All apartment and dependent care buildings shall be separated from one another by a minimum distance of 30 feet.

(2) All village dwellings shall be separated from one another by a minimum distance of 15 feet on the sides of the dwelling, and 30 feet on the front and rear of the dwelling

(3) All accessory structures shall be separated from one another and from any principal building by a minimum distance of 30 feet.

h. Drop-Off Area. Each building used by residents of the facility, with the exception of village dwelling units, shall be provided with a minimum of one drop-off area for use by personal vehicles and vans.

i. Pedestrian Network. All buildings and facilities used by residents of the facility must be provided with a 6-foot wide pedestrian walkway (sidewalks and crosswalks) which interconnects the facility and connects to the street front sidewalk.

j. All roads shall be privately owned and maintained, but shall be built according to Township specifications.

k. 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 shall be allocated to the permitted site coverage.

Use E-11: Municipal Complex: Such use shall include a municipal facility, owned or operated by Abington Township or a duly incorporated authority of Abington Township, including but not limited to the following:

1. Administrative offices (not permitted in residential districts).
2. Police or emergency service station or substation (one acre minimum lot size; must front on a major arterial road).
3. Library (not permitted in residential districts).
4. Recreational facility.

5. Public works (not permitted in residential districts).
6. Communication facility owned by a governmental entity for communication by public entities (this shall only be permitted in residential districts as an accessory use).
7. Waste Management/Waste Water Treatment Station (not permitted in residential districts).
8. Pump Stations.

Use E-12: Nursing Home: Such use shall include a licensed nursing or convalescent home, for which provides 24-hour skilled nursing care to four or more chronic or convalescent patients, subject to the following additional provisions:

1. Dimensional Requirements (The dimensional standards in the table below shall apply to Nursing Homes:

Figure 21.8

Dimensional Requirements, Nursing Homes

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot/Site Width**	**Lot/Site Depth**
5 Acre minimum (except for residential districts)	300'	300'
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
100'	50'	50'
COVERAGE		
Maximum Building Area	**Maximum Impervious**	**Minimum Green Area**
40%	70%	30%
BUILDING DIMENSIONS		
Maximum Height	**Maximum Length**	**Minimum Separation**
40' maximum	160' maximum	30' minimum

2. The maximum residential density permitted shall be 36 beds per acre.
3. Dwelling areas containing beds are not permitted to be self-contained dwelling units complete with kitchen facilities.
4. A nursing unit shall include accessory uses, including dining rooms, bathing areas, common areas, offices, clinics, therapy areas, pools, physical fitness areas, medical facilities and other space necessary to provide the above services.

Use E-13A, E-13B, and E-13C: 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, temple, mosque, meeting house, or other similar use shall include those buildings and structures in which the religious services are held.

1. 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 10 acres, and use conditions associated with schools shall also apply.

2. A Place of Worship with a Day Care use shall meet the minimum dimensional requirements for Day Care, over and above that otherwise required for a Place of Worship.
3. Residential Zoning Districts. For Places of Worship located in residential zoning districts, accessory uses which occur with a frequency greater than once a month shall only be permitted by special exception approval. 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. Supporting residential housing facilities are not an applicable accessory use in residential zoning districts, with the exception of a rectory, and/or convent.
4. Where permitted as a conditional use or special exception, the applicant shall:
   a. Identify all accessory uses
   b. Provide a sewage facilities impact statement and water impact study
   c. For accessory uses, the Board of Commissioners or Zoning Hearing Board, as applicable, 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, and the hours of operation shall be evaluated, and special restrictions shall be considered.
5. Places of Worship shall be categorized into one of the following three classes, based on size and intensity of use (see below)

Use E-13A: Place of Worship, Class 1: These uses are the largest and most intense class of Places of Worship.

1. Access: Class 1 Places of Worship shall take vehicular access from an arterial road.
2. Accessory Uses: All accessory uses customary and incidental to a Place of Worship are permitted.
3. Dimensional Requirements:

Figure 21.9

Dimensional Requirements, E-13A: Place of Worship

MINIMUM LOT DIMENSIONS		
Lot Area	Lot Width	Lot Depth
10 Ac.	800'	800'
MINIMUM YARD DIMENSION		
Front	Side (2)	Rear
150'	150'	150'
COVERAGE		
Maximum Building Area	Maximum Impervious	Minimum Green Area
10%	25%	*75%
BUILDING DIMENSIONS		
Maximum Height	Maximum Length	Minimum Separation
45'	160'	30'

Use E-13B: Place of Worship, Class 2: These uses are the second-largest and second-most-intense class of Places of Worship.

1. Dimensional Requirements shall be as follows in the table below:

Figure 21.10

Dimensional Requirements, E-13B: Place of Worship

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
5 Acre minimum	400 ft.	400 ft.
MINIMUM YARD DIMENSION		
Front	**Side (2)**	**Rear**
100'	100'	100'
COVERAGE		
Maximum Building Area	**Maximum Impervious**	**Minimum Green Area**
15%	35%	65%
BUILDING DIMENSIONS		
Maximum Height	**Maximum Length**	**Minimum Separation**
45'	160'	30'

2. Maximum Seating Capacity: No Class 2 Place of Worship shall have a maximum congregated occupancy of more than 300 people.
3. Access: E-13B: Class 2 Places of Worship shall take vehicular access from an arterial or collector road.
4. Accessory Uses. All accessory uses customary and incidental to a Place of Worship are permitted.

E-13C: Place of Worship, Class 3: These uses are smallest-sized and least intense class of Places of Worship.

1. Maximum Seating Capacity: No Class 3 Place of Worship shall have a maximum congregated occupancy of more than 150 people.
2. Dimensional standards: Minimum Lot Size: 2 acres; otherwise, the dimensional requirements shall be based on those of the underlying zoning district.
3. The following accessory uses shall be specifically prohibited: residential facilities larger than 5,000 square feet total, outdoor concerts, stand-alone gymnasiums.

Use E-14: School or College – 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:

1. The minimum lot area shall be 5 acres.
2. Access shall be from an arterial or collector road.

3. Temporary classroom trailers are permitted, provided they meet the district yard requirements.
4. Where permitted as a conditional use or special exception, the applicant shall:
   a. Identify all accessory uses
   b. Provide a sewage facilities impact statement and water impact study
5. Development of at least 30,000 square feet of new floor area shall be permitted only by conditional use. Conditional use criteria shall include:
   a. Submission of a master facilities plan is required for all new floor area of at least 50,000 square feet, or new outdoor facility area of at least 2 acres, unless such a plan has been submitted within the past 3 years. The master facilities plan shall meet the requirements of a sketch plan. In addition to the requirements of a sketch plan in the SALDO, the applicant shall show:
      (1) Proposed driveways and parking areas.
      (2) Student and faculty count.
      (3) Approximate building heights.
      (4) Floor area of existing and proposed buildings.
      (5) Proposed timeline for building construction.
      (6) Building and impervious coverage data .
      (7) Elevations for building within 300 feet of a residential use (showing façade[s] facing public street or residential use within 300 feet).
   b. Setback from Residential Uses. The following uses shall be set back at least 300 feet from residential uses:
      (1) Buildings, except storage or utility.
      (2) Organized activities such as graduation ceremonies or camp activities.
      (3) Active recreation fields or structures.

Use E-15: Senior Living Community: A residential development consisting of Use H-7: Single-Family Detached Dwelling Unit and Use H-10: Twin Dwelling Unit (Single-Family Semi-Attached), exclusively restricted to the principal occupant being 62 years of age or older and one other adult, neither with dependent children, and a live-in nurse or similar care giver whose presence is required to care for a permitted occupant.

Use E-16: Transit Facility (Transit or Bus Station):

1. A Transit Station is any structure or facility located at selected points along transit routes used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.
2. Bus shelters may not exceed 100 square feet in roof area, cannot be erected closer than 5 feet from any cartway edge, shall not be located so as to obstruct the sidewalk, and the specific design must be approved by the Township. Advertising may only be located on the side of the bus shelter parallel to the street.

Use E-17: 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. Utility Operating Facilities owned or operated by municipalities shall not fall under this use classification.

1. No public business office, retail activity, or storage is permitted in connection with the use.

2. 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.
3. Wherever possible, such uses shall be located underground.

§2103.F. Office Uses:

Use F-1: Laboratory and Testing, Patient: A laboratory or facility for patient medical tests or examinations.

Use F-2: Medical Clinic or Office: 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, surgery, or other treatment of persons as outpatients. Such use may include uses such as reception areas, waiting area, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure.

1. The health care professionals shall be licensed in the State of Pennsylvania.
2. Overnight accommodations shall not be provided.
3. The maximum floor area of a Use F-2: Medical Clinic or Office in the **MS-VC Main Street-Village Center District** shall be 20,000 square feet.

Use F-3: 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. With the exception of first floor uses facing the public street, all uses shall have access through main building entrances.

1. Apartment dwelling units are not permitted in office tenant spaces.
2. Retail as an accessory use is not permitted.
3. Accessory uses include, but are not limited to:
    a. Use A-3: Car Share
    b. Use C-9: Convenience Store (when limited to 2,000 s.f.)
    c. Use C-11: Dry Cleaners (Drop-Off)
    d. Use C-16: Laundry (Self-Service)
    e. Use C-20: Personal Care Business
    f. Use C-21: Professional Service Business
    g. Use C-26: Restaurant, Sit-Down
    h. Use C-29: Retail Store (when limited to 2,000 s.f.)
    i. Use C-35: Supermarket or Grocery (when limited to 2,000 s.f.)
    j. Use G-10: Studio, Artist

Use F-4: Office Campus: Such use shall include multiple office buildings greater than 10,000 square feet in total gross leaseable floor area (GLA) on a single site, or combination of sites:

1. All "F. Office" use code classifications are permitted. Retail as a mixed or accessory use is not permitted.
2. All buildings must be separated by a minimum of 30 feet, and provided with direct access from an internal access drive or public street.
3. It is recommended that parking spaces be evenly distributed among the individual buildings or uses, based on parking demand generated by use.

4. Offstreet parking, dumpsters, loading and parcel drop-off space shall be provided in accordance with the requirements of this Ordinance, and shall be located immediately contiguous to the building served (this shall not preclude the creation of building foundation landscaping or sidewalks between parking and the building, however.
5. In districts with build-to-zones, at least 50% of the building façade area must lie in the build-to-zone.
6. Land Use and Market Analysis. The applicant for conditional use approval of a proposed new or expanded Office Campus must demonstrate through a professional land use and market analysis that the land development or expansion is needed, sustainable, and consistent with the Abington Township Comprehensive Plan.

Use F-5: Professional Office: Such use shall include a building, structure, or use for an office by an architect, counselor, engineer, insurance agent, lawyer, real estate broker, manufacturer's representative, and similar professional offices; small print shops; excluding dental, health, medical or personal care uses; and 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.

1. The office use may not contain a store front or any other retail commercial characteristics.
2. Buildings and structures designed and utilized for professional service uses, after the effective date of this Ordinance, shall not contain any dwelling units.

§2103.G. Entertainment/Recreation Uses:

Use G-1: Amusement Arcade: A building, structure, or portions thereof in which three or more video games, mechanical rides, pinball machines, or similar electronic, player-operated amusement devices are maintained for use and profit-making ventures.

1. Maximum Size. As an accessory use, the maximum floor area devoted to such use shall not exceed 500 square feet; as a principle use, the maximum floor area shall not exceed 2,000 square feet.
2. As a principal use, the facility must be located within a shopping center or shopping mall.
3. Virtual reality rides shall be located in enclosed buildings.
4. Refer to the Township's Amusement Ordinance for additional conditions.
5. No person shall operate an amusement arcade between the hours of midnight and 7:00 a.m. of any day.

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:

1. The minimum required lot size shall be 20 acres.
2. This use may not be an accessory use.
3. **RC Recreation Conservation District:** not permitted, except those which may be permitted by the Township on a temporary basis.
4. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. Identification of specific uses and activities
    b. Specification of location of outdoor activities
    c. Indication of method(s) to be used to abate any and all impacts on surrounding residential properties

Use G-3: Art Gallery or Museum: A public or private facility that is operated as a repository or collection of works of individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale or loan of the individual art pieces or the sale of related objects and services.

1. An Art Gallery shall not exceed 3,000 square feet.
2. A museum is a building or place, open to the general public; with entry provided for free or for a fee; where works of art, scientific specimens, or other objects of permanent value are kept and displayed.

Use G-4: 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, indoor pools, exercise and weight rooms, game courts, locker rooms, jacuzzis and saunas, reduction and tanning salons, weight control programs, classes, group instruction, and accessory pro and health food snack shops.

1. If outdoor courts are provided, they shall meet approved playing size standards, exclusive of any required buffer areas.
2. If outdoor playing courts are provided, a 25-foot wide screening buffer is required to surround the playing area, which shall be landscaped according to the standards of the Landscaping Chapter.
3. 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 10% of gross floor area.

Use G-5: Conservation/Recreation Preserve: 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 Recreation Conservation 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 Township or other governmental agency.

Use G-6: 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:

1. A lot area of not less than 60 acres shall be required.
2. No building shall be closer than 100 feet to any lot line.
3. A 75-foot screening buffer shall be provided, in accordance with the provisions of the Landscaping Chapter, along all side and rear property lines.
4. Hours of Operation: no earlier than 7:00 a.m. and no later than 10:00 p.m.
5. Site Disturbance. Not more than 75% 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.
6. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. Identification of specific uses and activities.
    b. Specification of location of outdoor activities.
    c. Indication of method(s) to be used to abate any and all impacts on surrounding residential properties.

Use G-7A: Movie Theater (Small): A building, structure, or use, primarily designed for the showing of on-screen films, movies, or videos, with no more than three theaters for viewing. The Use "G-7B: Movie Theater, Multiplex" includes all such uses with more than three theaters or more screens:

1. Theaters containing three screens shall provide pedestrian stacking room on sidewalk areas located directly adjacent to the building or box office entrance, sufficient to contain 50 persons per theater or screen, in single-file lanes. Pedestrian stacking lanes shall be positively separated from vehicular traffic flow areas.
2. All exit points from the theater shall be lighted at night, and exit areas shall have at least two directions of travel which lead directly to the parking areas.
3. The front or box office entrance shall have a layby area sufficient to stack at least one car per screen, which is independent of vehicle access flow.
4. Where a Conditional Use or Special Exception plan is required, the following information shall be submitted: Demonstration of how a theater/auditorium's primary visitor drop-off and pick-up area is located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

Use G-7B: Movie Theater (Multiplex): A building, structure, or use, primarily designed for the showing of on-screen films, movies, or videos, with one or more than one theater for viewing. The term multiplex is applied to such uses with more than three heaters or screens:

1. Multiplex Theaters shall provide pedestrian stacking room on sidewalk areas located directly adjacent to the building or box office entrance, sufficient to contain 50 persons per theater or screen, in single-file lanes. Pedestrian stacking lanes shall be positively separated from vehicular traffic flow areas.
2. All exit points from the theater shall be lighted at night, and exit areas shall have at least two directions of travel which lead directly to the parking areas.
3. The front or box office entrance shall have a layby area sufficient to stack at least one car per screen, which is independent of vehicle access flow.
4. Community impact statements, information on security provisions, and traffic impact studies are required for multiplex theaters.
5. Where a Conditional Use or Special Exception plan is required, the following information shall be submitted: Demonstration of how a theater/auditorium's primary visitor drop-off and pick-up area is located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

Use G-8: Performing Arts Center or 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.

1. Where a Conditional Use or Special Exception plan is required, the following information shall be submitted: Demonstration of how a theater/auditorium's primary visitor drop-off and pick-up area is located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

Use G-9A: Recreation, Indoor: An indoor facility designed to accommodate sports such as bowling, billiards, indoor soccer, ice skating, roller skating, roller blading, skateboarding, and the like.

1. No audio speakers or equipment shall be installed inside or outside such a use that cause music, voices or other sounds to emanate to the exterior of the premises.

2. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. Specification of uses and activities.
    b. Specification of hours of operation.
    c. Indication of method(s) to be used to abate any and all impacts on adjacent residential properties.

Use G-9B: Recreation, Outdoor: 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.

1. Minimum Lot Area: 5 acres.
2. Lights for illumination of outdoor athletic facilities may not be located closer than 100 feet to the property line.
3. The following shall be submitted with any application for a Conditional Use or Special Exception:
    a. Identification of specific uses and activities.
    b. Specification of location of outdoor activities.
    c. Indication of method(s) to be used to abate any and all impacts on surrounding residential properties.

Use G-10: Sexually-Oriented Business (Adult Use): *See **Article XXIX: Adult Uses**.*

Use G-11: Studio, Artist: A premises for the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, and moving or still photography. These are often also a residence for an artist.

1. No activity shall involve amplified sound; toxic or hazardous materials; or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics.
2. Any retail sales shall be incidental in nature.
3. This use shall not include museums.
4. An artist studio shall not exceed 3,000 square feet.
5. Special events such as an auction require the acquisition of a special permit from the Township.

Use G-12: Studio for Dance, Fitness or Martial Arts: Such uses might include, but not be limited to aerobics, dance, or martial arts.

1. Maximum floor area: 3,000 square feet.

§2103.H. Residential Uses:

Use H-1: Apartment/Condominium Building: An apartment/condominium building is a single, detached, residential building containing at least three, 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. The regulations for this use category do not

apply to townhouses or duplexes with a condominium form of ownership. 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.

1. The dwelling units may share outside access and internal hallways, lobbies and similar facilities.
2. Inner Court. The least dimension of an inner court shall not be less than the full height of the walls enclosing such court, and in no case shall be less than 50 feet. An open, unobstructed passageway shall be provided at the grade level of each inner court, with a maximum height of 14 feet, and maximum width of 12 feet. Such passage way shall have a cross-section area, sufficient headroom to permit the passage of fire-fighting equipment, and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.
3. Each dwelling unit is usually contained on one floor of the building and does not abut single-family dwelling units.
4. The dwelling units cannot be individually lotted, but must share a lot or parcel on which the building is located; except under condominium law.
5. The building and grounds are usually under one operating unit, such as a rental or condominium management service.
6. 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.
7. Dimensional requirements unless specified differently in the zoning district containing the use:
   a. The minimum lot area per Apartment/Condominium Building use shall be 10,000 square feet.
   b. The minimum floor area per dwelling unit shall be calculated according to the following ratios:

Figure 21.11

Minimum Floor Area/Dwelling Unit

Unit Size	Minimum Floor Area/DU
Efficiency	400 s.f.
1 Bedroom	500 s.f.
2 Bedroom	650 s.f.
3 Bedroom	800 s.f.
4 Bedroom	950 s.f.

8. Use of an apartment/condominium unit for, and of accessory uses that relate to business activity are not permitted, except as permitted by Use A-15: No-Impact Home-Based Business.
9. Adequate provision shall be made for usable outdoor recreation, and for accessory storage areas.
10. This use is not permitted on the first floor when located in a building with at least 75,000 square feet floor area.
11. Each H-1: Apartment/Condominium Building use with at least 12 dwelling units shall have no more than 80% of one bedroom type (an efficiency shall be considered separately from a one-bedroom unit).

12. Accessory Uses.
    a. Shall be located on the first floor.
    b. There shall be no entrance to any place of business except from inside the apartment/condominium building.
    c. Other than permitted signs, there shall be no display of merchandise or other manifestation of commercial use visible from the street.
    d. A private garage, storage garage or off-street parking or loading space.
    e. Use A-3: Car Share.
    f. Use C-9: Convenience Store (when limited to 2,000 s.f.).
    g. Use C-11: Dry Cleaners (Drop-Off).
    h. Use C-16: Laundry (Self-Service).
    i. Use C-20: Personal Care Business.
    j. Use C-21: Professional Service Business.
    k. Use C-26: Restaurant, Sit-Down.
    l. Use C-29: Retail Store (when limited to 2,000 s.f.).
    m. Use C-35: Supermarket or Grocery (when limited to 2,000 s.f.).
    n. Use G-11: Studio, Artist.

Use H-2: Apartment/Condominium Campus: An apartment campus is a group of more than one apartment/condominium building contained and developed on a single lot or premises:

1. Building Length. The maximum length of any such building shall be 160 feet.
2. Configuration. Apartment campuses containing more than three buildings shall be arranged in groups or clusters, and not in long rows or parallel to street lines.
3. Solid Waste. Each building shall contain its own screened dumpster area in accordance with township code.
4. Building Separation. Buildings in an Apartment/Condominium Campus shall be separated by a minimum distance of 30 feet, in addition to required yard setbacks.
5. Parking Space Setback. Parking spaces shall not be located within 5 feet of any structure or property line.
6. Dimensional requirements common to all zoning districts:
    a. The minimum lot area per Apartment/Condominium Campus use shall be one acre.
    b. The maximum permitted density shall be 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:

Figure 21.12

Minimum Floor Area/Dwelling Unit

Unit Size	Minimum Floor Area/DU
Efficiency	400 sq. ft.
1 Bedroom	500 sq. ft.
2 Bedroom	650 sq. ft.
3 Bedroom	800 sq. ft.
4 Bedroom	950 sq. ft.

d. Individual Apartment/Condominium buildings shall also comply with the standards for use H-1: Apartment/Condominium Building.

7. Common Open Space. Adequate provision shall be made for common, usable open space, amenities and accessory storage areas. Developments with more than 80 residential units shall provide common open space area as follows:

   a. Minimum Green Area: 50%.

   b. Park. A minimum of 20% of the tract shall be dedicated to open space in the form of a park which shall be exclusively for the use of the occupants of the development and their visitors. The park may be counted towards the required minimum 50% green area and shall be used for active or passive recreation. Land development plans shall indicate the portion of the tract being counted towards the required park.

      (1) Dimensions. The park shall be at least one acre in size (stormwater management basins and structures may not exceed 30% of the minimum park area; land above underground retention basins may be counted).

      (2) Slope. The average grade of the park shall not exceed 5%.

      (3) Usable area. In the interest of promoting a usable configuration, the park shall accommodate a circle with a radius of 50 feet.

      (4) Common Amenities. Common amenities shall be provided to enhance the use of the park by residents. At a minimum, this shall include:

         (a) An improved path or trail of at least ¼ mile in length through the open space or green area (in addition to required sidewalks). Path or trail shall be paved in areas that are flood-prone or often wet. In other areas, it shall be improved with pervious paving, crushed stone, wood chips or aggregate.

         (b) Picnic area with tables.

         (c) Playground or tot-lot.

         (d) A play field with an average slope not to exceed 5%, minimum size of 20,000 square feet, suitable for informal sport or recreation activities. As an alternative, two finished-surface, fenced-in courts may be constructed for basketball, tennis, volleyball, or similar. In lieu of sports fields, improvements may be made to existing parks.

   c. Maintenance – see Open Space Maintenance Requirements of the SALDO.

   d. Ownership and Methods of Conveyance – *see* ***§2601.J.3. Ownership and Methods of Conveyance.***

8. Trash. Shall be kept inside an enclosure or indoors.

9. Land Use and Market Analysis. The applicant for conditional use approval of a proposed new or expanded Apartment/Condominium Campus, must demonstrate through a professional land use and market analysis that the land development or expansion is needed, sustainable, and consistent with the Abington Township Comprehensive Plan.

10. Accessory Use Standards. "Accessory use" shall not include a business, except as is permitted below in conjunction with an Apartment/Condominium use, but may include, in addition to those uses permitted for Use H-1: Apartment/Condominium Building:

    a. An employee service use, such as a cafeteria, for the exclusive use of employees.

    b. Living accommodations for watchmen or caretakers.

    c. Garages and accessory buildings visible from a public street shall use the same predominant building material and color as those used as the predominant material on the nearest on-lot principal use.

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 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.

1. The maximum density shall be three boarder bedrooms per 7,500 square feet of lot area.
2. Each sleeping room shall be limited to two beds

Use H-4: Duplex Dwelling Unit: (Multifamily semi-attached): A two-family building

1. The duplex must be located entirely on one lot, with front, rear, and two side yards of the required depth for the district in which it is located.
2. Separate ingress and egress must be provided to each unit.
3. For approved building lots, public water and public sewer must be provided.
4. The minimum lot size for duplex dwellings shall be seven thousand 7,500 square feet, unless specified differently in the district containing the use. The minimum lot size for duplex conversion on nonconforming lots in districts where the use is permitted shall be 5,000 square feet, when authorized as a special exception.
5. The maximum bedroom capacity for all duplex units shall be three bedrooms.

Use H-5: Estate Dwelling Unit (Single Family): A dwelling unit constructed on 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, reduce the impact of development, and manage open space areas through restricted ownership. *See* ***Article XVII: Land Preservation Overlay District for dimensional regulations****.*

Use H-6: Mobile Home Development: A parcel or contiguous parcels of land which has been so designated and improved that it contains two 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.

1. Ownership. The tract of land to be developed shall be in one 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.
2. Minimum Tract Area: 15 contiguous acres.
3. Developable Land. At least 50% of the site must be composed of developable land as defined in this Ordinance.
4. Access. Any tract intended for Mobile Home Development must have direct access to an arterial or collector 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.
5. 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.
6. Dimensional Regulations: The following dimensional regulations are the standards which must be achieved for any use, addition or alteration in a mobile home park:

Figure 21.13

Mobile Home Development Dimensional Requirements

MINIMUM LOT DIMENSIONS		
Lot Area	**Lot Width**	**Lot Depth**
5,000 s.f.	50'	100'
MINIMUM YARD DIMENSION		
Front	**Side**	**Rear**
20'	10'	25'
COVERAGE		
Max. Bldg. Area	**Max. Impervious**	**Min. Green Area**
40%	55%	45%
BUILDING DIMENSIONS		
Max. Height	**Max. Length**	**Min. Separation**
35'	100'	20'

7. Site Design Requirements:
   a. 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.
   b. Courts and Spaces. Groups or clusters of units, so placed as to create interior spaces and courtyards shall be incorporated whenever feasible.
   c. Setback from Tract Boundary: No mobile home or other primary building may be located closer than 40' 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 25 feet.
   d. 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 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 15 feet. No more than six homes in a row shall have the same setback; where varied setbacks are utilized, the difference shall be at least 4 feet.
   e. Setback for Common Facilities: No mobile home or accessory use shall be located within 25 feet of any common parking area or common open space.
   f. 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.
8. Open Space Requirements:
   a. At least 20% 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.

b. The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the Board of Commissioners that two 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.

c. Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the development. Not less than 25% 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.

9. Buffers and Landscaping: A 25-foot buffer shall completely surround the perimeter of the mobile home site, and shall be planted according to the landscape provision of this Ordinance.

10. 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.

    a. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.

    b. The pad, at least 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 6 tiedowns such as concrete "dead men", screw augers arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 lbs.

    c. Each mobile home shall be set level on sturdy and substantial supports.

    d. Skirts. All mobile homes placed within a Mobile Home Development shall, prior to occupancy or other use, have skirts installed which are designed to complement the appearance of the mobile home park.

    e. Mobile homes shall meet the requirements of all county, state and federal regulatory agencies having jurisdiction in such development.

11. 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.

12. No part of a mobile home park shall be used for nonresidential purposes, except common open space, which shall be used for the pleasure and recreation of the park residents.

13. The mobile home park shall have a central water supply and distribution system.

14. 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.

15. 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 the state DEP.

16. Service Buildings. Within a mobile home park, nonresidential uses, such as a management office, storage facilities for the development's residents, laundry facilities, a maintenance building, storage for park maintenance equipment, and a community room for the use of the development's residents, may be constructed subject to the following standards:

a. A maximum of 5,000 square feet of the site may be used for service buildings

b. All service buildings must have a 50-foot setback from any mobile home and/or interior street.

17. The installation or removal of any and all mobile homes to or from the mobile home park shall require written notification to the Township Zoning Officer and a zoning permit.

Use H-7: Single-Family Detached Dwelling Unit: A dwelling unit designed and used exclusively as the residence for only one family unit, that is the only dwelling unit located on the parcel it is situated on, and that is not attached to any other structures or dwelling units, except accessory structures permitted in this Ordinance:

1. For approved building lots less than one acre in size, public water and public sewer must be provided.

2. The minimum lot size for single-family detached dwellings shall be 7,500 square feet, unless specified differently in the zoning district containing the use.

3. A single-family dwelling unit may only contain one kitchen facility, unless one of the kitchen facilities is located in a Use A-1: Accessory Dwelling Unit (ADU).

4. Design Requirements.

   a. When garage doors face a street, the garage shall comprise no more than 30% of the total area of the front facade elevation of a dwelling unit. A garage door facing a street shall not exceed a width of 10 feet.

   b. Garages shall meet one of the following design options:

      (1) Side-Entry: where garage doors are perpendicular or radial to the street which the front facade faces.

      (2) Front-Entry: where the garages are set back at least 10 feet from the front facade of the house.

      (3) Set Back: where the garage is located behind the rear facade of the house. This garage may be detached from or attached to the house, and the garage doors may face any direction.

      (4) Rear-Entry: so garage doors are on the opposite side of the house from the front facade.

   c. Infill Development. As authorized by **§102: General Purpose and Intent**, and Article VII-A: "Traditional Neighborhood Development" of the MPC, the following infill development standards shall apply when a new home is constructed between two "reference houses" (see below).

      (1) Reference houses are defined as existing single-family detached homes with front yards on the same side of the street and on either side of the proposed new home. If either of the reference houses lies at least 200 feet from the proposed building envelope of the new home, Use H-7: Single-Family Detached Dwelling Unit, Subsection 4.c. Infill Development requirements shall not apply.

      (2) Build-to-Line. The build-to-line of the new home must be equal to the average of the front yards of the two reference houses (the build-to-line for the new home may be adjusted up to 5 feet from the average to provide some flexibility).

      (3) Openings-to-walls ratio. The ratio of openings to walls (including doors and windows, but not garage doors) should be within 20% of the average of that of the two reference houses.

(4) Building Footprint. The building footprint shall be within 20% of the average of that of the two reference houses.

(5) The height of the new home shall be within 20% of the average of the reference houses, but not higher than the maximum height for the district.

(6) Materials. When both reference houses are primarily constructed of brick or stone (on the façade and sides), the new home's façade and sides shall be constructed of the same materials. If this is not the case but both reference houses have facades constructed primarily of brick or stone, the new home's façade shall be constructed primarily of brick or stone.

d. Garages. Unless both of the reference houses have front-loaded garages, the new home shall not have a front-loaded garage unless it is set back at least 10 feet from the front of the house. Front-loaded garages shall have garage doors parallel to the street frontage, or within 45° of the street frontage. If both reference houses have front-loaded garages which are set back from the front facade of the house, a front-loaded garage is permitted, but if it is built it must be set back from the front façade at least as much as the garage on one of the reference houses is set back from the reference house, or 3 feet, whichever is farther.

Figure 21.14

Infill Home Example

e. Expansions. These requirements apply to a single-family detached home that is expanded, where that home lies within 200 feet of an existing home on either side, where the homes on either side are located on the same street as the home being expanded.

(1) Expansions shall use building materials that match that of the existing principal use.

(2) Openings-to-walls ratio. The ratio of openings (doors and windows) to vertical walls should be within 20% of that of the original structure.

(3) Expansions to the side of the principal use shall be set back at least 3 feet from the front façade of the existing dwelling.

Use H-8: Single-Family Detached 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.

Use H-9: Townhouse Dwelling Unit (Single-Family Attached): A townhouse or row house is a single-family attached or semi-attached dwelling within a multi-dwelling building, consisting of at least 3 such dwelling units, with each unit occupying the total space from ground to roof, and joined to each other by not more than 2 vertical, common party walls, which also serve as the lot line dividing the properties. Townhouses may be one-, two-, or three-level dwelling units, provided they do not exceed the district height limitation.

1. Townhouses shall be arranged in groups or clusters, not in long rows parallel to street lines. Townhouse buildings shall have no more than 8 units in a row. A row of townhouses shall not exceed 180 feet. A minimum 18-inch variation in setback shall occur at least every second dwelling unit.
2. For approved building lots, public water and public sewer must be provided.
3. The minimum lot size for Townhouse Dwelling Units shall be 2,500 square feet, unless specified differently in the zoning district permitting the use.
4. A minimum of a 12-inch planting strip must be provided between adjoining driveways.
5. Off-street unenclosed parking spaces may be located to the side or rear yards. They may not be located in front yard areas.
6. Garages.
   a. Where townhouse end units have garages, they shall be side-loaded.
   b. Internal townhouse units with garages shall either have front-loaded garages that occupy no more than 30% of the front façade, or the garage shall face the rear.

Use H-10: Twin Dwelling Unit (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:

1. For approved building lots, public water and public sewer must be provided.
2. The minimum lot size for single-family semi-detached dwellings shall be 3,750 square feet, unless specified differently in the zoning district permitting the use.
3. Garages shall meet one of the following design options:
   a. Side-Entry: where garage doors are perpendicular or radial to the street which the front facade faces.
   b. Front-Entry: where the garages are set back at least 10 feet from the front facade of the house.
   c. Set Back: where the garage is located behind the rear facade of the house. This garage may be detached from or attached to the house, and the garage doors may face any direction.
   d. Rear-Entry: so garage doors are on the opposite side of the house from the front facade.

Figure 21.15
Twin Dwelling Units

Use H-11: 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:

1. An unenclosed porch, at least 7 feet deep, running across at least three quarters (.75) of the front house wall.
2. A front yard raised above street or sidewalk grade by at least 30 inches, with a minimum retaining wall of 20 inches.
3. A fence between 24 inches and 48 inches in height, enclosing the front yard area, half of the area of which must be planted with flowering shrubs. However, in the **MS-H Main Street-High-Density/Intensity** and **MS-L Main Street-Low-Density/Intensity Districts**, applicants choosing to construct a fence shall construct a fence between 36 and 42 inches (consistent with the height of "street walls" in the **MS Main Street Districts**).
4. A stone or brick front facade, or a brick or stone driveway and front yard walkway.
5. When located in the **MS-L Main Street Low-Density/Intensity** or **MS-High-Density/Intensity Districts**, and where a Use H-11: Village Dwelling Unit has a garage, it shall meet the following criteria:
   a. The garage shall face the side or rear, or
   b. The garage may be detached. If detached, the garage must be set back from the street at least as far as the rear of the Village Dwelling unit.
   c. Where a garage is constructed, the side yard must be increased to 15 feet.

§2103.J. Mixed Uses:

Use J-1: Mixed-Use Building: A building, use, or structure, other than a shopping center or mall, comprised of a mixture of uses, such that at least one use is from at least two of the three following categories: (1) retail, (2) office or institutional, or (3) residential.

1. The mix of uses shall be separated by floors within the building, such that similar use classifications shall be located on the same floor.
2. Residential uses shall not be located on the ground floor.
3. The ground floor use(s) must include a retail use(s); retail use(s) must occupy the majority of ground-floor uses, and must have windows on the front façade.
4. Uses within the J-1: Mixed-Use Building that are not permitted in the respective zoning district where the Mixed Use Building is located shall be prohibited.
5. Uses in a J-1: Mixed-Use Building must comply with the use regulations for that particular use, and may include:
   a. Retail
      (1) C-4: Bank
      (2) C-20: Personal Care Business
      (3) C-21: Professional Service Business
      (4) C-24: Repair Shop
      (5) C-26: Restaurant, Sit-Down
      (6) C-27: Restaurant, Take-Out
      (7) C-28: Retail Shop
      (8) C-29: Retail Store
      (9) C-30: School: Commercial, Trade, or Instructional
      (10) C-35: Supermarket or Grocery
   b. Office (in addition to office use, this includes F-2: Medical Clinic or Office, and F-5: Professional Office)
   c. Residential (Apartment/Condominium Uses)
6. For new buildings, ground floor space must have a minimum floor-to-ceiling height of 11 feet. All retail or office floor space provided on the ground floor of a J-1 Mixed-Use Building must contain the following minimum floor area:
   a. At least 800 square feet or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
   b. At least 20% of the lot area on lots with 50 feet of street frontage or more.

ARTICLE XXII: Signs

SECTION 2200: PURPOSE

The purpose of this section of the ordinance is to state that the Township of Abington recognizes that signs perform an important function within the community; such as advertising valid businesses, community service uses, points of interest, identifying neighborhoods, providing directions and the like. The regulation of signs is necessary in order to reduce hazards to pedestrians and vehicles, control the visual impact of signage, prevent obstructions of lawfully erected signs and to ensure safe construction standards. The type and size of signage throughout the Township will vary in order to promote consistency and compatibility with the intent of the zoning districts. The purpose of this article is to promote sign design regulations which:

A. Enhance the appearance of the commercial district and ensure visual compatibility with their surroundings by virtue of the size, type, location and number of signs permitted.

B. Allow for adequate signage for the economic vitality of businesses and the appropriateness of the use while minimizing clutter, confusion, and unsightliness of excessive signage.

C. Encourage high quality signage which utilizes logos, pictures and symbols for rapid comprehension and identification, and which permits artistic expression of the purpose intended.

D. Minimizes sign clutter and confusion within the business districts.

SECTION 2201: SCOPE & 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 these regulations.

C. All regulated signs are required to be approved by issuance of a 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 dimensional plan of the building's façade on which the proposed signage will be installed and a site location map for all non-wall signs proposed to be installed. Freestanding and monument signs require a foundation and electrical plan. Information on the number, size and location of all existing signage on the property must be submitted.

D. Signs existing at the time of the adoption of this Ordinance which were legally erected, and which do not conform with the requirements of this Ordinance, shall be considered nonconforming signs, and are bound by the regulations of this Ordinance regarding legal nonconforming signs.

E. Any sign shall be considered abandoned when it no longer advertises a valid business, falls into a state of disrepair or is deemed unsafe by the Township. The Township will notify the owner of the sign and/or property of the violation and state the date the sign must be removed, repaired or replaced.

SECTION 2202: MAINTENANCE REQUIREMENTS

A. All signs shall be kept in good repair including all materials used in the construction of the sign, sign cabinet (the section of the sign containing internal lighting, where present), support structure(s), electrical connections, lighting, poles and foundations.

B. No sign shall be permitted to fall into such disrepair that it cannot perform its intended use or becomes a safety hazard. Such signs shall be considered abandoned and will be removed by the owner upon written notice by the Township.

C. When a nonresidential building or use is vacated, all signage associated with the use must be removed, painted over or covered with a material approved by the Township so that advertisement or identification is no longer visible.

D. Real Estate advertisements stating For Sale or For Lease of vacant nonresidential properties or uses may not be placed on the existing freestanding or monument signage on the site.

E. All off-site signs must be maintained by the individual, business or legal entity which they serve.

SECTION 2203: 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 serve.

D. Off-Site – located on a premise other than the use it serves.

E. Illuminated – a sign that has either direct or indirect lighting.

F. Non-Illuminated – no lighting included.

G. Private – serving a business or privately owned use.

H. Public – a governmental use, public interest use or sign approved by governmental agencies.

SECTION 2204: DEFINITIONS

A-Frame Sign: A portable advertising sign consisting of two faces, taken in at the end of the day. A-Frame signs are typically used to advertise dining specials, entertainment, or sales and are located along the street or sidewalk in front of the business.

Awning Sign: A sign attached to, placed upon or hung from any covered structure projecting from the building's façade. Such signs include awnings, canopies and similar structures.

Banner/Pennant Sign: A sign made of fabric or any non-rigid material, with no enclosed framework. A sign consisting of lightweight, flexible material which is supported by frame, rope, wires or other anchoring devices.

Changeable Message Sign (Digital/LED): A sign that uses digital/LED technology to display changeable messages on a display board. The display may be in the form of alphanumeric messages or images.

Flag Sign: For the purpose of these regulations, governmental flags are not considered signs. Decorative flags, which may or may not contain advertisements, symbols or wording are considered a flag sign type regulated by this Ordinance.

Freestanding Sign: A sign supported by one or more upright poles or supports which are permanently anchored into the ground.

Hanging Sign: A sign suspended from the underside of an arcade or overhang.

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 wording.

Monument Sign: A sign attached to a brick, stone, or other masonry wall or structure which forms a support base for the sign display. The supporting wall area is not counted in the square footage of the permitted sign.

Portable Sign: Any sign, including vehicular signs, not permanently attached to the ground or a building, and which are designed to be readily moved.

Figure 22.1
Monument Sign

Projecting Sign: A sign which is affixed to a building, wall or structure and which extends more than 12 inches horizontally from the plane or façade of the building. A projecting sign is positioned generally perpendicular to a wall.

Figure 22.2
Projecting Sign

Roof Sign: A rectangular sign mounted on or above the lowest roof line or eaves of a building.

Sandwich Board Sign: A portable, pedestrian-oriented sign used to advertise retail uses.

Sign Cabinet: The portion of a sign having a box-like form, often containing internal illumination.

Wall Sign (a.k.a., flush wall sign): A sign erected on or mounted parallel to a building wall or parapet, projecting not more than 12 inches from the plane or façade and not extending above the roof line or parapet of the building, nor past the edge of any wall.

Figure 22.3
Wall Sign

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, sidewalk, or parking area.

SECTION 2205: GENERAL REGULATIONS

A. Area of a Sign

1. The area of the 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 backgrounds, the area of the lettering shall be measured by forming a maximum of 3 rectangles to encompass the wording. In such cases, the sign area is the sum of the 3 rectangles.

2. Signs can be double-sided. In computation of the square foot area of a double-sided sign, only one side shall be considered; providing all faces are identical in size and copy. If the interior angle formed by the faces of a double-sided sign is greater than 90°, than each side of such faces shall be considered a separate sign.

3. A sign supported by more than one means shall have its area and height calculation determined by the type definition which has the most restrictive standard. The determination of the sign type will be made by the Zoning Officer, based on the definitions contained in this ordinance.

4. Default Size and Height Limit. Unless stated otherwise, the maximum height of a freestanding or monument sign shall be 4 feet, and the maximum area shall be 6 square feet.

B. Height of a Sign

1. Maximum height of a sign is calculated by measuring highest point of the sign to average grade surrounding the sign's foundation. The area surrounding the foundation is limited to a 5-foot radius.

2. Unless specifically specified in the zoning district sign chart, all awning, 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 Signs

1. No sign shall be placed in such a position as to endanger traffic on any street by obstructing the view or interfering with official street signs or signals, by way of its position, color or reflective surface.

2. If located along the right-of-way of a state or federal highway, signs shall comply with any regulations of the state or federal government having jurisdiction, which may be more restricted than those contained within 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 the Township of Abington, is permitted within the existing street right-of-way, unless otherwise stated herein.

   b. No sign is permitted to project over a public sidewalk or property line, unless otherwise stated herein.

   c. The lowest edge of a projecting sign, freestanding sign or awning sign is not permitted to be less than 7 feet from the surrounding grade.

   d. No sign is permitted within any site triangle of an access way or street right-of-way.

4. All signs, except off-site directional and permitted off-site temporary signs having the permission of the property owner on whose property they are located, 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 business that has a valid use & occupancy certificate.

Figure 22.4

Off-Site Directional Signs

5. No sign may be erected within any fire lane, crosswalk or parking stall, except those that mark ADA parking stalls, crosswalks, fire lanes or other restricted parking stalls.

6. No sign may be erected on any telephone pole or light standard within a right-of-way or on any fence, bench, bus shelter, accessory building or similar structure, unless noted otherwise in this ordinance

7. No sign shall be painted on any building, bridge, abutment, rock or natural feature except those that are approved by the Township of Abington. The Township of Abington is receptive to community oriented murals. They are required to be reviewed by the Planning Commission and approved by the Board of Commissioners.

D. Illumination of Signs

1. Default Requirement. Unless specifically provided for, illumination of signs is prohibited.

2. All lighting used in the illumination of a sign is restricted so that the source of the light is not permitted to be seen off site.

3. Background. Signs using internal illumination are required to be designed so that the text, logo or image is lighter than the background of the sign face (when illuminated at night, only the letters, logos and/or images of the sign shall be visible). No light shall emanate through the background, the borders, sides or any other surface of the sign or its supporting structure.

4. Internal and External Illumination

   a. Internal Lighting: This is an internally light source, installed inside the sign structure or under the awning. This includes internally-illuminated "channel" lighting. Internal lighting shall include internally-illuminated channel lighting signs. These signs are encouraged.

Figure 22.5
Internally-Illuminated Channel Lettering

b. External Lighting: This is a light source that is mounted outside the sign structure and is positioned to illuminate the sign only. The light source must be shielded so that that source of the light cannot be seen off-site.

Figure 22.6
Sign with Halo Illumination

c. Lighting Intensity--is limited to the minimal amount necessary to illuminate the sign after dusk at a maximum distance of 500 feet from the sign. The illumination of a sign may not have an adverse effect on surrounding properties. Illuminated signs may not have greater than 1 foot candle of lighting at the property line. A sign that uses any other method of illumination is prohibited, and shall be adjusted as follows:

(1) 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 structures.

(2) It must be less than one-quarter (1/4) foot candle in intensity, as measured from the curb line or shoulder, so as to not to be a visual nuisance or impair the vision of any motorist, or otherwise interfere with a driver's operation of his/her vehicle.

5. Changeable Message Signs (Digital/LED)

a. Up to 50% of any freestanding or monument sign may be a Changeable Message Sign.

b. The number of Changeable Message Sign faces may not exceed two per property.

c. Animation; streaming video; or text or images which flash, pulsate, move, or scroll are prohibited (Exception: Gas Pump Video Display Signs).

d. One message/display may be brighter than another, but each individual message/display must be static in intensity.

e. The display on a Changeable Message Sign must transition by changing instantly, with no transition graphics (i.e., no fade-out or fade-in).

f. Messages may not be changed more than once every 15 seconds.

g. The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

h. Where images or alphanumeric text are displayed on a background, images and text shall be shown as part of a single-color display, with light text on a black background, with sufficient contrast so the sign may be easily read.

i. Each complete message must fit on one screen (i.e., no scrolling or incomplete messages permitted).

j. The letter height in electronic messages must be a minimum of 10 inches.

k. Any sign which causes a visual nuisance is prohibited, as determined by the Code Enforcement Officer.

l. The addition of any Changeable Message sign to a nonconforming sign is prohibited.

m. Lighting from a Changeable Message sign must not exceed .3 foot-candles over ambient light conditions. Measurement Technique: At least 30 minutes past sunset, use a foot-candle meter to record the ambient light reading for the area. This is done while the electronic message display is off or displaying all black copy. The reading should be taken with the meter aimed directly at the electronic message display, at a distance of 100 feet. Turn on the electronic message display to full white copy and take another reading. If the difference between the readings is 0.3 foot-candles or less, the brightness is properly adjusted. Each LED/Digital sign shall be equipped with automatic day/night dimming software (using photocell, and/or comparable technology), to reduce the illumination intensity of the sign as ambient lighting conditions change. The sign may not display light of such intensity or brilliance to impair the vision of an ordinary driver or constitute a nuisance.

Figure 22.7
Changeable Message Sign (Digital/LED)

6. All illuminated signs are required to be turned off within one half (1/2) hour of the closing of the business and shall remain off until one half (1/2) hours before opening.
7. Signed located within an R1 Low Density Residential, R2 Low-Medium Density Residential, R3 Medium Density Residential, R4 High Density Residential, SNR Senior Neighborhood Residential, AO Apartment Office Residential District or an RC Recreational Conservation District are permitted to be illuminated in white light only.
8. Except for permitted traffic control signals, red or green lights are prohibited within 100 feet of a public right-of-way and within 200 feet of a traffic control device.
9. The light source of all signs must not be visible from an abutting property or street.

E. Construction of Signs

1. The construction of all signs is required to comply with the Construction and Electrical Codes adopted by the Township of Abington.
2. All signs must be located on private property and are not permitted to overhang any public right-of-way, easement or restricted property, unless otherwise stated herein.
3. All illuminated signs are required to be powered by underground service supply only. No aerial supplies are permitted.
4. All signs must be maintained in good condition or must be removed.
5. Canvas awning signs are permitted in certain districts, but must be constructed of fire retardant materials and must be firmly attached to a rigid frame. The awning's frame must be securely attached to the building.
6. No sign shall have guy wires for structural supports.
7. Freestanding signs shall have no more than 2 support posts: each post shall have the same horizontal dimension, and each shall have a diameter no smaller than 4 inches and no larger than 18 inches.

Figure 22.8
Freestanding Sign

8. Support post(s) or columns for a freestanding sign shall be surfaced with the same material as the sign itself. Wooden or simulated wooden signs shall have two support posts—one at either end of the sign.
9. It is recommended that support post(s) or columns for a freestanding sign appear compatible with that of the sign face and/or principal building on the lot.
10. Signs in Paved Surfaces. Monument signs are prohibited from being constructed on paved surfaces. In addition, their base or support posts shall be surrounded with vegetation of year-round interest, which shall extend at least 18 inches from the sign supports, and be kept well-maintained.

SECTION 2206. SIGNS EXEMPT FROM PERMITS

The following ground-mounted signs are exempt from the permit requirements of this ordinance, and shall not exceed a size of 16 s.f. nor a height of 4 feet unless expressly stated:

A. Architectural Sign – A sign which is a permanent architectural feature of a building or structure, such as a corner stone, date stone, address or identifying letters carved or embossed on a building, providing the letters are not made of reflective materials.

B. Governmental Flags or Insignias.

C. Gas Pump Video Display Signs.
   1. These shall not exceed 3 s.f., nor one sign per pump, nor two faces per sign.
   2. Flashing or pulsating messages are prohibited.
   3. The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
   4. Where images or alphanumeric text are displayed on a background, images and text shall be shown as part of a single-color display, with light text on a black background, with sufficient contrast so the sign may be easily read.

5. Lighting from a Gas Pump Video Display Sign must not exceed .3 foot-candles over ambient light conditions. Measurement Technique: At least 30 minutes past sunset, use a foot-candle meter to record the ambient light reading for the area. This is done while the electronic message display is off or displaying all black copy. The reading should be taken with the meter aimed directly at the electronic message display, at a distance of 100 feet. Turn on the electronic message display to full white copy and take another reading. If the difference between the readings is 0.3 foot-candles or less, the brightness is properly adjusted. Each LED/Digital sign shall be equipped with automatic day/night dimming software (using photocell, and/or comparable technology), to reduce the illumination intensity of the sign as ambient lighting conditions change. The sign may not display light of such intensity or brilliance to impair the vision of an ordinary driver or constitute a nuisance.
6. Any sign which causes a visual nuisance is prohibited, as determined by the Code Enforcement Officer.
7. The addition of any Changeable Message sign to a nonconforming sign is prohibited.

D. Legal Notices of a Governmental Agency.

E. No Trespassing Signs – These signs are limited to no greater than 2 square feet and indicate a private roadway or prohibit fishing, hunting or access to private property.

F. Permanent Window Signs – A sign applied to a window pane or glass door, giving business hours or the names of credit cards accepted, provided the total square footage of such signs combined does not exceed 3 square feet.

Figure 22.9
Window Sign

G. Political Signs – A sign regarding a political candidate(s) or party's election, or a position on a referendum or ballot initiative, may be erected and maintained, providing that:

1. The sign may not be illuminated.
2. The property owner must grant permission for the display of the sign.
3. No political sign may be placed on any governmental, parkland, school district or other public property. At polling places, political signs may be displayed on Election Day only.

H. Public Sign – A public monument, historic, public park identification sign or plaque erected by a governmental agency.

1. No more than one such sign shall be placed on a structure or building and no more than one such sign shall be placed at each entrance to the site.
2. A public sign may be a freestanding, monument or wall sign.
3. These signs are limited to external illumination only.

I. Real Estate Signs – A sign advertising the property is for lease, rent or sale, or a sign indicating it has been sold, providing that:

1. Such sign shall be erected only on the premises to which it relates.
2. The sign is not permitted to be illuminated.
3. No such sign shall be placed within the public right-of-way.

J. Registration Sign – Such sign is permitted to be erected on private property providing they are placed with the approval of the property owner. These signs are for registrations of sports teams, schools, religious events, public events and other non-profit purposes as may be approved by the Township of Abington.

K. Residential Flags – These are seasonal flags displayed on residential properties throughout the Township of Abington that are generally mounted off the front of the house and display a large range of items, including holidays, sports teams, Armed Services, seasons and the like. These signs may not overhang the public right-of-way.

L. Residential Identification Signs – A sign not exceeding 2 square feet and placed not more than 5 feet in height, bearing the house number, street address, post box number and/or the names of the occupants of the residence, or the name of the dwelling or estate, except those for certified historical structures.

M. Street Signs – Official highway signs, street names, directional signs or other traffic signs erected in accordance with the Pennsylvania Motor Vehicle Code.

N. Temporary Development/Contractor's Signs – A sign erected and maintained during the period of time that a contractor or the design professional is working at a site undergoing alterations, renovations, addition or development.

O. Temporary Window Signs – Temporary window signs shall be permitted to identify special events and sales specific to the business or a special event or promotion hosted by the property owner. Temporary window signs are permitted to be put up up to 2 weeks prior to the scheduled event and may remain up to one week after the conclusion of the event. The sign may only be installed on glass fronting on a public street or shared access way. The sign is limited to 25% of the total glazed area, or 200 square feet, whichever is less.

P. Yard Sale Sign – An on-site sign advertising a yard sale. The sign must be removed within two weeks of the end of the sale.

SECTION 2207. PROHIBITED SIGNS

The following types of signs are strictly prohibited from being erected or displayed within the Township of Abington.

A. Any sign that exhibits vulgar statements, words, or pictures of obscene or pornographic subjects, as determined by Abington Township.

B. Off-premises signs (except permitted billboards; off-site directional signs for hospital services, schools, religious locations and community service locations or organizations, as approved by Abington Township; off-site temporary signs; and governmental signs).

C. Any sign which states that a property may be used for a non-permitted or unlawful use.

D. Any sign which flashes, moves, revolves, oscillates, swings or which has movable parts, reflectors or a reflective surface, excluding government signs, or which flaps in the wind.

E. Any sign which emits smoke, visible vapors, particles, sound, odor or a beam of light or lights.

F. No sign located within an R1 Low Density Residential, R2 Low-Medium Density Residential, R3 Medium Density Residential, R4 High Density Residential, SNR Senior Neighborhood Residential, or LP Land Preservation Overlay District may be illuminated, with the exception of professional, home occupation, or identification signs, provided any illumination is external only. Sign type, area, height and illumination conform to the following:

Figure 22.10

Requirements, Home Occupation Sign in Selected Residential Districts

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	3 s.f.	5'	External
Wall	6 s.f.	10'	External

1. Not more than on one such sign shall be located on the premises.
2. Such sign can only be erected or used on the lot or premises wherein the use is located.
3. A sign is permitted only for uses that are registered with the Township and have obtained a zoning use permit.

G. Any roof mounted sign, except as permitted within the Suburban Industrial Districts (SI-G and SI-W).

H. Vehicles with advertisements are not permitted to be parked within public right-of-way for a period of time in excess of 24 hours within any 30-day period.

I. Any sign located on a vehicle either parked or located within the public right-of-way, unless otherwise stated herein.

J. Any sign that flashes, rotates, or spins.

K. No sign is permitted that imitates or appears similar to any traffic control device or traffic signal.

L. No sign may be erected within or across a public right-of-way, except for temporary signs which are approved by the Township of Abington for the general benefit of the Township, general public or the School District of the Township of Abington, unless otherwise stated herein.

M. Any sign that no longer serves a business that is open to the public. Upon the closing of the store or use all signage must be removed within 14 days of the last day of business.

SECTION 2208. SIGNS REQUIRING A PERMIT.

§Section 2208.1. Temporary Signs.

The following types of signs require a zoning permit to be approved by the Township of Abington and they must comply with the following standards.

A. General.

1. Shall not be permanently affixed to the site or any site feature (building, structure, permanent sign, utility pole, lamp post, tree, rock, etc.) on the property where they are posted.
2. Shall not be illuminated.
3. Shall not be animated.
4. Shall not exceed 16 square feet, unless otherwise stated herein.

B. Agency Sign for Single Property Sale, Lease or Rental – A sign advertising the sale, lease or rental of nonresidential uses, when the sign is larger than the standard, exempt, 16 square feet area as listed within this ordinance, providing:

1. The property that the sign is erected on is at least one acre in size, whereupon the sign shall not exceed 35 square feet.
2. The sign may also indicate that a property has been sold, but must be removed within seven days (7) of settlement.
3. In conjunction with the settlement of any property or business, a "Coming Soon" sign, subject to the standards of this ordinance may be erected one the Use & Occupancy Certificate has been applied for.

C. Multiple Property Sale or Development Sale – A sign advertising the sale or development of a multi-unit residential site or nonresidential development, providing:

1. The sign may only be erected on the site proposed for subdivision or land development.
2. The area of one side of the sign must not exceed 35 square feet for subdivisions and land developments of 10 or more lots, and for all commercial developments.
3. The sign may also indicate that a property has been sold, but must be removed after settlement.

D. Activity Sign – A sign advertising a civil, social gathering, or non-profit fund raising activities, may be erected off-site and maintained, providing:

1. The sign may be erected no more than 30 days prior to the event and must be removed within 48 hours after the close of the activity.
2. The application for the sign(s) must list the location(s) of all such signs within the Township of Abington. If located on private property, permission from the owner must be obtained and submitted to the Township of Abington.
3. These signs may be erected within the public right-of-way and on publicly held ground; however approval must be obtained from the Township of Abington.
4. In nonresidential districts, the size of the sign must not exceed 35 square feet
5. County or state approval must be obtained if such signs are proposed to be displayed on properties or rights-of-way under their jurisdiction.

E. Commercial Sign – A sign advertising a special commercial sale in a district that permits

commercial signs, provided the application for the sign permit shall reflect the size, copy, specific location and dates the sign will be displayed.

1. The application for the sign permit shall reflect the size, copy, specific location and dates the sign will be displayed.
2. The size of the sign may not exceed 24 square feet.
3. Large/Corner Lots. No more one such sign may be erected on any one property unless the property fronts on more than one street or the property has greater than 500 feet on street frontage. One sign may be displayed on each street frontage; no more than two signs may be displayed on properties that are greater than 500 feet in length at the property line adjoining the street or cartway. In either case, signs shall be spaced at least 100 feet apart.
4. Commercial signs are not permitted to be displayed for longer than 30 days at a time and may not be erected more than 4 times per year or 120 days in any one calendar year. The calendar year is defined at January through December of any given year.

F. Bunting, pennants and other similar displays – A sign used to announce the grand opening of a new business, providing that:

1. They may be erected 7 days prior to the event and must be removed 14 days after the first day of business.
2. The owner of the property, applicant or business manager must notify the Township Zoning Officer on the permit application of the opening "first" day of business, together with a description of the sign, sign materials at least two weeks prior to the proposed date of display for these types of signage.
3. Only the following types of signage shall be permitted:
   a. Only one banner sign may be installed across the front or top of building which says "Grand Opening" , New Business" or similar language.
   b. Pennant flags may be neatly attached to the building perimeter or suspended in air as long as they are not attached to anything within the public right-of-way, do not overhang the public right-of-way or cause a sight obstruction.
4. Hot air balloons, novelty signs, to include people dress as characters, roof displays and spot lights are not permitted.
5. **BC Business Center District:** Bunting and similar material signs advertising "Coming Soon" shall be permitted any time after lease signing and shall be removed on or before opening day of the business.

§Section 2208.2. Permanent Signs

The following types of permanent signs may be erected, maintained and used in each zoning district as described below:

A. **AO Apartment–Office District** and All Conforming Apartment/Condominium Buildings and Campuses.

1. 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 sign types, area, height and illumination conform to the following:

Figure 22.11

Requirements, Property/Complex Identification Signs, AO Apartment Office District
(Apartment/Office Campus Use and Properties Utilizing Common Parking Facilities)

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	40 s.f.	12'	External
Monument	50 s.f.	8'	External
Wall	10% of façade, but no larger than 150 s.f.	20'	External

2. Individual uses shall not display or erect wall signs.

B. Residential Districts (R1, R2, R3, R4, and SNR) and Conforming Residential Uses in any District (for Use H-1: Apartment/Condominium Building and Use H-2: Apartment/Condominium Campus, *see* ***§2208.2.A AO Apartment Office District and All Conforming Apartment/Condominium Buildings and Campuses***). In addition to the signs exempted from permit requirements, the following types of signs shall be permitted:

1. Identification Signs for legal nonconforming uses such as schools, churches, hospitals and the like are permitted two freestanding signs per street frontage, not to exceed 20 square feet per side. Properties fronting on more than one street are permitted a total of four (4) signs not to exceed 20 square feet each.
2. Professional, home occupation sign, or name signs. These may indicate the profession and/or activity, and/or name of the occupant of the dwelling, provide that such signs are freestanding, with a maximum area of 3 square feet and a maximum height of 5 feet. Illumination shall be external only. Not more than one such sign shall be located on the premises. No wall signs are permitted.

C. **MS Main Street Districts (MS-H, MS-L, MS-VC)**

1. Single Use Properties. In addition to the signs exempted from the permit requirements, permitted temporary signage and signs common to all districts; individual commercial (retail or office) uses located on their own lot may display any two signs from the "*Main Street District, Single-Use Lot Signs" Matrix*, for the purpose of displaying the name, hours, and nature of business.
2. Joint Use Properties. Properties with two or more tenants on a single site may increase the size of the freestanding sign to a maximum of 50 square feet, providing all tenants are represented on the sign. The wall signage is also permitted to share between the tenants, but a wall may only contain two signs. Joint use properties may also use directional signs, at a rate of one directional sign per 2 acres of lot area, up to a maximum of three monument or freestanding signs within the development to direct patrons to specific areas within the development. Each such directional sign shall be permitted to have up to 12 square feet in sign area on each side and a mounting height of up to 6 feet. Directional signs shall contain no advertising, logo, insignia or other commercial identifier. Directional signs may not use internal illumination.
   a. Residential uses within these districts are subject to the sign regulations of **§2208.2.B. Residential Districts and Conforming Residential Uses** in Any District.

D. **BC Business Center District**

1. Joint Use Properties. In addition to signs exempt from permit requirements, permitted temporary signs, and signs common to all districts, joint use properties may display any

Figure 22.12
Logo-Based Sign

two of the signs listed in the BC District, Joint Use Identification Signs Matrix.

a. Joint Use Identification Signs. At least 15% of each sign used for joint use identification must be used for identification of the joint use property/complex; the balance may be divided among the tenants.

b. Properties that have greater than 500 feet of street frontage are permitted one additional freestanding or monument sign for every 500 feet of street frontage. The additional signage must include the 15% property identification and the balance of the sign must be divided between the tenants.

c. Directional signs may also be used, at a rate of one directional sign per 2 acres of lot area, up to a maximum of three monument or freestanding signs within the development to direct patrons to specific areas within the development. Each such directional sign shall be permitted to have up to 18 square feet in sign area on each side and a mounting height of up to 6 feet. Directional signs shall contain no advertising, logo, insignia or other commercial identifier. Directional signs may not use internal illumination.

d. Sign Program. A sign program shall be submitted with each land development. Applicants are encouraged to show a coordinated system of signage, related to styles, sizes, and colors.

Figure 22.13
Wall Signs
(above first-floor windows)

2. Single Use Properties. In addition to signs exempt from permit requirements, permitted temporary signs and signs common to all districts, single use properties may display any two of the signs permitted in the "BC Business Center District Single Use Properties" Matrix (provided that not more than one sign of the same type and not more than one ground sign is used).

3. Motor Vehicle Sales. In the case of a motor vehicle sales use having new car franchises, the owner or tenant may select one street frontage and in addition to the signs permitted above may add one additional wall sign for each make of new automobile or truck offered for sale on the site, providing that no such sign exceed 30 square feet.

4. Billboards:

   a. Are permitted in the BC Business Center District only. No more than one (1) billboard is permitted in each of the five BC Business Center District areas (one in BC-Willow Grove Park, one in BC-Town Center, one in BC-Noble, one in BC-Foxcroft, and one in BC-Huntingdon Valley).

   b. Are permitted on properties at least 10 acres in size.

   c. Are permitted on properties having frontage of at least 200' on a street with a right-of-way of at least 80'.

   d. Not more than one billboard is permitted per property or development tract.

   e. No billboard shall have more than two sides.

   f. Shall be set back at least 40' from all property lines

   g. The height of the billboard shall not exceed the setback of the billboard from the property line, up to a maximum height of 30'.

   h. Must be set back at least 200' from any property where zoning permits a residential use.

Figure 22.14
Sign with Gooseneck Lighting

E. **CS Community Service District and Conforming Community Service Uses** in any District.

1. In addition to the signs exempted from the permit requirements, permitted temporary signage and signs common to all districts, individual commercial uses located on their own lot may display any two of the following types of signs, providing that they might the provisions below:

Figure 22.15

Dimensional Requirements, Signs for CS Community Service District and Community Service Uses

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	35 s.f.	Max. 15'	Internal
Monument	50 s.f.	Max. 7'	External
Wall Signs	10% of façade to a Max. of 150 s.f.	Max. 20'	Internal

a. Ground Signs. No more than one freestanding or monument sign may be installed on any single property, unless the property fronts on more than one street, then one sign is permitted along each street frontage, in which case the signs shall be spaced at least 100 feet apart.

b. Joint Use Properties. Separate uses in operation on a single property are required to share the permitted signage. Joint use properties are permitted to increase the freestanding sign to 50 square feet. No more than two wall signs are permitted to be displayed on any one wall façade.

c. Building Campus or Complex. Uses forming a campus or complex of buildings may install one wall sign per building unless the building fronts on more than one street front. In this case the building is permitted to install signage on each façade that fronts on a street, access way or shared parking lot.

d. Directional Signs at Hospital or School Campus. In addition to the above listed permitted signs, a hospital or school campus is permitted to install an unlimited number of directional signs, providing that these signs are not located within the public right-of-way and each directional sign is a monument sign, and is limited to no more than 12 square feet. Such signs may be internally or externally lighted.

e. Identification Signs for Internal Buildings. In addition to sign regulations set forth in this Ordinance, each internal building is permitted one identification sign per building wall; limited to 5% of the wall area, as measured by the width of the wall to a height of 20 feet; or a maximum size of 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 free-standing directional sign, not to exceed 6 square feet in area.

F. **Suburban Industrial Districts (SI-G, SI-W) and Conforming Industrial Uses** in Any District.

1. In addition to the signs exempted from the permit requirements, permitted temporary signage and signs common to all districts, individual uses located on their own lot may display any two of the following types of signs, providing that such signs comply with the following:

Figure 22.16

Requirements, Signs in SI Districts and Industrial Uses

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	50 s.f.	Max. 20'	Internal
Monument	100 s.f.	Max. 10'	Internal
Roof	200 s.f.	15' above the roof line	External
Wall Sign	10% of the façade/Max. of 200 s.f.	20'	Internal

2. No more than one freestanding or monument sign may be installed on any single property, unless the property fronts on more than one street, then one sign is permitted along each street frontage, provided that the signs are spaced at least 100 feet apart.

G. Motor Vehicle Fueling Center Use—shall be permitted all the following types of signs:

Figure 22.17

Dimensional Requirements, Signs for Use C-17: Motor Vehicle Fueling Centers

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding (not more than 2)	65 s.f. per sign	25'	Changeable text or LED, limited to the advertisement of fuel prices
Wall/signs (not more than 8)	Not more than 500 s.f. of signs per building	30'	Direct
Canopy (not more than 5)	40 s.f. per sign	At canopy height	Direct
Directional signs (with or without advertising)	Not more than 50 s.f. in the aggregate and not more than 8 signs.	Not more than four feet (4')	Direct

1. The signs permitted under this section are the aggregate total limit permitted for all uses and structures on a lot containing Use C-17: Motor Vehicle Fueling Center.
2. Signage shall be permitted on all building facades, provided, however, that no signs may be placed on any facades which front a residential district boundary.
3. No sign or any portion of a sign may overhang a public right-of-way, unless otherwise stated herein.
4. Signs, including structural components, shall follow the same architectural theme as the buildings, including the use of similar or complimentary materials.

H. Sign Regulations by Type

1. Awning Signs—Shall not overhang the public sidewalk or right-of-way.
2. Projecting Signs—Shall not overhang the public sidewalk or right-of-way.
3. Sandwich Board Signs
   a. Signs are permissible along the sidewalk, provided a minimum walking distance of 5 feet is maintained to allow for a pathway for pedestrians.

b. Signs must be taken in at close of business or dusk, whichever comes first, and stored indoors overnight.

c. Signs shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied, or otherwise affixed to any object, structure, or the ground.

d. Signs with moveable lettering are only permitted where lettering is enclosed within a transparent case.

e. The applicant does assume liability for damage or injury relating to use of sign.

f. Sandwich board signs shall not be used while a special event sign is being used on same premises.

g. An annual permit from the Department of Code Enforcement is required for a sandwich board sign.

Figure 22.18
Sandwich Board Sign

4. Wall Signs

a. Shall not project more than 12 inches from the wall.

b. Maximum allowable wall sign area shall be calculated based on facade area of the use.

5. Window Signs, Permanent—May identify the business name, hours of operation, and/or store specific specialties.

SECTION 2209. SIGNS FOR SPECIFIC USES

A. Home Occupation Signs.

1. Sign permits are required for the installation of a these signs. A sign may only be displayed after the owner of the business has obtained the required approval of the Zoning Office of the Township of Abington.

2. Not more than one sign may be erected one any one property.

3. For dimensional and illumination requirements, *see* ***Figure 22.10: Requirements, Home Occupation Sign in Selected Residential Districts***.

B. Mixed Use Building. Signs shall be allocated based on the most intense use, provided, however, that in no case shall there be more than one wall sign per street frontage, sized according to district requirements, and such sign may not be located higher than the first floor level of the building.

SECTION 2210. SIGNS PERMITTED IN ALL DISTRICTS.

In addition to signs that are exempt from permits, temporary signs and permitted signs, the following shall be permitted in all zoning districts:

A. Information Signs: These are defined as signs providing public service information, such as availability of restrooms, telephones, hospital locations, church locations, bus stops, directional

indicators to community service uses, parking lots and the like, providing that:

1. They do not advertise a for profit entity.
2. They shall not exceed 6 square feet in area.
3. Such signs are permitted to be located on-site or off-site.
4. The locations of these signs are required to be approved by the Zoning Officer of the Township of Abington.
5. If located within the public right-of-way, and unless otherwise stated herein, the location of these signs must be approved by the Public Works Director of the Township of Abington. This is done to ensure the proposed sign complies with PennDOT standards and that the proposed sign does not cause a site obstruction.
6. The maintenance of these signs must be completed by the community service use advertised on the sign and/or the permit holder.

B. On-Site Directions Signs: Signs providing direction for pedestrian and vehicular traffic control on-site, providing that:

1. They do not contain advertising.
2. They shall not exceed 4 square feet.
3. The location of these signs must be approved by the Zoning Officer.
4. These signs are not permitted to be located within the site triangle of ingress and/or egress points for the property.

C. Theme Signs: Signs that promote a special community interest or business district theme, may be erected with permission of the Township, provided:

1. The size, type, location and materials used to manufacture the sign must be approved by the Township.
2. The maintenance and replacement of these signs are the responsibility of the owner.

SECTION 2211: NONCONFORMING SIGN REGULATIONS

A. Any sign legally existing at the time of passing of this ordinance that does not comply with the 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 at a site which does not conform to this ordinance is required to be removed if the building is demolished. In addition, all nonconforming signs must be brought into compliance with the requirements of this ordinance if the site is renovated to the point that the alterations/renovation are equal to or greater than 50% of the appraised value of the property.

C. Any nonconforming sign must be brought into compliance if the sign structure is repaired or replaced.

D. Nonconforming signs are permitted to be re-painted, refaced, resurfaced or repaired, providing the square footage of the sign is not increased. This includes the few existing wall signs that are painted on the side of existing buildings.

E. A nonconforming sign must be removed within 14 days after notification by the zoning officer or be made to conform with the requirements of this ordinance. The zoning office may consider the following when inspecting a sign that may have to be removed:

1. The sign is no longer securely attached to the ground, wall, or roof and can be moved with hand pressure only.

2. The sign is deteriorated that it can no longer be read, contains holes or no longer serves its' intended purpose.
3. If the use is no longer in operation at the site.

F. A sign that advertises an existing nonconforming use and that is located on the property where that use exists may be continued, repaired, or refaced, provided that the sign is not enlarged.

G. Where a property in a nonresidential zoning district has a nonconforming number of signs, 2 signs may be removed and replaced with 1 sign, provided that the total area of the new sign does not exceed 3/4 of the combined area of the 2 signs removed.

SECTION 2212. SPECIAL SIGN REGULATIONS

A. An accessory use to a principal use on a lot or parcel is not permitted additional signage with respect to the number, size or type of signage.

B. A principal use or structure which under goes internal subdivision to accommodate additional businesses is not permitted additional sign rights with respect to the number, size, location or type of signs permitted. In such cases, the permitted signage may be divided between the tenants.

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 wall signage may only be divided between two signs on the same wall.

E. Joint Use Properties with Commercial Uses in the BC Business Center District or MS Main Street Districts

1. Department stores and other major anchor stores designed as end units or island units are permitted a maximum wall sign of 200 square feet per wall containing exterior public access, providing such walls are longer than 300 feet in length.
2. Banks and restaurants uses that are open to the public at other than posted mall hours are permitted a maximum wall sign of 20 square feet at the exterior mall entrance.
3. In centers where all uses have exterior access points, wall signage is limited to tenant identification signs 20 square feet per tenant space.
4. Satellite buildings in shopping centers are not permitted separate freestanding or monument signage, unless they are located on separately deeded parcels.
5. When individual buildings or uses face interior driveways, streets or parking lots, wall signage is permitted on all sides facing such areas. Refer to the dimensional matrix of the zoning district in which the property is located for the limitation as to the size, height and location of such signs.
6. Signs installed within a building and that are not visible from the exterior of the building are not regulated by this ordinance.
7. Nonconforming Shopping Centers shall follow the requirements of the zoning district of which they are a part.
8. Directional Signs. One monument or freestanding sign per 2 acres in lot area, up to a maximum 3 signs, shall be permitted within the development to direct patrons to specific areas within the development. Each such directional sign shall be permitted to have up to 18 square feet in sign area on each side and a mounting height of up to 6 feet. Directional signs shall contain no advertising, logo, insignia or other commercial identifier; they may use internal or external illumination.

Figure 22.19

MS Main Street Districts (MS-H, MS-L, MS-VC), Single Use Lot Signs

(two of the following, but not more than one of any type or more than one ground sign)

Sign Type	Maximum Area	Maximum Height	Illumination	Setback (from property line)	Other
Awning	20 s.f. copy size	First floor or 12', whichever is lower. Min 7' clearance to grade	External	N/A (setback from curb: 5')	
Freestanding	24 s.f.	Either one sign (15') or two signs (5')	Internal; MS-VC: Internal or External	5', provided no overhang	
Monument	35 s.f.	5'	Internal or External	20 ft	
Projecting	3 s.f.	15'	External	N/A	Shall not project more than 3' from building and shall maintain a 7' vertical clearance
Sandwich Board (retail only)	6 s.f.	3'	None	N/A	
Wall	15% of the Façade or 100 s.f. max.	20'	Internal or External	N/A	Shall not project more than 12" from building
Window (Permanent Sign)	4 s.f. or 15% of each individual window area, whichever is greater, up to 24 s.f. per façade	Ground floor windows only	External (Food and Drink Establishments have the option of using neon window signs)	N/A	

Figure 22.20

MS Main Street Districts (MS-H, MS-L, MS-VC), Joint Use Property Identification Signs

(One of the following per street frontage, provided signs are no less than 200 ft. apart)

Sign Type	Maximum Area	Maximum Height	Illumination	Setback (from curb)	Other
Freestanding	40 s.f.	15'	Internal; MS-VC: Internal or External (the external lighting is often used in village areas)	20 ft	
Monument	50 s.f.	6'	External	20 ft	
Wall	15% of the Façade or 100 s.f. max.	20'	Internal or External	N/A	Shall not project more than 12" from building

Figure 22.21

MS Main Street District, Joint Use Properties, Signs for Individual Uses with External Access

(two of the following, but not more than one of any type, and not more than one ground sign)

Sign Type	Maximum Area	Maximum Height	Illumination	Setback (from property line)	Other
Awning	5 s.f. copy area	Min. 7' clearance to grade	External		Shall not exceed forty percent (40%) of the wall plane of the tenant's façade and shall not project more than five (5) feet out from the façade. Graphics permitted on the front face of the awning shall not exceed ten (10) inches in height. Graphics shall be located on the sloped portion of the awning and shall not exceed twenty percent (20%) of the sloped area of the awning.
Freestanding	24 s.f.	Either one sign (15') or two signs (5')	Internal; Internal or External in the **MS-VC District**	5', provided no overhang	
Hanging	6 s.f.	Min. 7' clearance to grade	None	N/A	May be used where an arcade or overhang is present, with sign hanging below. A joint use property may use either projecting or hanging signs, but not both.
Monument	35 s.f.	5'	Internal or External	20'	
Projecting	6 s.f.	15'	Internal or External	5'	
Sandwich Board (retail only)	6 s.f.	3'	None	N/A	
Wall	15% of the Façade or 10 s.f. max.	20'	Internal or Halo		Wall signs on the same building facade shall fit into a sign band. The sign band shall be established such that the top of all wall signs on the façade of the same building shall be established at the same height from grade (measured from the horizontal center of the sign). The bottom of the wall signs shall likewise be placed.
Window (Permanent Sign)	4 s.f. or 15% of each individual window area, whichever is greater, up to 24 s.f.	Ground floor windows only	External (Retail uses have the option of using neon window signs)	N/A	

Figure 22.22

BC Business Center District, Single Use Properties

(two of the following, but not more than one of any type, and not more than one ground sign)

Sign Type	Maximum Area	Maximum Height	Illumination	Setback (from property line)	Other
Awning	30 s.f.	Min. 7' clearance to grade	Internal		
Freestanding	50 s.f.	15'	Internal or External	20 ft.	
Monument	75 s.f.	10'	Internal or External	20 ft.	
Projecting	6 s.f.	15'	External	5' from curb	
Sandwich Board (retail only)	6 s.f.	3'	None	N/A	
Wall	15% of the Façade or 150 s.f. max.	20'	Internal, or External Halo	N/A	
Window (Permanent Sign)	4 s.f. or 15% of each individual window area, whichever is greater, up to 24 s.f.	Ground floor windows only	External (Food and Drink Establishments have the option of using neon window signs)	N/A	

Figure 22.23

BC Business Center District, Joint Use Property Identification Signs

Sign Type	Maximum Area	Maximum Height	Illumination	Setback (from curb)	Other
Freestanding	75 s.f.	20'	Internal	50 ft.	Joint Use Identification Signs shall (1) include the name of the shopping center, office park, etc., (2) if a ground sign, they shall be surrounded at the base by a landscaped area, extending outwards from the sign at least 2' in each direction. The planting area shall be kept well-maintained, and shall include Low-Intensity Screen Type #1 or its equivalent, and shall utilize year-round vegetation with ground cover. Identification Signs shall not exceed 1 Identification sign per street frontage, and shall be at least 300' apart.
Monument	100 s.f.	10'	External	50 ft.	
Wall	15% of the Façade or 200 s.f. max.	20'	Internal		

Figure 22.24

BC Business Center District, Joint Use Properties, Signs for Individual Uses with External Access

(two of the following, but not more than one of any type, and not more than one ground sign)

Sign Type	Maximum Area	Maximum Height	Illumination	Setback (from property line)	Other
Awning	30 s.f. copy area	Min. 7' clearance to grade	External		Shall not exceed forty percent (40%) of the wall plane of the tenant's façade and shall not project more than five (5) feet out from the façade. Graphics permitted on the front face of the awning shall not exceed ten (10) inches in height. Graphics shall be located on the sloped portion of the awning and shall not exceed twenty percent (20%) of the sloped area of the awning.
Freestanding	75 s.f., 20 s.f. in BC-Noble	15', 6' in BC-Noble	Internal or External	5' from property line	
Hanging	6 s.f.	Min. 7' clearance to grade	None	N/A	May be used where an arcade or overhang is present, with sign hanging below. A joint use property may use either projecting or hanging signs, but not both.
Monument	100 s.f.	10'	Internal or External	5' from property line	
Projecting	6 s.f.	15'	External		
Sandwich Board (for retail)	6 s.f.	3'	None	N/A	
Wall	15% of the Façade or 200 s.f. max.	20'	Internal or Halo		Wall signs on the same building facade shall fit into a sign band. The sign band shall be established at the same height from grade (measured from the horizontal center of the sign). The bottom of the wall signs shall likewise be placed.
Window (Permanent Sign)	4 s.f. or 15% of each individual window area, whichever is greater, up to 24 s.f.	Ground floor windows only	External (retail uses have the option of using neon window signs)	N/A	

Article XXIII: Parking and Transportation

SECTION 2300. 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 number of parking spaces required per use is stated in this section; if the proposed use does not precisely match one of the listed uses herein, the number of spaces required shall be based on the use which most closely matches the proposed use.

B. The 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 principal use, are required to have the number of parking spaces required for the accessory use in addition to those required for the 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 2301. APPLICATION AND INTERPRETATION:

A. Existing Nonconforming Land Uses: Existing land uses which are nonconforming 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 nonconforming 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 nonconforming 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 is 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.

SECTION 2302. 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 nonconforming parking conditions.

A. 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 2303. REMEDIES FOR ALLEVIATING PARKING DEFICIENCIES IN NONCONFORMING BUILDINGS AND USES:

A. In order to help prevent the vacancy of commercial buildings and properties which are

nonconforming 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-usable portion shall be restricted on a floor-by-floor basis, as opposed to dividing non-usable area within the same building floor.
2. The non-usable portion of the building shall be completely separated from the normal occupancy flow by a positive design.
3. The non-usable portion may be used for storage only.
4. The non-usable 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.

SECTION 2304. PARKING USE REQUIREMENTS: The following off-street parking requirements shall be provided for uses as established below:

A. **Accessory Uses**

1. Use A-1: Accessory Dwelling Units (ADU). One (1) additional space is required.
2. Use A-3: Car Share: 1 parking space per vehicle associated with the car share (in addition to vehicles required elsewhere on the site.
3. Use A-4: Chapel: No additional parking is required.
4. Use A-6: Club House: No additional parking is required.
5. Use A-7: Commercial Accessory Apartment: Same as Use H-1: Apartment/Condominium Building.
6. Use A-8: Commercial Vehicle Parking. The area on which they are parked cannot be parking spaces required for uses already on the lot.
7. Uses A-9A, B, C, and D (Day Cares): 1 parking space for every 200 square feet of floor area devoted to the use; or one space for each employee, plus one space for every 10 persons of license capacity.
8. Use A-10: Dining Hall: No additional parking is required.
9. Use A-11: Drive-Through Facility: No additional parking is required.
10. Use A-12: Farmers' Market (Temporary or Seasonal): 2 spaces per vending booth. These parking spaces shall be shown on the site plan as part of the permit application.
11. Use A-14: Home Occupation: At least 1 additional parking space, but not more than 2 additional parking spaces shall be provided in addition to those required for the approved residential use. Such parking shall be provided on the lot of the residence.
12. A-15: No-Impact Home-Based Business: No additional spaces are required, over and above what is required for the residence.
13. Use A-17: Outdoor Dining: 1 space for every 3 outdoor seats.

14. Use A-20: Recreational Vehicle (RV) Storage, Residential Properties: Storage of the RV shall not diminish the required on-lot parking spaces.

B. **Agricultural Land Uses:** 1 space for each 1,000 square feet under building cover.

C. **Commercial Land Uses:**

1. Use C-1: Automotive Detailing: Whether a separate use or in conjunction with Automotive Sales (Use C-1) or Service Stations (Use C-28), 1 parking space for every 200 square feet of gross floor area, plus 5 parking spaces for every service stall or similar area located within or adjacent to the service station.
2. Use C-2: Automotive Sales: 1 space for each vehicle displayed or intended for sale (see use classification for size of display spaces), plus 1 standard size parking space for every 200 square feet of gross floor area devoted to office, sales, showroom or stockroom use; plus parking spaces required for Use C-3: Automotive Service, 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 parking space shall be provided for every 1,000 square feet of parking lot area used for car display.
3. Use C-3: Automotive Service: Same as Use C-1: Automotive Detailing, above.
4. Use C-4: Bank: 1 space for every 300 square feet of gross leasable floor area, plus stacking spaces required for drive-in facilities, plus 1 space for each exterior or foyer walk-up money access facility.
5. Use C-5: Bed and Breakfast: In addition to parking required for the home, 1 parking space shall be required per guest room, and 1 space shall be required per employee.
6. Use C-6: Brewpubs: 1 space for every 50 s.f. devoted to customer or patron use, or one space for every three seats, whichever is less.
7. Use C-7: Building Materials: Whether a separate use, or in conjunction with general retail use, 1 parking space shall be required for every 500 square feet of gross floor area devoted to such use.
8. Use C-8: Car Wash: 1 parking space for every 200 square feet of gross leasable floor area not contained in the washing area.
9. Use C-9: Club, Fraternal Organization or Lodge: 1 parking space for every 100 square feet of floor area used or intended to be used for service to customers, patrons, clients, guests or members.
10. Use C-10: Convenience Store: No less than 1 parking space for every 200 square feet of gross leasable floor area; two additional parking spaces shall be provided if the following accessory uses are established.
    a. Automated teller machines and financial services.
    b. Lottery sales.

10. Use C-11: Dry Cleaners (Drop-Off): No less than 1 parking space for every 300 square feet of gross leasable floor area, plus stacking spaces required for drive-in facilities, if applicable.
11. Use C-12: Dry Cleaners (On-Site): No less than 1 parking space for every 300 square feet of gross leasable floor area, plus loading berths as required under this Ordinance.
12. Use C-13: Farmers' Market (Indoors, Year-Round): 1 space per vendor.
13. Use C-14: Funeral Home: No less than 1 parking space for every 3 seats provided for patron use, or at least 1 parking space for every 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 parking spaces.

14. Use C-15: Hotel/Motel/Inn: No less than 1 parking space for each guest room provided on the premises, plus 1 parking space for each employee working on the largest shift, plus required parking spaces for accessory uses such as entertainment, restaurants, and the like, as established herein.
15. Use C-16: Laundry (Self-Service): No less than 1 parking space for every 1,000 square feet of customer area; or 1 parking space for every 3 cleaning or drying machines on the premises; whichever is greater.
16. Use C-17: Motor Vehicle Fueling Center:
    a. One space for every 250 square feet of gross floor area and 1 space for each fuel pump. Twenty-five percent of the parking spaces must be at least 10 feet x 18 feet in size. The 10 feet x 18 feet spaces shall be contiguous to the retail building.
    b. No additional parking spaces shall be required for indoor automated teller machines (ATMs), financial services, or lottery machines.
17. Use C-18: Parking Garage (Commercial).
18. Use C-19: Parking Lot (Commercial).
19. Use C-20: Personal Care Business: No less than 1 parking space for every 100 square feet of gross leasable floor area.
20. Use C-21: Professional Service Business: No less than 1 parking space for every 250 square feet of gross leasable floor area.
21. Use C-22: Radio/TV Station: No less than 1 parking space for every 300 square feet of gross leasable floor area, plus 1 parking space for each company vehicle reporting to or stationed at the facility.
22. Use C-23: Rental Agency: 1 display space for each vehicle displayed or intended for rental, plus 1 standard size parking space for every 200 square feet of gross floor area devoted to office, sales, showroom, or stockroom use.
23. Use C-24: Repair Shop: 1 parking space for every 200 square feet of gross leasable floor area.
24. Use C-25: Restaurant, Fast-Food, and Use C-26: Restaurant, Sit Down: 1 parking space for every 50 square feet of gross leasable floor area devoted to customer or patron use for sit-down restaurants, or one parking space for every 3 seats, whichever requires the lesser number of spaces.
26. Use C-27: Restaurant, Take-Out: 1 parking space for every 75 square feet of gross leasable floor area devoted to customer or patron use, plus one parking space for every 3 seats provided.
27. Use C-28 & C-29: 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 1 parking space for every 200 square feet of gross leasable floor area.
29. Use C-30: School; Commercial, Trade or Instructional: No less than one and one quarter (1.25) parking spaces per faculty member, plus 2 spaces for every 3 students, if students are of driving age.
30. Use C-31: Self-Storage Facility: 1 parking space for every 100 storage units or fraction thereof, the spaces which shall be located in the vicinity of the leasing office; plus one space for the number of employees on the largest shift. These spaces shall be provided in addition to leased parking stalls.

31. Use C-32: Service Station: Whether a separate use, or in conjunction with Automotive Sales (Use C-2), or Automotive Service (Use C-3), 1 parking space for every 200 square feet of gross floor area, plus 1 space at every gasoline pump, plus spaces required for repair (Use C-3: Automotive Service), if applicable.
32. Use C-33: Shopping Center: 1 parking space for every 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 10,000 square feet and less than 400,000 square feet Uses greater than 400,000 square feet shall use C-34: Shopping Mall or Shopping Center, Regional standards.
33. Use C-34: Shopping Mall or Shopping Center, Regional: 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 400,000 square feet, the parking space requirements shall be calculated at the ratio of 1 parking space for every 220 square feet of gross leasable floor area.
34. Use C-35: Supermarket or Grocery: 1 parking space for every 200 square feet of gross leasable floor area.
35. Use C-36: Tavern/Bar/Night Club: Same as Uses C-26: Restaurant, Sit-Down (and A-15: Outdoor Dining, if applicable). Dance floors shall require 1 parking space for every 25 square feet.
36. Use C-37: Tool Rental: Same as Use C-31: Retail Store.
37. Use C-38: Veterinary Clinic: 5 parking spaces for each doctor operating on the premises, plus parking as required for Use B-4: Riding Academy/Stable, if applicable, or 1 parking space for every 200 square feet of gross leasable floor area, whichever is greater.

D. **Industrial Uses:** 1 parking space for every 1,000 square feet of gross leasable floor area devoted to industrial use, including storage area; plus 1 parking space for every 300 square feet of gross leasable floor area devoted to office use.

E. **Community Service (Institutional) Uses:**

1. Use E-1: Cemetery: 1 parking space for every 200 square feet of office area, plus 1 space for every 3 seats in chapels with fixed seating.
2. Use E-2: Community Center: 1 parking space for every 800 square feet of floor area.
3. Use E-3: Community Service Planned Development.
4. Uses E-4A and E-4B, (Day Cares): 1 parking space for every 200 square feet of floor area devoted to the use; or one space for each employee, plus one space for every 10 persons of license capacity, in addition to parking required for the residence, if applicable.
5. Use E-5: Dormitory: 1 parking space for every 4 individuals residing at such facility for educational use, plus 5 spots for guest parking per dormitory. One space for every 2 individuals, if used for other than an educational related use.
6. Use E-6: Emergency Services. As determined by the Township.
7. Use E-7: Group Home/Personal Care Home: 1 parking space shall be provided for each employee and 1 parking space shall be provided for every 4 residents of the group home.
8. Use E-8: Hospital: 1 parking space for every 750 square feet of gross floor area; or 1 space for every 3 beds, plus 1 space for every 5 average daily outpatient treatments; whichever requires the greater number.
9. Use E-9: Library, Museum, or Cultural Center: 1 parking space for every 500 square feet of gross floor area, or 1 space for every 5 seats; whichever requires the greater number.

10. Use E-10: Life Care Facility: One space for each employee on the largest shift plus visitor parking (visitor parking shall be calculated based on the rate of 1 space for every 5 beds, plus one-and-one-half (1.0) parking spaces for every independent living unit.
11. Use E-11: Municipal Complex: As determined by the Township.
12. Use E-12: Nursing Home:. One space for each employee on the largest shift plus visitor parking (visitor parking shall be calculated based on the rate of 1 space for every 5 beds.
13. Use E-13A, B, and C: Places of Worship (Class 1, 2, and 3): 1 parking space for every three; people permitted by occupancy for the sanctuary and multipurpose rooms, plus 1 space for every 100 square feet of gross open floor area devoted to or capable of being used for assembly by patrons, guests, or members; plus 1 space for every 200 square feet of office area; plus 1 space for every 2 beds, if a residential use is involved. For special events, Places of Worship are encouraged to use temporary shared parking.
14. Use E-14: School or College—Public/Private: Elementary and secondary schools require 1 parking space for every classroom plus 1 space for every 4 students in tenth grade or higher, plus 1 space for every 10 fixed auditorium seats. Colleges and universities require 1 parking space for every classroom, plus 1 space for every two students, plus 1 space for every 10 fixed auditorium seats, plus 1 space for every 300 square feet of gross office area.
15. Use E-15: Senior Living Community: Parking shall be required based on dwelling type.
16. Use E-16: Transit Facility (Transit Station or Bus Shelter).
17. Use E-17: Utility Operating Facility. One space capable of accommodating a standard utility service truck.

F. **Office Uses:**

1. Use F-1: Laboratory and Testing, Patient: 1 parking space for every 200 square feet of gross floor area.
2. Use F-2: Medical Clinic or Office: 1 parking space for every 200 square feet of gross floor area.
3. Use F-3: Office Building: 1 parking space for every 300 square feet of gross floor area.
4. Use F-4: Office Campus: 1 parking space for every 330 square feet of gross floor area for corporate office area not utilizing client interface. Gross leasable floor area devoted to uses F-1: Laboratory and Testing, Patient, F-2: Medical Clinic or Office, and F-5: Professional Office shall be calculated separately.
5. Use F-5: Professional Office: 1 parking space for every 250 square feet of gross floor area.

G. **Entertainment/Recreational Uses:**

1. Use G-1: Amusement Arcade: 1 space for every 150 square feet, unless located in a shopping center, mall, or in the form of an accessory use.
2. Use G-2: Amusement Park: 1 parking space for every 1,000 square feet of lot area devoted to such use.
3. Use G-3: Art Gallery or Museum: 1 space for each 350 square feet of exhibit area.
4. Use G-4: Athletic/Health Club: 1 parking space for every 200 square feet of design capacity.
5. Use G-5: Conservation/Recreation Preserve.
6. Use G-6: Golf Course: 2 spaces per green, 1 space per driving range tee, and 1 space per 300 square feet of office use. Parking for restaurants shall be the same as that for Use C-26: Restaurant, Sit-Down.

7. Use G-7A: Movie Theater, Small and Use G-7B: Movie Theater, Multiplex: 1 parking space for every 3 fixed seats. No shared parking or parking reduction standards of any type shall be applicable for this use.
8. Use G-8: Performing Arts Center or Theater (Performing): 1 parking space for every 3 fixed seats.
9. Use G-9A: Recreation, Indoor: 1 parking space for every 4 seats of design capacity, plus 1 space for every 50 square feet of rink area; or 1 space for every 250 square feet of design capacity, whichever is greater. Bowling alleys shall have 4 parking spaces for every lane.
10. Use G-9B: Recreation, Outdoor: 1 space for every 1,000 square feet of recreation court area; plus 1 space for every 400 square feet of publicly-accessible area (excluding the parking area); plus 20 spaces, or portion thereof, per acre of active recreation field (e.g., baseball, soccer), plus 1 space per 40 square feet of pool area.
11. Use G-10: Sexually-Oriented Business (Adult Use): The requirements for C-27: Retail Shop/C-28: Retail Store, or C-35: Tavern, Bar, Night Club shall be used, depending on the configuration of the space.
12. Use G-11: Studio, Artist: 1 space for every 400 square feet. If residential use is permitted, 1 per 750 square feet of residential space.
13. Use G-12: Studio for Dance, Fitness or Martial Arts: 1 space for every 400 square feet. If residential use is permitted, 1 per 750 square feet of residential space .

H. **Residential Uses:**

1. Use H-1: Apartment/Condominium Building: 1.33 spaces per dwelling unit. For condominiums that take the form a single-family attached dwelling unit, see parking requirements for Use H-9: Townhouse Dwelling Unit (Single-Family Attached). Up to 10 percent of required parking for Apartment/Condominium Building Uses may be held in reserve, provided the reserve parking complies with all other zoning provisions.
2. Use H-2: Apartment/Condominium Campus: Same as Use H-1: Apartment/Condominium Building, plus one quarter (1/4) parking spaces per dwelling unit for visitors and overflow parking if proposed in land development with greater than 16 units involving the creation of new streets or drives.
3. Use H-3: Boarding House: 1 parking space for each room.
4. Use H-4: Duplex Dwelling Unit: One parking space per bedroom, up to a maximum of 4 spaces.
   a. Parking spaces may be reduced to 9 feet x 18 feet for single family use.
   b. Single-car garages may not be utilized as required parking spaces.
5. Use H-5: Estate Dwelling Unit (Single-Family): Same as Use H-7: Single-Family Detached Dwelling Unit.
6. Use H-6: Mobile Home Development: 2 parking spaces per dwelling unit plus one quarter (1/4) parking space per dwelling unit for visitors and overflow parking.
7. Use H-7: Single Family Detached Dwelling Unit: 2 parking spaces exclusive of garage space.
   a. Parking spaces may be 9 feet x 18 feet for single-family use.
   b. Single-car garages may not be utilized as required parking spaces.
8. Use H-8: Single Family Detached Cluster Development: Each permitted dwelling unit type shall be provided with parking as described herein.

9. Use H-9: Townhouse Dwelling Unit (Single-Family Attached):
    a. 2 parking spaces exclusive of garage space, plus one quarter (1/4) parking space per dwelling unit for visitors and overflow parking if proposed in a subdivision having more than 16 units and involving the creation of new streets or drives.
    b. Parking spaces may be reduced to 9 feet x 18 feet and must be single width for interior units, with double-width spaces permitted on end units.
    c. Single-car garages may not be utilized as required parking spaces, unless a basement is provided.
10. Use H-10: Twin Dwelling Unit (Single-Family Semi-Attached): 2 parking spaces.
    a. Parking spaces may be reduced to 9 feet x 18 feet.
    b. Single-car garages may not be utilized as required parking spaces.
11. Use H-11: Village Dwelling Unit: 2 parking spaces, which may include the garage.

J. **Mixed Uses:**
1. Use J-1: Mixed Use Building (Retail/Office):
    a. Parking shall be calculated according to the sum of the individual uses and not by the complex of uses.
    b. The users of the building shall utilize shared parking, consistent with the provisions of **SECTION 2313: SHARED ACCESS: REQUIREMENTS AND PROCESS**.
    c. Where accessory uses account for less than 10% of the gross leasable floor area (GLA), parking requirements shall be calculated based only on the principal uses of the building.
2. Mixed-Use Developments in BC-Noble: 2 parking spaces per dwelling unit; nonresidential uses are calculated based upon the specific use. For sites greater than one acre in size, at least one-half (.5) percent of the total number of parking spaces provided shall be dedicated car share facility spaces.

SECTION 2305. PARKING SPACE COMPUTATION AND REDUCTIONS:

A. Fractions. In computing the number of required parking spaces, if the computation results in a fraction, 1 additional space shall be required for the fractional amount.

B. Gross Leasable Floor Area. 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:
1. Basement and crawl space utilized strictly as storage use.
2. Mechanical and building utility spaces such as elevator shafts, water closets, and building equipment rooms.
3. Common hallways and stairways.
4. Aesthetic lobbies used for architectural enhancement or display, and not used or intended for business use.

5. Mezzanines devoted exclusively to storage use.
6. Bathroom facilities for use by common tenants or the general public utilizing the building.
7. Garage area utilized in the required parking space count for the principal building use, and not devoted to storage use.
8. 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 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 2306. MOBILITY REQUIREMENTS (BUSES, SHUTTLES, AND BICYCLES):

A. Buses. Multiple use retail centers and BC Business Center complexes greater than 100,000 square feet in total gross building area are required to provide:

1. 1 space for every one hundred 100,000 square feet of gross floor area. Bus spaces must be designed to accommodate buses; spaces designed for general vehicles may not be counted towards required parking for buses and may not occupy required fire lanes.
2. A pickup area for public transportation. The pickup area must include a 10-foot x 20-foot waiting area that is additional to the development's sidewalks. The pickup area must also include an area where a 40' bus can park without blocking any lanes of the development's driveways. Where the pickup area is internal to the development, driveways and a parking area must be provided that can handle and are designed for the weight and length of a 40-foot passenger bus.

Figure 23.1
Transit Pickup Area

B. Van Pool and Paratransit Vehicles. Multiple use retail centers and BC Business Center complexes greater than 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. Bicycle Storage Areas. Multiple use retail centers and **BC Business Center District** complexes greater than 100,000 square feet in total gross building area are required to provide bicycle storage areas near the principal building entrance area.

SECTION 2307. 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 following table:

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 1,000	2 % of the total spaces
1001 and over	20 plus 1 for each 100 spaces over 1,000

B. For outpatient units and facilities, 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, 20% of the total number of required parking spaces shall be accessible parking spaces.

D. Two accessible parking spaces may share a common access aisle.

E. One (1) in every 8 accessible spaces, but not fewer than 1, shall be served by an access aisle at least 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 parking required shall be determined by the sum of the requirements of the various uses computed separately as expressed herein.

SECTION 2308. ELECTRIC VEHICLES: In parking lots or garages with over 100 spaces, at least 3 spaces out of each 100 spaces shall be reserved for electric or hybrid vehicles.

SECTION 2309. PARKING SPACE REDUCTION FACTORS: The required number of parking spaces described above may be reduced as provided below when the applicable standard applies, and provided the total reduction achieved does not exceed 25% of the required number of spaces.

A. Public Transportation Reduction Factors:

1. Commuter Rail Station. Uses located within one quarter (1/4) mile walk, provided this walk is along a safe pedestrian network (where a safe pedestrian network is defined as sidewalks, crosswalks, trails, and/or other flat, finished surfaces that are separated from a road), of a commuter railway station are permitted a 5% reduction in the required number of automobile parking spaces.

2. Uses within 200 feet of a bus shelter station are permitted a 2% 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 3% 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 4% reduction in the required number of automobile parking spaces.

B. Reduction for Shared or Off-Site Parking:

1. Shared parking may be used to reduce the overall number of parking spaces provided. A parking study analyzing parking demands during peak demand periods based on the Urban Land Institute (ULI) publication *Shared Parking, Second Edition*, or equivalent model is required to determine the amount of possible parking space reduction.

2. Reduction for Parking Complex: When a minimum of four adjoining land uses create shared parking facilities through the formation of a parking complex, the collective parking requirements may be reduced by 20%.

3. Reduction for Off-Site Parking: The required number of parking spaces may be reduced by a maximum of 15% when an off-site parking area not adjacent to the site in question contains sufficient surplus parking spaces to provide the deficient parking for a given use, provided the following conditions are satisfied:

a. The off-site parking area shall be located within 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 exists, and use of the off-site location does not diminish the required parking for that of the remote 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 nonconforming and applicable to conditions for nonconforming properties.

4. Reduction for Public Parking Garages/Lots: The required number of parking spaces may be reduced by a maximum of 20% when a nearby public off-site parking area or parking garage contains sufficient surplus parking spaces to provide the deficient parking for a given use, provided the following conditions are satisfied:

   a. The off-site parking area must be a public facility, located within 750 feet of an entrance regularly used by the patrons of the facility seeking this reduction.

   b. All requirements (except for the distance requirement) of **§2309.B. Reduction for Shared or Off-Site Parking,** above, shall be applicable.

5. Reduction for On-Street Parking Spaces: The required number of parking spaces may be reduced for business establishments under 1,500 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 they do not exist in that location, 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. Parking in Reserve: The total number of parking spaces required under this Ordinance 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 reserve parking shall be fully engineered and designated as such on the approved subdivision or land development plan.

      (c) The reserve parking area shall be planted and maintained as landscaping or meadow, 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 parking reserve area shall be fully maintained at the sole expense of the landowner.

      (e) The parking reserve 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 2310. PARKING LOT AND FRONTAGE DEVELOPMENT STANDARDS:

A. The minimum width of drives and parking aisles shall be 24 feet for two-way travel and 12 feet for one-way travel (however, if the one-way access drive is part of a parking lot that services retail areas with high turnover or where shoppers load merchandise into vehicles, a minimum 22-foot aisle is required).

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. In no case shall a building be located closer than 5 feet to a parking area or access drive (this does not apply to loading or unloading areas).

E. Walkway Protection: When utilized, internal walkways through parking lots shall be protected with 6-inch raised curbing and shall be a minimum of 4 feet wide, exclusive of the vehicle overhang area.

F. Parking Access and Traffic Control:

1. Interconnections. All parking areas on the same lot or in the same jointly developed property must be interconnected with all others on the same lot (so that a vehicle need not leave the lot or jointly developed property to travel from one lot to another), unless existing buildings, steep slopes, or water bodies prevent this.

2. Parking Separation from Street. In order to minimize traffic congestion and hazard, no area for parking; or for the display, storage, sale, or movement of motor vehicles shall directly abut 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 access ways.

3. Parking Aisles and Access Drives. Parking lots shall have access from interior site parking aisles or access drives. Where practicable, access to parking areas shall be provided by an access drive at least 24 feet in width, a public right-of-way, or minor street in order to avoid direct access onto a major street or highway. Except for flares and curb returns, no such internal access drive or vehicular access point shall be more than 35 feet in width.

4. Shopping Centers and Transit-Oriented Developments. Main Access Drives shall not extend more than 500' without a principal building or plaza in its build-to-zone.

5. Access Control. Each use with less than 100 feet of frontage on a public street shall not have more than 1 vehicular access point per street. Each parking lot shall have not more than 2 vehicular access points to any 1 public street or highway for each 500 feet of frontage.

6. Distance from Intersection. For shopping centers, malls, campus uses, and other group development on lots 2 acres or larger in size, all vehicular access points to and from a public street shall be located not less than 200 feet from the intersection of any public street line. Any such vehicular access point which converts a pre-existing T-intersection into an intersection of 2 streets which cross each other shall be permitted, notwithstanding the 200 feet separation requirement.

7. All streets and access drives shall conform to the specifications of the Township Engineer.

8. Turning and Deceleration Lanes. Provisions shall be made for turning and standby deceleration lanes, adequate signalization, and for similar facilities when deemed necessary by the Township Engineer.

9. Direct Access. 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.

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; or for the purpose of delineating crosswalks.

11. Employee Parking Areas for uses greater than 10,000 square feet must be separately identified on the site.
12. **MS Main Street Districts:** Nonresidential side yards containing an access driveway to rear parking areas shall be a minimum of 20' wide, and shall contain the following features:
    a. A minimum driveway width of 12 feet for one-way travel.
    b. A minimum 5-foot wide pedestrian walkway area, separately defined from the travel area.
    c. A minimum 3-foot wide planting strip.
    d. Directional signage (to the rear parking) that is properly displayed and visible from the street frontage.

G. Shopping Cart Storage: Any establishment which provides shopping carts for transport of goods to parking areas must furnish 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 areas may not diminish the required number of parking spaces.

SECTION 2311. PARKING LOT USE RESTRICTIONS:

A. No parking area shall be used for any purpose that interferes with its ability to provide the required amount of parking.

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. All parking lots shall be maintained in good condition; free of weeds, dust, trash or debris.
3. They shall be provided with access drives located so as to minimize nuisance and hazard effects of headlight lighting.

SECTION 2312. 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 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 traffic lanes, access drives; parking aisles;, parking facilities, or pedestrian ways; or requiring 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. Exception: Loading and unloading of motor vehicles for delivery to automobile sales agencies may not occur within 200 feet of a residential property line. Such loading shall 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. Use of an off-site location for this purpose requires legally binding documentation allowing the

off-site use for the purposes; the documentation shall state that the off-site location may only be used for the actual loading and unloading of vehicles.

C. Loading areas or docks shall be located to the side or rear of the building.

D. No loading facilities shall be constructed in any required buffer area.

E. All 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.

F. A required loading berth shall be at least 15' in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 16 feet. 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 with 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.

G. Each required 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.

H. All open loading berths shall be paved in accordance with the regulations of the Township Subdivision and Land Development Ordinance.

I. No storage or motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading berth.

J. Space allocated to a loading berth shall not be used to satisfy the space requirements for any parking facilities or portions thereof.

K. 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:

Figure 23.2

Loading Requirements by Land Use or Zoning District

(Designated Loading Areas are not Required for Lots Smaller than 10,000 square feet).

Use	Gross Floor Area (square feet)	Number of Berths
Retail	First 5,000 sq. ft.	
	Next 5,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
	Uses over 100,000 sq. ft.	1 Loading Dock
Industrial	First 3,000 sq. ft.	1
	Next 7,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
Other Uses (as deemed necessary by the Board of Commissioners)	First 20,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
SI Suburban Industrial Districts	No use other than a purely industrial use shall be required to have more than 2 loading berths	
BC-Business Center District, Noble Area, for Properties Located Adjacent to the **SNR Senior Neighborhood Residential or AO Apartment–Office District**	Loading spaces and service areas shall be screened from view from new and existing streets and adjacent properties. Off-street loading areas shall be provided in accordance with this chapter; however, separate off-street loading spaces shall not be required for businesses which utilize a step van or single unit truck for deliveries	

SECTION 2313. SHARED ACCESS: REQUIREMENTS AND PROCESS:

Shared Parking and Access. The following provisions apply to lots with nonresidential or multifamily uses which meet the following conditions:

- They are undergoing land development or a change of use.
- They contain a nonresidential, mixed, or apartment/condominium use.
- They propose access to arterial or major collector roads, as defined by the Abington Comprehensive Plan.
- They lie adjacent to lots which contain a nonresidential, mixed, or apartment/condominium uses, which take access from an arterial or major collector road.

A. In the provisions below, Property 2 represents such a property undergoing land development, and Property 1 represents an adjacent property.

1. Shared Access via Existing Street Access on Property 1.
2. Property 2 shall provide an access easement guaranteeing internal vehicular access to all abutting lots with nonresidential, mixed, or apartment/condominium uses.
3. Property 2 shall request that the owner of Property 1 provide an access easement permitting access to Property 1's parking lot, parking aisles, parking access street access, and street access(s) to the public street. The easement, if provided, shall have a minimum width of 35 feet, and the crossing between lots shall be located between 35 feet and 100 feet from the public street.
4. If Property 2 can take access to an arterial or major collector road through Property 1 in conformance with the provisions of this section, it shall do so. The easement connection between Properties 1 and 2, and shared street access to the arterial or major collector road shall be subject to approval by the Board of Commissioners in conjunction with the land development process, based on its ability to minimize the need for future street access and/ or maximize the distance from existing street and street access intersections, including consideration for safe site distances.
5. The shared street access to the public street shall be separated from existing street access by a minimum of 100 feet.

B. A shared street access to an arterial or major collector may be located entirely on one lot or split along a common lot line.

C. Elimination of Existing Street access. All existing street access providing access to Property 2 from public roads shall be eliminated, unless they meet the requirements in **Subsection C Shared Access…** or **D. Independent Street Access to Public Street**.

1. Shared Access to Arterial or Major Collector Road (via existing street access on Property 2)
2. When shared access cannot be provided via an existing street access consistent with **Subsection A. Shared Access via Existing…**, above, a maximum of one street access on Property 2 shall be permitted per street frontage.
3. This street access shall be located along a side lot line bordering a property with a nonresidential, mixed, or apartment/condominium use. In order to accommodate required sight distances or preserve environmental features, the street access may be set back from the side lot line up to 50 feet. Shared access shall not be established when all

possible interconnections between the two abutting lots would cross twenty 20 L.F. or more of wetlands, floodplains, and/or slopes of 15% or more.

a. Property 2 shall provide an access easement to Property 1, guaranteeing street access from the closest property line through Property 2. The easement between the street access and the closest adjacent lot shall have a minimum width of 35 feet and shall be located between 35' and 100' from the public street.

4. Exception: Where parking is permitted between the building and the street in the **MS-VC Main Street-Village Center District**, shared access between lots must only be set back at least 5 feet from the "street wall".

5. The location of the street access and the easement connection to the closest adjacent lot shall be subject to approval by the Board of Commissioners based on its ability to minimize the need for future street access and/ or maximize the distance from existing street and driveway intersections, including consideration for safe site distances.

D. Independent Street Access to Public Street

1. When future shared access cannot be provided consistent with **Subsection A. Shared Access via Existing…,** the subject property may establish or maintain a maximum of one street access with a public street, with the exceptions listed in **Subsection E: Multiple Access Points on Subject Property**. If a property has frontage on more than one road, it shall take access from the higher classification road.

2. In order to facilitate shared access in the future, the independent street access with the arterial or major collector road shall be located so as to abut a side lot line bordering a property with a nonresidential, mixed, or apartment/condominium use that also takes access from an arterial or major collector. In order to accommodate required sight distances, or preserve environmental features, the street access may be set back from the side lot line no greater than 50 feet.

E. Multiple Access Points on Subject Property

1. Property 2 may have a second street access to an arterial or major collector road when it is located at least 300 feet from the first street access intersection and at least 300 feet from adjacent property lines.

2. Access Separation Reduction. When a second street access with the public street is constructed in conformance with this subsection, the required separation from adjacent property lines may be reduced in order to provide future shared access; provided the second street access is located within 50 feet of an adjacent property line and at least 300 feet from any other street access intersection. The adjacent property must have a nonresidential, mixed, or apartment/condominium use, and the potential interconnection shall not require crossing of 20 linear feet or more of wetlands, floodplains, or steep slopes.

F. Additional Provisions for Shared Parking Facilities:

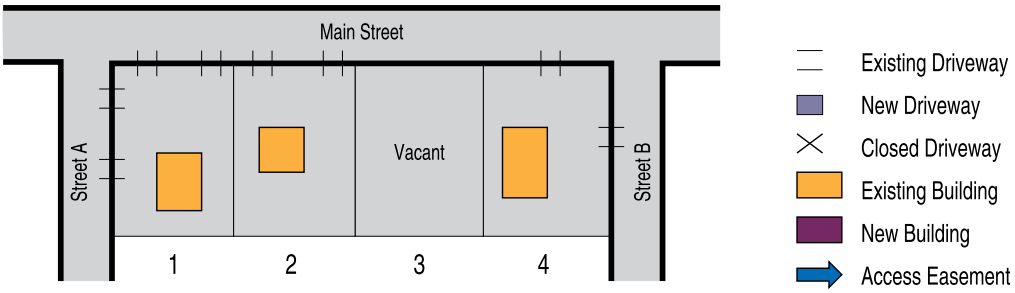
1. A parking complex (4 or more individual lots utilizing shared parking facilities) and each use within the complex may apply the parking reduction principal described herein. A parking complex may only be created between uses when a complete, shared, internal access driveway is established. In this case, not all uses have direct street access. The internal access drive may be located in the front, side or rear of the buildings.

2. In order to reduce parking lot aisle widths and increase the pervious land area, one-way traffic loops for adjoining land uses are encouraged. 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.
3. Interconnecting driveways must be a minimum of 12' wide for one-way travel, and 20' for two-way travel.
4. 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.
5. Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Board of Commissioners in consultation with the Township Solicitor.

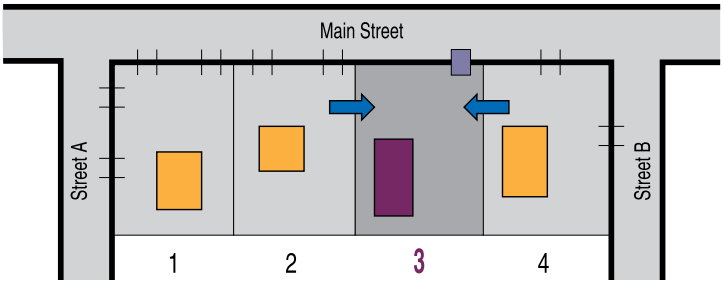
Figure 23.3

Shared Access Process (3 Illustrations)

Existing Conditions

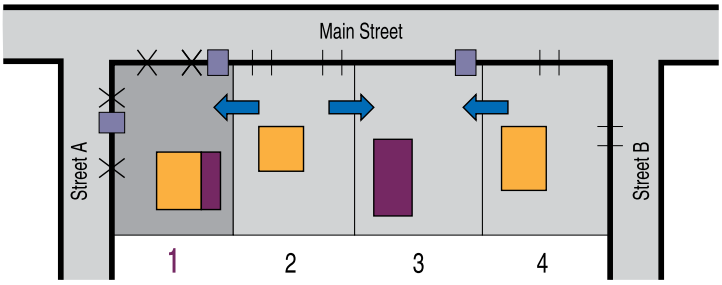


Property 3 Develops



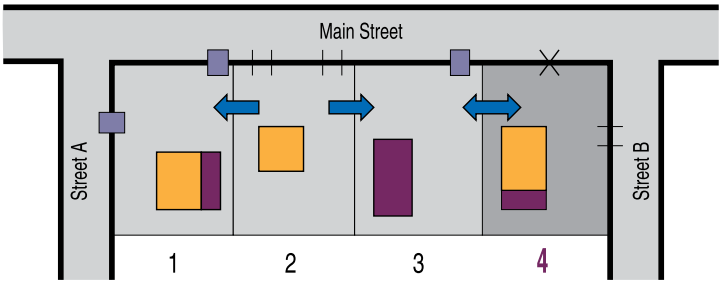
- **Property 3 Develops.** There are no existing access easements for this property to use. One new driveway is created near property 4. Property 3 grants access easements to properties 2 and 4.

Property 1 Redevelops



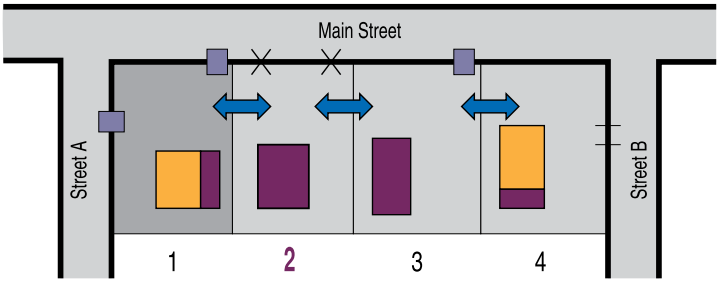
- **Property 1 Redevelops.** There are no existing access easements for this property to use. All existing driveways are closed. A new driveway is created on Main Street near property 2. Driveways on Street A are consolidated into one driveway. Property 1 grants access easement to property 2.

Property 4 Redevelops



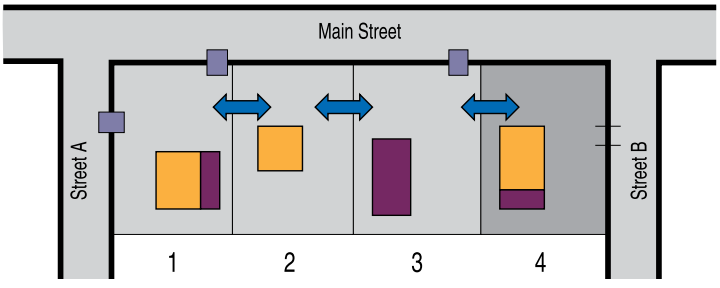
- **Property 4 Redevelops.** Along Main Street, property 4 must use the access provided by property 3, while closing the existing driveway. On Street B, property 4 keeps its existing driveway. Property 4 grants an access easement to property 3.

Property 2 Redevelops



- **Property 2 Redevelops.** Property 2 gets access through property 1. Property 2 must close its two existing driveways. Property 2 may also use the driveway located on property 3. Property 2 grants access easements to properties 1 and 3.

Final Condition



- **Final Condition.** When all development is finished, five driveways on Main Street have been reduced to two driveways and moved further from the road intersections.

Article XXIV: Landscaping

Note: It is necessary to consult both this Article and the Subdivision and Land Development Ordinance (SALDO) for a complete assessment of landscaping requirements.

SECTION 2400. INTENT:

A. Ensure that future development is well designed to protect the character, health, safety, and general welfare of the community.

B. Reinforce the social and economic stability of the Township and encourage the orderly and beneficial development of the community;

C. Provide for the buffering of certain types of land uses and screening of certain site elements to minimize their impact upon their surroundings; which visually integrate a land development with its surroundings.

D. Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania states that people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment. It is the intent of these landscape planting requirements to protect this right by conserving existing vegetation and/or requiring new landscape material in critical areas of land developments and land use.

E. Conserve existing healthy plant communities, such as woodlands, and to require new landscape plantings in critical areas of new land developments and land use in order. to:

1. Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.
2. Reduce stormwater runoff velocity and volume by providing planting areas where stormwater can infiltrate, and to aesthetically improve stormwater management facilities without impairing their function.
3. Improve air quality by conserving existing or creating new plantings, which produce oxygen and remove carbon dioxide from the atmosphere.
4. Provide animal habitat.
5. Provide wind breaks, shade, and the other microclimate benefits of trees and landscape plantings.
6. Conserve historically, culturally, or environmentally important landscapes such as woodland areas, scenic views, or aesthetic natural areas.
7. Preserve and enhance property values through the implementation of good landscape architectural standards.
8. Provide planted and architectural visual screens around visually obtrusive site elements within land development and between land uses.
9. Enhance the aesthetic appearance of the community and provide privacy and beauty.
10. Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.
11. Conserve energy by moderating solar radiation and providing shade.

12. Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas to provide cooling, encourage pedestrian activity, and reduce the urban heat island effect.
13. Aesthetically improve the appearance and character of public and private streets.

SECTION 2401. PRESERVATION AND PROTECTION OF EXISTING VEGETATION:

A. Tree Protection.

1. Public Trees.

a. Emergency Situations. The Township shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the right-of-way or bounds of all streets, alleys, lanes, squares, and public grounds, or any that extend into the right-of-way, if, in the opinion of the Township Codes Official, it endangers the safety of the public, or if it harbors disease or insects, in order to preserve or enhance the beauty of such public places.

b. Pruning of trees shall be in conformance with ANSI (American National Standards Institute) pruning standards as published by the International Society of Arboriculture (ISA).

c. The Township may remove or cause to be removed by the appropriate agency/ contractor, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is seriously affected with any injurious insect or disease. No tree designated on the National Register of Big Trees, as so designated by the state division of forest resources. *There does not appear to be such an agency; this should probably say Department of Conservation and Natural Resources; does the Shade Tree Committee have an opinion?* shall be pruned or removed without prior permission from the Township Code Official. *MCPC Design Section recommends considering having a local tree registry since the Register of Big Trees is such a high standard.*

d. Property owners of land abutting the public area with the tree have the option to perform normal tree care on all street trees.

e. If backfilling is approved around a tree or the area of the drip line, the grade shall not be altered by more than 2 inches.

f. The area around the base of a tree shall be left open. There shall be no storage of equipment, materials or other debris permitted within the area of the drip line. The property owner or developer is prohibited from re-grading the area that is within the drip line of the shade or street tree.

g. Electrical wire running through a shade tree, whether charged or uncharged, shall not be allowed to come into contact with any portion of the tree.

h. All stumps of street trees shall be removed a minimum of 4” below grade. Stumps not visible from a public street or abutting property or on public works department easements are exempt from this requirement.

i. The property owner of land abutting the public area with the tree shall be responsible for the cost of all maintenance or replanting of shade trees. This will shall include

damage to curb, gutter, sidewalks or the paved area of the cart way, deemed to be in need of repair. The property owner shall be liable for costs of all work completed by either the Township or a contractor hired to perform the work. The Township retains the right to collect fees either by lien or by subject payment(s).

j. Written authorization from the Township is required to remove a tree from the Right-of-Way.

k. Protection from Construction.

(1) All Township shade trees shall be protected from private or public construction operations or site development prior to the start of work on the site. All shade trees shall be protected at the outermost limits of the drip line with both safety fence and silt fence in order to protect both the shade tree and the root system. The developer or owner in charge of the site shall provide a plan to the Township Code Official that clearly plots the locations of all shade trees and the protection measures to be installed.

(2) All public trees shall be protected during construction. A tree on any street or other publicly owned property whose crown is within five feet of any excavation or construction of any building, structure, or street work, shall be guarded with a fence, frame, or box adequate for such protection. The construction tree guard shall be not less than 4 feet high and 8 feet square feet, or at a distance in feet from the trunk equal to the diameter of the trunk at breast height (DBH) in inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the construction tree guard.

l. Tree Topping. It shall be unlawful for any person, firm, or Township department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstruction where other pruning practices are impractical may be excepted from this section at the determination of the Township Codes Official.

2. Private Trees.

a. Clearance over Public Sidewalk. All properties in control of shade trees will maintain the shade tree to allow for a minimum of 9’ of clearance over a public sidewalk and a minimum of 16’ of clearance over any public street or highway. The Township will be required to notify the property owner of any and all violations as per the provisions of this ordinance.

b. Replacement after Impervious Coverage Increase. If impervious coverage is increased by at least 500 square feet, and such an increase requires tree removal, each removed tree with a caliper ≥ 6 inches must be replaced with two trees—each with a caliper ≥ 2.5”.

c. Public Health Nuisances. The township may remove or cause to be removed any dead or diseased tree within the township limits that is declared by the Township code official or his designated representative to be a public health nuisance. The Township will notify in writing the owner of such trees, and removal shall be in accordance with this ordinance. If the owner does not abate the public health nuisance within a reasonable time, the Township may proceed without notice to abate the unlawful

conduct and charge the actual cost of abatement to the property owner. Removal of the tree will also include the removal of the stump. The stump will be either removed completely or ground down 6 inches below grade. The void will be filled with clean soil, compacted and seeded. The removed tree will be replanted or replaced. The type and size of the tree planted will be to the requirements of the approved shade tree replacement list.

d. Subdivision, Land Development, and Site Disturbance.

(1) Tree Replacement.

(a) Existing Lots. Tree replacement shall occur when new impervious coverage exceeds 500 s.f. and a tree with a minimum caliper of six inches (6") is removed. In such cases, two new trees shall be planted for each tree with a minimum caliper of 6" or greater that is removed.

(b) New Lots. Where site disturbance activity on new lots proposes removal of more than 25% of the tree canopy, if the trees removed contain a tree with a 10-inch caliper or greater, or 6-inch caliper or greater on a steep slope, trees shall be preserved wherever possible, and those removed that meet the criteria above shall be replaced two-to-one on site by trees 2.5-inch or larger in diameter, measured 12 inches above grade.

(c) Preservation of Existing Vegetation: Each mature tree with a 10-inch caliper or greater on the site shall be designated either "TO REMAIN" or "TO BE REMOVED" in accordance with the following criteria:

(d) All subdivision and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.

(e) It shall be incumbent on the applicant to prove that vegetation removal is minimized. If challenged by the township, the applicant shall produce evidence such as written documents or plans certified by a registered landscape architect, a certified arborist, or other qualified professional showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree mass, and woodland areas.

(f) A mature tree or tree mass shall be considered "TO REMAIN" only if it fits all of the following criteria: The outermost branches of the tree(s) are at least five feet from any proposed buildings, structures, paving, parking, or utilities (overhead or underground); the outermost branches of the tree(s) are at least five feet from any proposed changes in grade or drainage such as excavations, mounding, or impoundments; the tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the health, safety, and welfare of the community; mature trees or tree masses that do not fit the above criteria shall be designated "TO BE REMOVED." These trees will be removed in the field during the construction process.

(2) Requirements for Tree Protection Zones: Existing vegetation designated "TO

REMAIN," in accordance with the landscaping plan of a subdivision or land development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary tree protection zone, constructed according to the standards expressed below, shall be erected a minimum of one foot outside the drip line on all sides of individual trees or tree masses prior to major clearing or construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.

(a) Construction, excavation and grade changes shall not encroach upon a tree protection zone.

(b) Vehicles and equipment shall not enter into a tree protection zone.

(c) No chemicals shall be stored within 100 feet of a tree protection zone.

(d) When stumps are located within 10 feet of a tree protection zone, they shall be removed by means of a stump grinder to minimize the effect on the surrounding root systems.

(e) Tree roots which must be severed shall be cut by a backhoe or similar equipment aligned radially to the tree. This method reduces the lateral movement of the roots during excavation, which if done by other methods could damage the intertwined roots of adjacent trees. Within four hours of any severance of roots, all tree roots exposed and/or damaged shall be trimmed and covered temporarily with moist peat moss, burlap or biodegradable material to keep them from drying out until permanent cover can be installed.

(f) Sediment, retention and detention basins shall not be located within or discharge into the tree protection zone.

(g) No topsoil shall be removed within a tree protection zone.

(h) Delineation of Tree Protection Zones: Prior to construction, tree protection zones shall be delineated by the following methods:

- Where applicable, the tree protection zone that is delineated on the site prior to construction shall conform to the approved development plans.
- All trees scheduled to remain shall be marked. Where groups of trees or woodlands exist, only the trees on the outer edge need to be marked.
- A four foot high snow fence mounted on steel posts located six feet on center shall be placed along the boundary of tree protection zones. The fencing along a tree protected zone shall be maintained until all construction has been completed.

(3) Trees outside a tree protected zone may be left standing as protection between the trunks of the trees retained and the limits of grading. When trees are used as protection, the snow fence requirement may be eliminated; however the tree protection zone on the approved plan shall be marked in the field so that the additional buffer area is delineated. When this method of protection is used,

these additional trees shall be removed at the time of project completion.

(4) Trees being removed shall not be felled, pushed or pulled into a tree protection zone or into trees that are to be retained.

(5) If there is no alternative but to locate a utility line through a tree protection zone, tunneling shall be used instead of trenching.

(6) When the original grade cannot be retained at the tree protection zone line, a retaining wall shall be constructed outside the tree protection zone that meets township standards and provides for drainage through the wall so water will not accumulate on either side.

(7) Hydrology: Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.

(8) Transplanting Existing Plant Material: Specimen trees or individual trees of transplantable size and condition from tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the maintenance requirements of this ordinance.

3. Hazardous Acts. The following acts shall be considered hazardous to shade trees and are prohibited, except in case of an emergency, or for the protection of life or property:

   a. Breaking or injuring, in any manner, a shade tree protected by this ordinance.

   b. Climbing with spurs any shade tree other than a tree permitted to be removed.

   c. Interfering with the main roots of any shade tree in any manner that would be detrimental to the health of the tree; including but not limited to excavation and toxic soil treatment.

   d. Permanently attaching any rope, sign, wire or other fixture such as house numbers or lights to any shade tree, without prior approval of the Codes Officer. Temporary decorations for the holidays shall not be considered to be permanent.

   e. Misuse or removal of any protective device placed on or around any shade tree.

   f. Attachment of any electrical wire, insulator or any other device for the purpose of securing any wire to a shade tree.

   g. Fastening a bicycle, carriage, animal or motor vehicle to the tree or its supports.

   h. Attaching any advertisement, notice or sign in any manner.

   i. Pouring, spraying or disbursing any chemical or substance deleterious to the tree life—on, in, or around the tree, other than approved products to prevent disease and infestation.

   j. Building or kindling a fire near any tree or its limbs and foliage.

   k. Interfering with any representative of the Township engaged in pruning, spraying, removing, or caring of trees.

   l. Driving nails or spikes into any shade tree or street tree.

4. Trenches and Excavation.

a. When digging trenches for utility lines or other similar uses, tunneling is the preferred method of installation. However in the event that trenching is the only means of installation, disturbance to the root systems of the street tree or shade tree must be minimized.

b. If trenches must be excavated in or through the root system, all disturbed roots shall be cut as cleanly as possible. The trench will be backfilled as quickly as possible, avoiding soil compaction. Tree limbs will be cut back in proportion to the root loss.

c. If the trench is to remain open for more than eight hours, any exposed tree root will be covered with burlap and wet down each day for the duration of the work.

d. Excavation is prohibited in the area described as within a radius of one foot for every inch of tree caliper.

B. Emergency Situations (Public and Private Trees).

1. Without respect to any of the provisions of this ordinance, the Township will retain the right to cut, remove, trim or perform any other form of maintenance to ensure clear passage of the public rights-of-way within the Township. Abington Township also retains the right to assess a bill for time and materials to the person(s) responsible for the blockage or unsafe condition within or over the public right-of-way.

2. The clearing of downed trees within the public right-of-way is generally performed by the Public Works Department of the Township, however due to the size of the trees involved and nature of the storms that caused this type of damage, the Township retains the right to use outside contractors in emergency situations.

SECTION 2402. PARKING LOT LANDSCAPING AND STREET TREES:

A. Parking Lot Landscaping.

1. Intent. It is the intent of this section to ensure that parking lots are effectively landscaped with trees and shrubs to reduce the visual impact of lighting, headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots. In the **MS Main Street** and **BC Business Center Districts,** an attractive "street wall" shall be used to continue the neighborhood's building line, and buffer parking where parking separates a building from the street sidewalk.

2. Any new or existing parking lots where at least 50% of the parking spaces are being developed or modified, or where 15,000 square feet of existing parking area has been altered; and where such parking area has at least 50 stalls, shall be landscaped according to the following regulations:

a. Planting Islands.

(1) One planting island (or peninsula, where a parking row is at the periphery of the parking area) shall be provided for every 15 parking stalls.

(2) There shall be no more than 15 contiguous parking stalls in a row without a planting island. As an alternative, an applicant may provide one canopy tree for

Figure 24.1
Planting Islands

every ten parking stalls in planting island areas and/or perimeter parking planting areas, at the discretion of the Board of Commissioners. However, regardless of which option is used, is used, the ends of all parking rows shall be divided from drives by planting islands.

(3) Planting islands shall be a minimum of 10 feet X 18 feet in area; underlain by soil (not base course material) mounded at no more than a 4:1 slope nor less than a 12:1 slope; and shall be protected by curbing, wheel stops, or bollards. Unless designed to function as part of the stormwater management system, planting islands shall be underlain by soil mounded up to 6 inches minimum above the paved parking or drive area and shall be protected by curbs (continuous concrete or Belgian block) or wheel stops.

(4) Each planting island shall contain one shade tree plus shrubs and/or groundcover to cover the entire area at maturity. Parking lot trees shall be a minimum of three inches in caliper, branching at 6 feet to 8 feet in height and of the recommended species as listed in the 'Recommended Plant Materials' List in the **SALDO.** Parking lot islands shall be planted in lawn or ground cover only.

(5) Shade trees located within any parking island which is less than 300 square feet measured from outside curb to outside curb will require permanently installed irrigation.

b. Planting Strips.

(1) In residential developments, parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.

(2) In nonresidential or mixed-use developments, parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.

(3) All planting strips shall be a minimum of eight feet wide. Strips shall run the length of the parking row, underlain by soil, mounded at no more than a 4:1 slope, nor less than a 12:1 slope, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of trees suitable for parking lots *(Please refer to the 'Recommended Plant Materials' List in the SALDO)* at intervals of 30 to 40 feet, plus shrubs and/or groundcover to cover the entire area at maturity.

Figure 24.2
Planting Strip

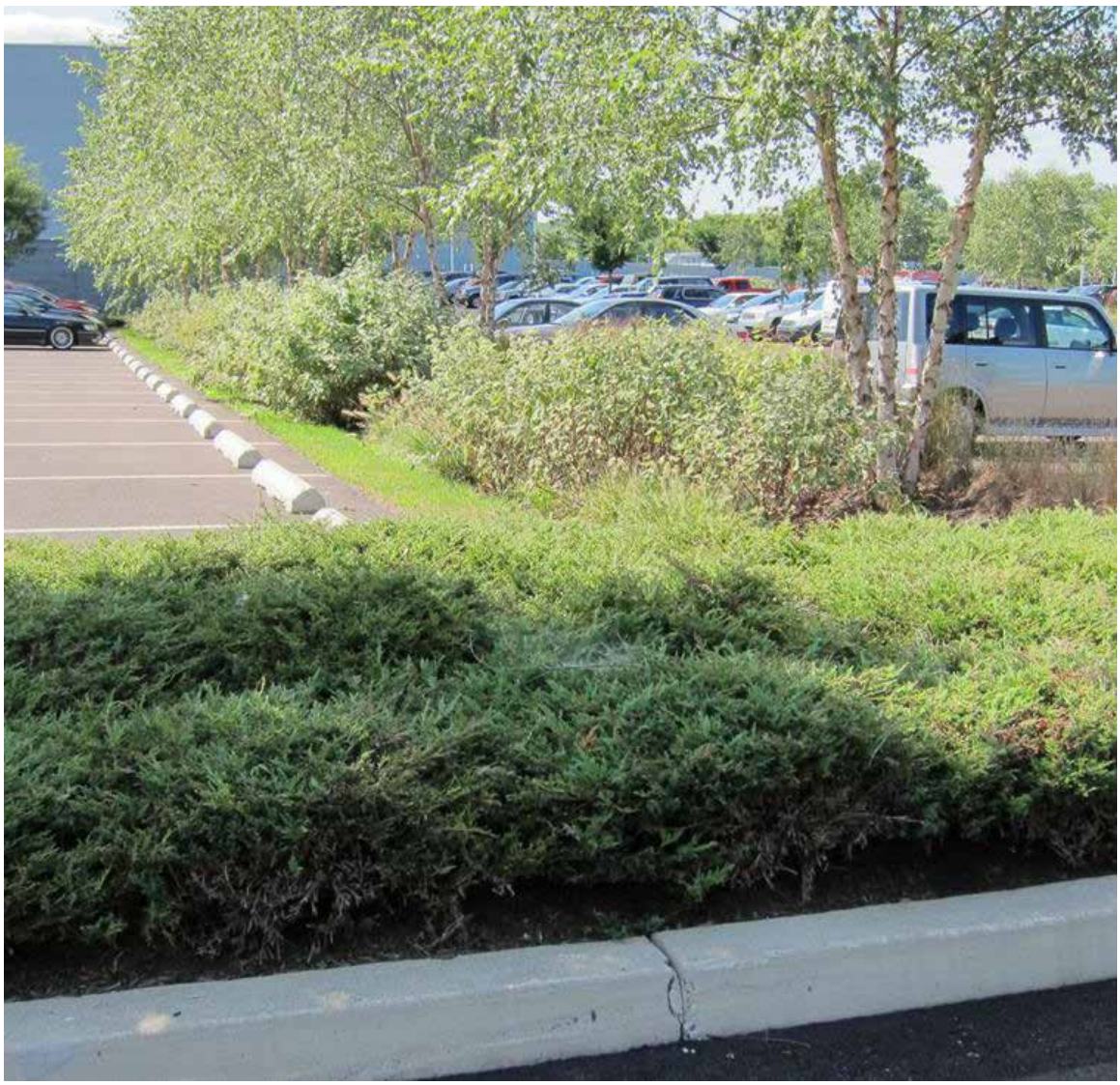


Figure 24.3

Planting Strips with Walkway

(4) At least half of the planting strips shall contain a 5-foot paved walkway leading towards the building, with 3 feet provided for plantings on one side of the walkway.

(5) All other planting strips shall be a minimum of 10 feet in width, with all ten feet for plantings.

(6) Strips shall run the length of the parking row, be underlain by soil, and be protected by curbs, wheel stops or bollards.

(7) Planting strips shall contain plantings of one canopy tree every 25 feet, with two shrubs per tree, and pervious area (consisting of green area, mulch, or pervious paving) to cover the entire remaining unplanted area at maturity.

(8) A single row of parking spaces located parallel to and between two access drives shall be separated from one of the access drives by a planting strip a minimum of 8 feet in width.

c. Plant materials shall comply with the Recommended Plant Materials list in the SALDO.

3. All parking lots with fewer than 50 stalls but more than 15 stalls shall be landscaped similar to the above requirements, except that planting strips between adjoining rows shall not be required. Planting islands will still be required.

4. All parking lots with 15 or fewer stalls shall be exempt from the requirements above in this Subsection A. Parking Lot Landscaping.

5. Parking Lot Perimeter Buffer. All parking lots or areas with more than 15 parking spaces shall be buffered according to the following when any part of the parking lies within 150' of a property line, public street, or residential district (exception: those parking lots to which the street wall requirement in **Article XXV: Streetscape** applies).

a. Parking lots shall be planted with a Medium-Intensity buffer [*see* ***§2403.B. Buffer Requirements***], a minimum of 10 feet in width, except where buildings, access drives, and/or walkways are located.

b. Unless designed to function as part of the stormwater management system, planting strips shall be underlain by soil mounded up to 6 inches above the paved parking or drive area and shall be protected by curbs or continuous concrete or Belgian block.

6. Minimum Green Area. In addition to the vegetation required for buffers and screens, a minimum of 10% of any parking area over 15,000 square feet in gross area, outside curb to outside curb, shall be devoted to landscaping. This may be counted towards meeting any minimum green area requirement of the respective zoning district in which the parking is located.

B. Street Trees.

1. Street trees shall be required:

a. Along each frontage on all existing streets when they abut or lie within the proposed subdivision or land development.

b. Along both sides of all proposed streets.

c. Along both sides of access drives that serve five or more residential dwelling units.

d. Along both sides of access drives that serve two or more nonresidential properties.

e. Along one side of major walkways through parking lots and between nonresidential buildings.

2. Street trees (except for those on walkways through parking lots and between nonresidential buildings) shall be planted between the curb and the building setback line or build-to-line. If possible, trees shall be planted in the verge between the curb and sidewalk. However, if the verge is less than 4 feet wide, trees shall either (a) be planted in a tree pit that extends into the sidewalk, so that the minimum width of the tree pit is 4 feet and the minimum length of the tree pit is 6 feet long, but the sidewalk's minimum horizontal clearance of 5 feet is unobstructed; or (b) be planted on the far side of the sidewalk from the curb. It is recommended that the tree pit extend below ground past the minimum dimensions of the pit to provide additional growing room for tree roots. If planted on the far side of the sidewalk from the curb, the tree shall be planted at least 5 feet past the sidewalk or ultimate right-of-way, whichever is farthest from the curb; however, the tree shall be planted no further than 15 feet from the sidewalk or ultimate right-of-way; and in no case shall the tree be planted as far from the curb as the building setback or build-to-line.

a. Exceptions. In certain cases, as follows, the Board of Commissioners may permit trees to be planted within the ultimate right-of- way:

(1) In areas where front yards may be located within the ultimate right-of-way.

(2) In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

b. Trees shall be planted at least feet 15 feet from overhead utilities, including street lights, and 6 feet from underground utilities. Street trees shall not be placed within the clear site triangle of street intersections.

c. Trees shall be planted at a ratio of at least one tree per 40 L.F. of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced. When feasible, trees planted on different sides of the same street should have alternating arrangement to minimize gaps in tree canopy cover.

d. Trees shall comply with the requirements of the 'Recommended Plant Materials' List in the SALDO.)

e. The use of tree species selected from the List of Recommended Plant Materials is required (Please refer to the 'Recommended Plant Materials' List in the SALDO).

f. In the event of conflict between the street tree planting requirements in this **Subsection B: Street Trees** and street tree planting requirements in a zoning district(s) or in **Article XXV: Sidewalk and Streetscape Design**, the standards in the zoning district(s) shall apply.

SECTION 2403. BUFFERS AND SCREENS:

A. Intent. Buffers and screens shall be required to integrate subdivisions and land developments

with their surroundings, separate incompatible land uses, minimize or eliminate views of specified site elements, enhance privacy, and serve as wind breaks. The requirements in this section are minimum standards; additional plant material, berms, or architectural elements may be included in the plan at the applicant's discretion.

B. Buffer Requirements.

1. Determining Buffer Requirements (Assessing the Adjacent Land Use) an on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The Township shall have final approval of interpretation of land uses or zoning map.

2. Buffer Options. A variety of equivalent property line buffers are provided for the varying site conditions which may exist. The applicant/developer may choose the buffer type desired.

3. Property Line Buffer Location and Requirements:

   a. The buffer area shall be at least 15 feet wide, unless otherwise specified.

   b. The buffer area may be included within the front (where applicable), side, or rear yard setbacks and may be counted towards green area requirements, where applicable.

   c. Each property line buffer area shall be located upon the lot or tract on which the use requiring the buffer is located. Exception: buffers may be developed on the adjacent property if an easement is used and permission is granted by the land owner; in such a case, buffers must comply with all zoning requirements.

   d. Otherwise, buffers shall not be located on any portion of an existing, dedicated or reserved easement or right-of-way unless such easement is for pedestrian access only (in which case any buffer shall not obstruct pedestrian access).

   e. The following elements may be located within, or projecting into a buffer:

      (1) Fences.

      (2) Benches and other decorative landscape structures not occupying more than five percent (5%) of the buffer in the associated yard area.

      (3) Passive recreation and walkways utilized in pedestrian site access systems, if the walk is generally perpendicular to the buffer area

   f. Where a fence or wall is constructed, it shall not be located within fifteen (15') of a property line abutting a street or access drive.

4. Buffer Specifications.

   a. In accordance with the diagram referenced above, every 100 linear feet of property line to be buffered shall contain the plant materials and quantities indicated below. The applicable property line buffer requirements are determined from the adjoining land use classification according to the table below. If an adjoining parcel in a residential district is vacant, it shall be considered a "residential use" for the purpose of calculating the buffer requirements.

Figure 24.4

Parking Lot Screen

Figure 24.5

Buffer Required by Land Use Type

Buffer Type Required*				
Proposed Land Use	**Adjoining Land Use Classification**			
	I	II	III	IV
I	No buffer required			
II	M	L	M	M
III	H, M*	M	L	L
IV	VH, H*	H, M*	M	L
V	H, M*	L, L*	None	None

**Applies to residential district when located across local street or railroad tracks.*

I = Residential (except Apartments/Condominiums, and Mobile Home Park)

II = Apartments/Condominiums, Mobile Home Park, Office, Community Service (Institutional)

III = Retail

IV = Industrial: including:
- *Public utility facilities or structures*
- *Waste collection, storage and/or treatment facilities*
- *Any other structure of similar character or impact*

V = Nonresidential or Apartment/Condominium use, on tract larger than 10 acres

L = Low Intensity buffer

M = Medium Intensity buffer

H = High Intensity buffer

VH = Very High Intensity buffer

(1) Low Intensity Buffer. A low-Intensity buffer is intended to soften the impact of a land development without significantly blocking the view. It includes the following elements per 100 L.F.: 1 canopy tree (2-2½" minimum caliper), 2 understory trees (1½" minimum caliper), and 2 evergreen trees (8' minimum height).

(2) Medium Intensity Buffer. A medium-intensity buffer is intended to partially obscure the view of a land development or provide a degree of privacy. It may consist of any of the following options:

(a) Option A: 2 canopy trees (2-2½" minimum caliper), 2 understory trees (1½" minimum caliper), 5 evergreen trees (8' minimum height), and 5 shrubs (24" minimum height) per each 100 linear feet.

(b) Option B: A decorative, opaque wall or fence. A wall, 6 feet in height. Where the wall faces a public street or district permitting residential uses, shrubs shall line the outside of the fence at a ratio of 10 shrubs per 100 linear feet. No more than 50% of the shrubs shall consist of any one species; they may be grouped informally or spaced evenly.

(3) High Intensity Buffer. A High-Intensity Buffer is intended to form a barrier to the view of a land development or provide more privacy than less-intense buffers. It includes the following elements per 100 linear feet:

(a) Option A: 8 evergreen trees (8' minimum height at time of planting), 2 canopy trees (2-2 ½" minimum caliper), 2 understory trees (1 ½" minimum caliper), and 10 shrubs (24" minimum height at time of planting).

(b) Option B: A double row of evergreen trees (8' minimum height at time of planting), planted 10 feet on center, and staggered so as to form a continuous screen.

(c) Option C: 15 evergreen shrubs (4' minimum height at time of planting), 3 canopy trees (2-2½" minimum caliper), and 4 ornamental trees (1½" minimum caliper).

(d) Option D: An opaque fence or wall, 6 feet in height; on the outside of the fence or wall, there shall be 3 canopy trees (2-2½" minimum caliper) and 4 ornamental trees (1½" minimum caliper).

(4) Very High Intensity Buffer. A Very High Intensity Buffer is intended to form an extensive barrier to the view of, and physically separate, a land development from an adjacent property; or provide substantial privacy. It consists of the following:

(a) A double row of evergreens, planted 10 feet on center, with a minimum height at planting of 6 feet and a minimum height at maturity of 15 feet, with the two rows offset to form a continuous screen at maturity; and

(b) A 4- to 6-foot high continuous curvilinear berm, along with flowering trees, at the rate of one tree for every 20 feet, spaced evenly or arranged informally. The berm and flowering trees shall be located on the far side of the row of evergreens from the abutting property. The maximum slope of the berm shall be three to one (3:1).

(5) Limited Area Buffers. Some older developed neighborhoods have limited room for buffers. In cases where an applicant seeks a variance from the buffer requirements because of limited space, it is recommended that the Zoning Hearing Board consider the following alternate buffers (where vegetation is included, the minimum buffer width shall be 3 feet). The Limited Area Buffer would be equivalent to an evergreen hedge planting.

(a) One (1) evergreen shrub per 3 linear feet (4' minimum height).

(b) Four-to-six foot solid fence or wall.

(c) Four-to-six foot solid fence or wall with shrubs (deciduous or evergreen) on the outer side.

(6) Buffer Material. Walls used in buffers shall not consist of concrete masonry units; fences used in buffers shall be wood or simulated wood, and shall not consist of chain link or wire. Both sides of the wall or fence shall be finished.

(7) Berms. If an all-vegetative buffer option is used, a berm may be added. If a berm is not required, a berm may still be used, in which case the amount of required vegetation may be reduced by 20% (by vegetative element). The berm shall be at least 2- to 3-foot high, continuous, curvilinear, with each berm area not to exceed 50'.The maximum slope of the berm shall be three to one (3:1).

(8) Ornamental grasses, planted in defined clumps /massing, may be substituted for shrubs with the approval of the governing body.

(9) Breaks in Buffers. Each buffer containing a wall or fence or other continuous element shall contain a 5- to 10-foot break at least once every 50 feet, for the purpose of pedestrian access, maintenance access, and/or to avoid creating a monolithic feature.

b. If a special exception or conditional use is granted, the Zoning Hearing Board or Board of Commissioners, respectively, may require a higher intensity buffer than otherwise required, or may choose to specify the buffer required. In addition to the buffer options listed above, the Zoning Hearing Board or Board of Commissioners might consider a specified type of attractive fencing or walls, grading, architectural elements, or some combination thereof.

c. Mixed-Use Buffer. A mixed use shall be buffered based on the use included that requires the more/most intense buffer.

d. Low-Intensity Buffer Alternative. In the Low Intensity buffer, one evergreen tree may be substituted for one of the required ornamental trees, at the applicant's discretion.

e. The required plant material shall be distributed over the entire length and width of the buffer area.

f. Arrangement of Plant Material. Buffer plant material may be arranged symmetrically (formally) or asymmetrically (informally) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.

g. Plants shall be spaced to provide optimum growing conditions.

h. A variety of tree species is required *(See **Figure 24.6: Tree Species Requirements**, below).*

i. All plant materials shall meet the requirements of the Recommended Plant Materials list in the SALDO.

j. Buffering for land use classifications not referenced above shall be determined by the Township.

Figure 24.6

Tree Species Requirements

NUMBER OF TREES	MINIMUM NUMBER OF TREE SPECIES	MAXIMUM PERCENT OF ANY ONE SPECIES
0 – 5	1	100%
6 – 15	2	50%
16 – 30	3	40%
31 – 50	4	30%
51+	6	20%

5. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material, if the Township Engineer determines that the minimum quantities and/or visual effect of the existing vegetation would be equal to or exceed that of the required buffer. Similarly, existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the Township Engineer. The minimum quantities and visual effect shall be equal to or exceed that of the required screen.

6. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers if the Township Zoning Officer determines that the minimum visual effect shall be equal to or exceed that of the required buffer or screen.

7. Buffers for Specific Zoning Districts and Uses. Where there is a conflict with the standard buffer/screening requirements in this section, the district-specific buffer/screening provisions below shall take precedence. Otherwise, the standard buffer/screening standards apply.

   a. **BC Business Center District.** The standard buffer requirements apply to the **BC Business Center District**, with the following exceptions:

      (1) A High-Intensity Buffer shall be required where the **BC Business Center District** abuts a district permitting residential uses. In the **BC Business Center District**, this buffer shall include:

         (a) A 6-foot high opaque wall or fence. Walls consisting of unfinished concrete masonry units and chain-link fences are not permitted.

         (b) A double row of evergreens, meeting the specifications described in **§2403.C.6.c.(1) High-Intensity Buffer: Double Row of Evergreens** option. However, the evergreens shall be at least feet in height at time of planting. The wall or fence shall be located on the side of the evergreens closest to the **BC Business Center** development.

         (c) **BC-Business Center District, Abington Towne Center Area.** In addition to the wall/fence and double row of evergreens required above, the screening buffer required along Davidson Rd. shall have the following characteristics:

            - One hundred feet (100') minimum width (the wall/fence and double row of evergreens shall be located along the western edge of the buffer).

- A berm with ornamental trees and shrubs meeting the specifications of **§2403.C.6.a.(2) Low-Intensity Site Element Screens: Berm with Ornamental Trees and Shrubs** shall extend along at least 60% of the linear length of the buffer. Breaks in the berm shall be provided at least once every 200 L.F. of buffer area.
- An undulating path through the buffer area, with benches at least once every 300 L.F. of buffer area, shall be provided.

(d) **BC-Business Center District, Noble Area:** Where a property abuts a zoning district boundary, a high-intensity buffer, options **§2403.B.4.a.(3)(B) Double Row of Evergreens** or **§2403.B.4.a.(3)(D) Opaque Fence or Wall** shall be used. The minimum width of the landscape screen shall be one half of the required building setback. Where the required minimum setback is 10 feet or less, a 6-foot high fence and 5-foot wide landscaped area shall be required

(e) Where the required minimum setback is 10 feet or less, a medium intensity buffer **§2403.B.4.a.(3)(B) Double Row of Evergreens** is required.

b. **CS Community Service District.** Along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than 30 feet in width shall be provided.

c. **LP Land Preservation Overlay District Perimeter Buffer.** The outer boundaries of the buildable area of the tract shall be completely surrounded by a 100-foot 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 5-year 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 50 feet in depth.

d. **SI Suburban Industrial Districts (SI-G Suburban Industrial Glenside, SI-W Suburban Industrial Willow Grove)**

(1) The front yard buffer shall be a minimum of 8 feet wide.

(2) The side yard and rear yard buffers shall be a minimum of 3 feet wide.

(3) Buffers adjacent to a residential zoning district shall be a minimum of 30 feet wide.

e. Use E-8: Hospital: Where the use adjoins or lies across a local road from existing residential uses, a 25-foot **[§2403.B.4.a.(3)] High-Intensity Buffer** shall be provided. Emergency and service entrances shall only be located on arterial or collector roads, unless the applicant can demonstrate to the satisfaction of the Township Code Official that suitable buffers will be formed.

C. Site Element Screens

1. Site element screens shall be required in all proposed subdivision and land developments for site elements that are located partially or fully within 100 feet of the property line or existing road right-of-way.
2. An on-site investigation by the applicant shall determine the existing adjacent land uses along each property boundary. In the case of vacant land, the uses allowed in the existing zoning district shall be used. These existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The Township shall have final approval of any interpretation of land use or map.
3. The type of site element screen required shall be the highest intensity screen required of the following: the site element shown in the table below, the adjacent existing land use, or the zoned use requiring the most intense screen in the case of vacant land.

Figure 24.7

Site Element Screen Requirements

Site Element	Type of Screen Required
Recycling areas, typical	Low Intensity
Private accessory building or shed	Low Intensity
Electrical, HVAC, or utility equipment box	Low Intensity
BC Business Center and **MS-VC Main Street-Village Center Districts**: Ground or wall-mounted mechanical, electrical, communication, HVAC, and service equipment, including satellite dishes and vent pipes	Low Intensity (for wall-mounted equipment, walls, landscaping, or architectural extensions of the building may be used)
Drop-Off Recycling Container	Medium Intensity
Dumpster or Trash containment area	Medium Intensity
Loading dock	Medium Intensity
Outdoor storage area (including but not limited to tools, supplies, and/or equipment)	Medium Intensity
Vehicle storage	Medium Intensity
Commercial outdoor play area (private recreation)	Medium Intensity
Drive-through	Medium Intensity, but High Intensity when abutting or facing a residential district
Cumulative above-ground storage tank > 150 gallons	High Intensity
Distribution Center	High Intensity
Outdoor recreation, fields, and play areas, when adjacent to, or within 100' of a residential district or use	High Intensity
Play Area at Day Cares	High Intensity
Pump Station	High Intensity
Quarry/Resource Extraction Use	High Intensity Screen Type #6: Double Row of Evergreens. Such a screen shall be no less than 25 feet in width, and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
Sewage Treatment Plant	High Intensity

4. 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.

5. 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.

6. Screen types and design criteria (Regardless of the type of screen used, a screen must be adequate to visually screen the proposed land use or development from off-site view). A higher-intensity screen may always be substituted for a lower-intensity one.

   a. Low-Intensity Site Element Screen:

      (1) Screen Type #1: Evergreen or Deciduous Shrubs. This shall consist of evergreen or deciduous shrubs spaced no further than three feet on center, in a minimum five-foot-wide bed surrounding the site element, and arranged to provide a continuous hedge-like screen with a minimum height of 4 feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit.

Figure 24.8

High-Intensity Buffers and Very High-Intensity Buffers Should Form Substantial Visual Barriers

      (2) Screen Type #2: Berm with Ornamental Trees and Shrubs. A 2- to 3-foot high continuous, curvilinear berm with ornamental trees at the rate of one ornamental tree and two shrubs for every 20 linear feet, clustered or arranged informally. The maximum slope of the berm shall be three to one (3:1).

(3) Screen Type #3: Low Wall. This shall consist of a masonry wall (not unfinished concrete masonry units), at least 50% opaque, no less than 3 feet tall and no more than 8 feet tall.

b. Medium-Intensity Site Element Screen:

(1) Screen Type #4: Opaque Fence or Masonry Wall with Shrubs. This shall consist of an opaque fence or masonry wall with a minimum height of at least 6 feet. A fence may not consist of chain link or wire; a wall shall be constructed of masonry (but not unfinished concrete masonry units). The finished side of the fence or wall shall face out. The outside of the fence or wall shall be surrounded by a planting area extending at least 3 feet outwards, planted with deciduous or evergreen shrubs (3' minimum height at time of planting, with a height of at least 6' at maturity) spaced no further than 3 feet on center. Screens for dumpsters or trash containment areas shall completely enclose the site element, and shall include a self-closing gate.

Figure 24.9

Screen Type #4: Opaque Fence with Shrubs

(2) Screen Type #5: Evergreen Hedge. This shall consist of an evergreen hedge with a minimum height of 6 feet at time of planting, spaced no further apart than 3 feet on center.

c. High-Intensity Site Element Screen:

(1) Screen Type #6: Double Row of Evergreen Trees. This shall consist of a double

row of evergreen trees with a minimum height of 6 feet at planting time, spaced no further apart than 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12' at maturity.

(2) Screen Type #7: Opaque Fence with Ornamental Trees and Shrubs. This shall consist of a 6-foot tall opaque fence surrounding the site element on at least three sides with additional plantings at a minimum rate of three shrubs (24" minimum height at time of planting) and two ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to the fence.

(3) Screen Type #8: Architectural Extension of the Building. This shall consist of an 8-foot minimum height extension of the building (such as a wing wall) and shall enclose service or loading docks. The predominant building material of the extension shall be the same as that used as the predominant material on the main building. It is recommended that the same style of architecture on the main building be used on the extension.

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required site element screen plant material, provided that the Township Code Official agrees that the minimum quantities and visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

8. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of This Ordinance, with the approval of the governing body.

9. All plant materials shall meet the requirements of the Recommended Plant Materials list in the SALDO.

10. Screen for **SI-G Suburban Industrial-Glenside** and **SI-W Suburban Industrial-Willow Grove Districts**: Waste facilities need not be screened from railroads, and shall comply with township regulations regarding management and disposal of trash and waste material.

D. Building Foundation Landscaping. Building foundation landscaping provides variety in landscape requirements by softening architectural views, enhancing the architectural appearance of the structure, and is considered an integral part of the landscape screen. They also serve to keep vehicles from direct contact with building walls. The following landscaping standards apply to all nonresidential and apartment/condominium buildings:

1. Building foundation landscaping shall be provided between (a) the foundations of principal buildings' facades and (b) sidewalks, access drives, or parking areas.

2. A minimum of 25% of the linear area (parallel to the building wall) between the building foundation and sidewalks, access drives, or parking areas shall be landscaped with ornamental or evergreen trees and shrubs (*Please refer to the 'Recommended Plant Materials' List in the SALDO)*

3. This landscaping may project into the sidewalk, provided a horizontal clearance of 6 feet is maintained.

Figure 24.10

Foundation Landscaping

E. Ground Cover.

1. The purpose of ground cover is to soften the general landscape appearance of the site, and to assist with the control of stormwater runoff and soil erosion. This section applies to required "green areas" as defined in the Zoning Ordinance.

2. Ground cover generally consists of grass and manicured lawn areas, but may contain other plant material which accomplishes the same purpose. Mulch may be used with ground cover elements, but shall not be used to exclusively cover an area.

3. All areas not devoted to buildings, driveways, walks, accessory structures, and landscape elements defined herein, shall be planted with all-season ground cover.

4. When required:

   a. Required Tree/Shrub Plantings. For nonresidential land uses, the tree/shrub plantings for the area in ground cover shall include a minimum of one deciduous or evergreen tree of two and one-half inch (2-1/2") caliper, measured at a height of one foot above grade, for each 1,000 square feet of ground cover area. Three evergreen shrubs of 2½ feet in height may be substituted for one tree for a maximum of 50% of the tree requirement.

   b. Existing trees and shrubs may be utilized in meeting this requirement if the Township Engineer feels they meet the intent of this section.

Article XXV: Sidewalk and Streetscape Design

Standards for sidewalks, crosswalks, and streetscapes shall be regulated by the SALDO. In addition to provisions in the SALDO, the regulations herein shall apply in the following districts:

- BC Business Center
- MS-H Main Street—High Intensity
- MS-L Main Street—Low Intensity
- MS-VC Village Center
- CS Community Service (Easton and York Road, streetside sidewalk only)

SECTION 2500. "STREET WALL":

Where parking in the **MS Main Street, BC Business Center**, and on Davisville Road in the **SI-W Suburban Industrial-Willow Grove Districts** is permitted between (a) the building and (b) the street/main access drive/private street, it shall be screened by a decorative low wall or fence; and, landscaping (which shall not block the sight triangle); all of which is consistent with the following specifications:

A. **MS-Main Street Districts (MS-H, MS-L, and MS-VC).**

1. Fence or Wall. If a fence, it shall be constructed of wood, wrought iron, or all-weather material designed to look like wood (no chain link); its height shall be 36-42". Breaks shall exist in the street wall that are a minimum of 30' and maximum of 50' apart. The breaks shall be paved with a hard surface for pedestrian access (each break for pedestrian access shall be five to eight feet [5'-8'] wide). If a masonry wall, it shall be constructed of brick, stone, or stucco capped with brick or stone; the height shall be 30"-36". The fence or wall shall be built within five feet (5') of the sidewalk. Applicants are encouraged to add, benches, bike racks, and/or bus shelters between the sidewalk and street wall.

2. Landscaping. The fence or wall shall include a landscaped area extending three feet (3') from the wall on its street side. The landscaped area shall be planted with shrubs, perennials, or ornamental grasses planted five feet (5') on center, reaching three to four feet (3' - 4') in height at maturity. All plantings shall be consistent with adopted Township Revitalization plans and other plans with streetscape recommendations.

Figure 25.1
"Street Wall" (1 of 3)

Figure 25.2

"Street Wall" (2 of 3)

Photo Credit: Goodman Properties

Figure 25.3

"Street Wall" (3 of 3)

B. **BC-Business Center District:**

1. Fence or Wall. A wall shall be 30 to 36" tall, a wrought-iron fence shall be 36" to 42" tall. The fence or wall shall be constructed five feet (5') from the sidewalk. If a masonry wall, it shall be constructed of brick, stone, or stucco capped with brick or stone; if a fence, it shall be constructed of wood, wrought-iron, or all-weather material designed to appear as wood. A five-to-ten foot (5'-10') foot break for pedestrian access shall be provided in the wall or fence; the breaks shall be provided at intervals of 30' to 100'.

2. Landscaping. All parking areas and lots, with the exception of parallel parking spaces, shall be physically screened from streets and access drives. The screen shall consist of a five-foot (5') wide landscaped area lying on the street side of the fence, or wall. The landscaped area shall be planted with shrubs, perennials, or ornamental grasses planted five feet (5') on center, reaching three to five feet (3' - 5') in height at maturity. All plantings shall be consistent with adopted Township Revitalization plans and other plans with streetscape recommendations.

C. **SI-W Suburban Industrial-Willow Grove District**: when parking for uses on Davisville Road lies between the street and the principal building, a "street wall", a decorative fence or masonry wall shall be constructed within five feet (5') of the sidewalk. If a fence, the fence shall be 36"-42" high; it shall be constructed of wood, wrought-iron, or all-weather material designed to appear as wood (chain link fence is prohibited). If a wall, it shall be 30"-36" high; it shall be constructed of brick, stone, or stucco, and be capped with brick or stone. Applicants are encouraged to add decorative landscaping, benches, bike racks, and/or bus shelters between the sidewalk and street wall.

SECTION 2501. TRAFFIC CALMING:

Developments shall incorporate traffic calming devices along public or private streets and main access driveways to slow traffic and improve pedestrian mobility and safety, as prescribed by the Township Safety Officer or other staff member responsible for review of traffic safety. Traffic calming devices include curb bump-outs, raised median islands, speed bumps, and raised crosswalks or intersections, consistent with the most recent version of PennDOT's Traffic Calming Handbook.

Figure 25.4
Traffic Calming (Crosswalk and Bump-Out)

SECTION 2502. STREET FURNITURE:

Street furniture shall include (though not be limited to) benches, trash and recycling receptacles, planters, and bike racks. It is recommended that street furniture shall be decorative, functional, durable, and properly scaled to the space, and follow recommendations of an adopted or approved revitalization plan or other plan addressing the streetscape. Where land is under common ownership, benches, and trash and recycling receptacles shall be provided at least every 100 feet, bicycle racks shall be provided at least every 300 feet (but every 200 feet in the **MS Main Street** and **BC Business Center Districts**), and planters shall be provided at least every 50 feet. At least half of all bike racks shall be covered or shall consist of bike lockers.

Figure 25.5
Street Furniture

SECTION 2503. RESIDUAL SPACE BETWEEN BUILDING AND SIDEWALK:

In the **MS-VC Village Center District**, the residual space between the sidewalk and building shall be compatible with and encourage pedestrian activity. This space may be used for street furniture, decorative paving, low-growing vegetation (perennials or shrubbery), public art, and similar features; but shall not be used for trees unless they are used to screen or soften parking lots.

SECTION 2504. SIDEWALKS AND CROSSWALKS:

A. Sidewalk Design. Sidewalks shall be constructed of durable, attractive materials like brick, stone, or colored or textured concrete accented with pavers. Proposed sidewalk materials and patterns shall be designed and coordinated to be compatible with those on adjacent properties. Sidewalk materials shall be the same or similar to decorative crosswalks when feasible.

B. Street Front Sidewalks in the **BC Business Center District**, **MS Main Street Districts**, and C**S Community Service Districts** shall directly abut the verge, shall have the following minimum width, and shall be unimpeded:

   1. Public streets: eight feet (8'), except ten feet (10') in the **BC Business Center District**.
   2. Main Access Drives: eight feet (8').
   3. Secondary Access Drives: six feet (6').
   4. Alleys: four feet (4'). However, a sidewalk is not required where the applicant can demonstrate that the alley(s) is not intended for pedestrian use.

C. Sidewalks Internal to a Development. In the **BC Business Center** and **MS Main Street Districts**:

   1. Pedestrian Links. All buildings must be connected, via a continuous pedestrian network of sidewalks, crosswalks, and paths, to:

a. Parking, streets and public transportation.

b. All other on-site buildings.

c. Public open space areas.

d. On-site transit stops.

2. Sidewalks shall be constructed along the full extent of each front building façade. If a building is located within 25' of the public street, the street sidewalk shall be considered to fulfill this requirement. Where buildings are less than 50' apart, a sidewalk shall connect the buildings.

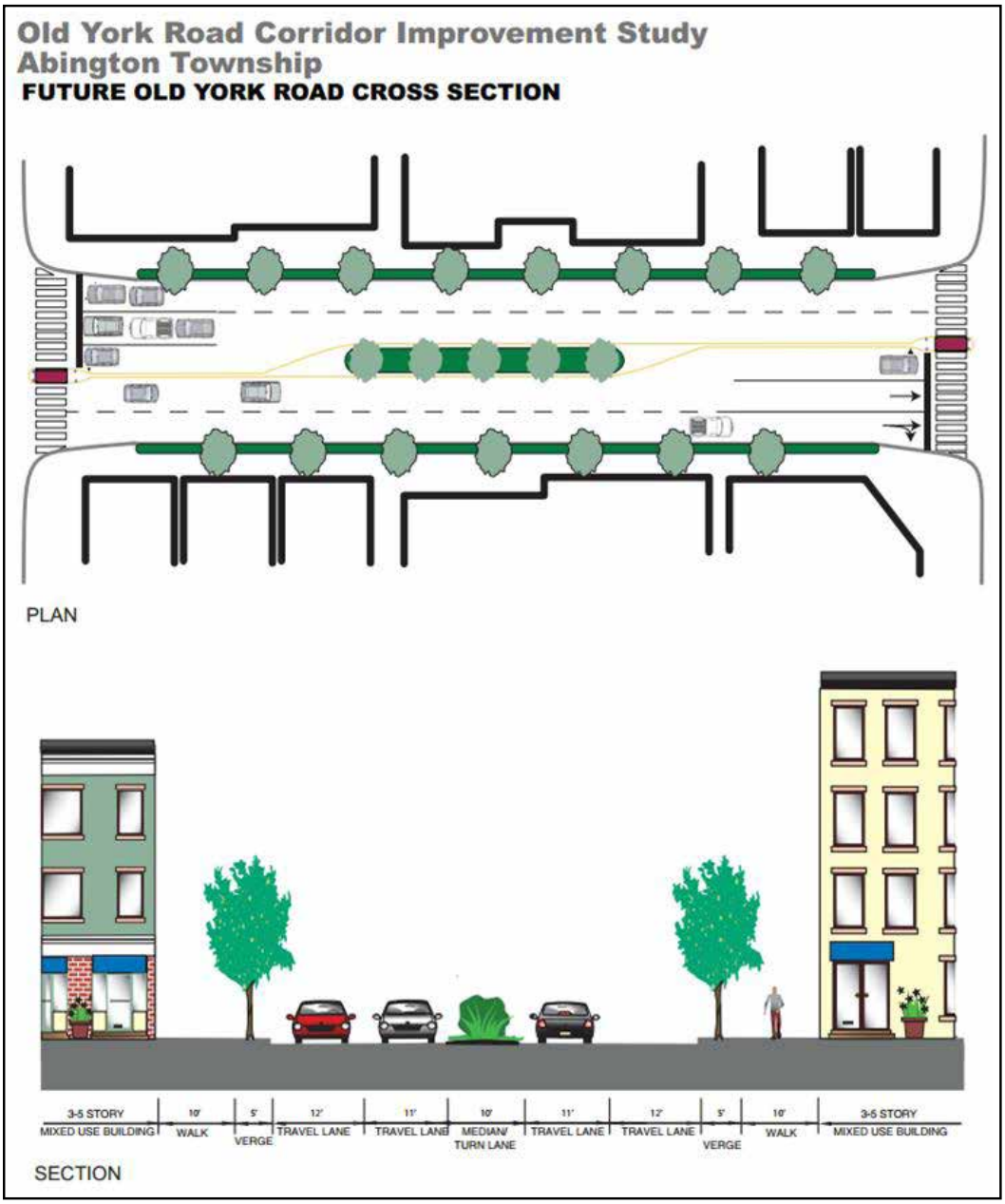
D. Sidewalk Connections to Other Properties. In addition to connecting sidewalks along streets, it is recommended that sidewalks connect to pedestrian activity areas and points of interest on other properties, including transit stations or stops, other sidewalks, trails, parking areas, parks, and similar areas.

E. Decorative Verge. Streets and main access drives shall be separated from sidewalks by a decorative verge (landscaped strip) area, so as to allow for street trees and furnishings such as benches and light fixtures. Street furniture surrounded by hardscaping (brick surface, paving stones, or other decorative paving) may be located in the decorative verge. At least 25% of the decorative verge area shall be landscaped with a mix of ground cover, shrubs, and trees. The width of the verge shall be as follows.

Figure 25.6
Decorative Verge

Figure 25.7

Decorative Verge (2)



Note: Dimensions in illustration are not required minimum sizes.
Source: "Old York Road Corridor Improvement Plan" (2010), by McCormick Taylor/AKRF

1. **BC Business Center District**:
   a. Public streets: six feet (6').
   b. Access drives: four feet (4').
2. The **CS Community Service District** on Old York Road, and all **MS Main Street Districts**: Public streets and access drives: Three feet (3'). Tree pits may extend one foot (1') into the sidewalk so they may attain a width of four feet (4').

a. Alleys: no verge is required.

F. Crosswalks.

1. Shall be provided at all:

a. Intersections of streets with access drives or other curb cuts in public streets (including those for private streets and parking areas).

b. Intersections of multiple access drives.

c. Locations where buildings of at least 50,000 s.f. lie across an access drive from a parking area or pedestrian destination, so that the crosswalk connects the parking and the building.

2. Design.

a. Width. Crosswalks shall be at least six feet (6') wide, but shall not exceed ten feet (10') in width.

b. In the **MS Main Street District**, and the **CS Community Service District** on Old York Road, at least 50% of the material for crosswalks over curb cuts and over public streets and main access drives shall consist of decorative paving.

c. **BC Business Center District**. Crosswalks shall be constructed of patterned surface dressing, textured paving, or stone/brick/concrete pavers that are easily seen and distinguished from the roadway. Crosswalk borders shall be highlighted with a contrasting color and/or texture at least six inches (6") in width. Installation and selected materials shall be durable and able to withstand vehicular traffic.

Figure 25.8

Crosswalk with Decorative Paving

Article XXVI: General Regulations

SECTION 2600. PURPOSE: The requirements of this chapter shall be applicable to all permitted uses in all zoning districts, unless specified otherwise in this Ordinance.

SECTION 2601. GENERAL REGULATIONS:

§2601.A. Commercial Subdivision. Such use shall include the division or allocation of existing nonresidential 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 nonconforming condition shall be permitted in order to accommodate the additional use.
2. The minimum subdividable, interior nonresidential space shall be 500 square feet.
3. Each new or subdivided use must be issued a separate occupancy certificate by the Township, and must be registered for tax purposes.
4. 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.
5. Additional sign rights are not permitted in order to accommodate the new use. Sign rights may be shared equally among the tenants.
6. A new address may not be assigned to the new use unless the building is converted as a condominium or the property is subdivided.
7. Mixed or shared use parking reductions, as provided for in this Ordinance, shall not be applicable to interior subdivision unless the total area for nonresidential use within the building or structure is greater than 3,000 square feet.

§2601.B. 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 Overdevelopment: In order to prevent the overdevelopment 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 improvement elements such as banners, benches, kiosks, light poles, planters, trees, waste receptacles (provided a party responsible for regular emptying of receptacles is designated), bike racks or lockers, bus stop shelters, 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 lot area.
   c. 24 hour operations are permitted by state Law to the extent they are not detrimental

to the health, safety, and welfare of the community. Commercial (retail) uses abutting residential properties and not separated by a street shall not operate between the hours of 12:00 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 nonresidential site development does not adversely affect the character of existing residential neighborhoods, a traffic study shall be provided when warranted by conditions described in the Traffic Impact Study section of the SALDO.
5. Site Reuse: When existing buildings or structures larger than 50,000 square feet are proposed for reuse, 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.

§2601.C. Community Security Standards.

1. Window Gates or Panels. Front walls of buildings and other walls exposed to view from public streets and thoroughfares may not utilize exterior gates or panels, or security bars 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.
2. Property Abandonment. Securing of Building and Site. 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.

§2601.D. Density Calculation.

1. The maximum residential density per lot or building site is calculated by dividing (1) the net land area; by (2) the minimum lot area for permitted dwelling types. The maximum permitted residential density is not guaranteed to the developer, unless all other conditions of this ordinance are satisfied.
2. Maximum commercial intensity is regulated by either Floor-to-Area Ratio (FAR), or a combination of dimensional requirements of this Ordinance, such as maximum building coverage, maximum building height, and for minimum parking requirements.

§2601.E. Display and Storage of Goods.

1. Subject to the requirements of this section, and upon the receipt of a Township issued permit seasonal or temporary outdoor sales of articles, equipment or merchandise shall be permitted in the **Town Commercial, Mixed Use, Special Commercial** and **Planned Business Districts**. Seasonal or temporary sales of articles, equipment or merchandise shall also be permitted at any property occupied by a religious use, community service use or emergency services use in any district. However, the permanent storage or sale of articles, equipment, or merchandise shall not be permitted outside of a fully enclosed building in any district.
2. The issuance of any permit pursuant to this section shall be for a period of ninety (90) days or less. No more than two (2) such permits will be issued to any applicant for any calendar.
3. Seasonal or temporary outdoor sales of any articles, equipment or merchandise shall not be permitted within 1,500 feet of any structure wherein the primary use of the building, storefront, or structure is the sale of such articles, equipment or merchandise.
4. The display or sale of products or merchandise that are concurrently offered for sale within the store or business area pursuant to a current Use and Occupancy permit in the **Town Commercial Mixed Use Special Commercial** and **Planned Business Districts** is permitted.
5. The temporary or seasonal display or sale of products or merchandise by a nonprofit

organization shall be permitted in the **Town Commercial, Mixed Use, Special Commercial** and **Planned Business Districts** with the property owner's consent and shall not require a permit.

6. Where permitted, outdoor display and sales of articles, equipment, and merchandise, must not be located on public sidewalk property or interfere with the minimal requirements for safe pedestrian access.
7. Vending machines and newspaper stands, where otherwise permitted, shall be erected such that they do not interfere with any pedestrian access, right of way or designated or required parking areas. The placement of all such vending machines or newspaper stands shall be a minimum of thirty (30) feet from any handicapped accessible parking spots, curb cuts ramps lifts or other accessibility requirements of 42 U.S. C. § 12101, et. seq., known as the "Americans with Disabilities Act." For the purposes of this section, a vending machine shall be any machine that dispenses items such as snacks, beverages, movies, DVDs games lottery tickets, cologne, or any other products to customers automatically, after the customer inserts currency or credit into the machine. For purposes of this section a newspaper stand shall be vending machine, box, or other structure utilized for the distribution or sale of newspapers, magazines, pamphlets or other written materials.
8. Where permitted, outside storage must be screened according to the provisions of this Ordinance.

§2601.F. Environmental Performance Standards. 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 following shall apply:

1. Control of dust and dirt, fly-ash and fumes, vapors and gases:
   a. No emission shall be made which can cause any damage to health, animals, vegetation, other form of property; or which shall cause a nuisance; or which can cause excessive staining at any point.
   b. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point.
   c. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air.
   d. A nuisance shall not be created by reason of disseminating of noxious, toxic, or corrosive fumes. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
   e. Sprays or Sprayers. 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.
2. Fire or Explosion. No use shall endanger surrounding areas by reason of fire or explosion.
3. Heat, Lighting or Radiation. No use shall produce objectionable heat or radiation beyond the property line. No light source shall be visible from beyond the property line. Any operation producing intense lighting or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point along the lot lines.
4. Electrical Disturbance. No use shall result in major electrical disturbance in nearby

residences or other buildings outside the **SI Suburban Industrial Districts**, 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.

5. Water level or supply. No use shall endanger the underground water level or supply for other properties.
6. Sewage. No use shall 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: Pennsylvania Sewage Facilities Act.
7. Truck or Delivery Traffic. 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.

§2601.G. Height Exceptions.

1. In nonresidential zoning districts, the height limitation prescribed in the district standards may be exceeded as follows:
   a. Projections on Buildings. Vertical projections on existing and permitted buildings. The district height limitations 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. Parapets shall extend no higher than 48" above the roof line.
   b. Projections on Freestanding Structures. 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 nave no applicability to Use A-2E: Commercial Antennas, which uses are regulated exclusively by Article XII: Wireless Communications of this ordinance. The Zoning Hearing Board shall only grant the special exception provided that the provisions (1 through 4), below, remain unchanged.
      (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) That the structure is located for minimal impact if damaged or felled, including the imposition of additional setback from property lines where deemed appropriate.
      (4) That the structure or its use does not constitute a known health or safety hazard to surrounding uses.

SECTION 2601.H. Lighting Standards.

1. Intent: To limit the potential negative effect of parking lot illumination on adjacent properties; to provide adequate light levels to create a safe, secure environment; to minimize light pollution and energy consumption; and to incorporate lighting fixtures that are consistent in style to the overall development.
2. Minimum Parking Lighting. All on-lot public parking areas, aisles, and access ways for any nonresidential use shall be provided with a minimum of one half (.5) foot candles of light at any point on the ground.
3. Maximum Lighting Spillover. Lighting spillover onto nonresidential properties or street

rights-of-way shall not exceed 1 foot candle of light at a distance measured ten feet (10') from the property line, measured at a height five feet (5') above grade. Lighting spillover onto residential properties shall not exceed .5 foot-candles, at a distance measured ten feet (10') from the property line, measured at a height five feet (5') above grade. No light shall shine directly from a light source onto the ground, into the windows, or onto improvements of an abutting residential property.

4. Lighting standards in parking areas shall not be located farther than 200' apart, and may not be taller than 18' in height. No pedestrian lighting standard may exceed 14' in height.
5. In every district, all lighting shall be arranged so that the light source is not visible from streets or highways and the light source does not produce hazardous interference of any kind.
6. All lighting shall use a full-cutoff design, so that the point source of lights shall not be visible from any location off-premises.

Figure 26.1
Full Cutoff Lighting

Source: www.flickr.com, by User "ajmexico", under a Creative Commons License.

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 the light source from being visible from streets or abutting properties.
8. Lighting Design. It is recommended that lighting be designed to be compatible with the rest of the development's architecture and materials.
9. Setbacks. Lighting shall be set back 20' from adjacent residential districts or uses.
10. Lighting located within a setback area that lies adjacent to a residential district or use shall be no higher than ten feet (10').
11. **AO Apartment–Office District**: Lighting poles cannot exceed 12' in height, must be set back at least 20' from single-family residential property lines, and may not shine light onto abutting properties. However, lighting in the rear yard may be as high as 18' if it is set back at least 50' from neighboring residential properties.

§2601.I. Lot Standards.

1. Uses on previously existing lots which are nonconforming 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/build-to line, yard area, building coverage and impervious coverage are satisfied.
2. The principal use located on a nonconforming residential lot may be expanded, provided all other dimensional criteria, including yard areas, 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.
5. A proposed subdivision or land development may not create a nonconforming lot, nor a nonconforming condition on any adjoining lots or uses.
6. Nothing in this section exempts any property from the provisions of the Township Subdivision and Land Development Ordinance (SALDO), 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 Use C-33: Shopping Center, Use F-4: Office Campus, Use H-2: Apartment/Condominium Campus, 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 30'.

§2601.J. Mechanical Equipment Standards.

1. All roof-mounted equipment shall be architecturally screened from public view on adjoining streets, public thoroughfares, and adjacent residential uses for a minimum distance of 1,000' beyond the property line, as measured at a height of six feet (6') 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 1,000' from the property line is greater than 20%, the applicant is exempt from this provision.
2. When nonresidential 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 remotely 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.

3. HVAC shall not be located in the front yard.

§2601.K. Open Space Standards. Where proposed, or where required by zoning district, the creation of open space in conjunction with land development or subdivision shall meet the following requirements:

1. Open Space Standards.
   a. Open space may be used for buffer, land preservation, recreation, or scenic purposes.
   b. Applicants shall provide open space, including appropriate recreation facilities and trails in accordance with the Abington Open Space, Recreation, and Environmental Resource Protection Plan.
   c. Conservation. 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 landscapes, historic features, and natural scenic views of the site.
   d. Contiguous Area. In order to count towards the required minimum open space requirement, 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 shall be a minimum of one (1) acre in size, including land counted on estate lots. If there are more than three non-contiguous open space areas, only three will count towards the required minimum open space. Areas less than one acre in size will not count towards the required minimum open space.
   e. Permitted structures shall not be located in the buffer area, and shall be set back a minimum of 50' feet from any tract boundary, property line or roadway.
   f. Open space shall be visible from dwelling units and roadways.
   g. Access. Open space area must have safe and convenient pedestrian and maintenance access, without obstruction of an intervening lot(s), 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 (SALDO) regulations.
   h. Environmental Feature Adjustment. No more than 75% of a proposed open space area used to count towards minimum open space requirements shall be comprised of designated flood hazard districts, steep slopes in excess of 25%, or wetland areas.
   i. Width. Any area designated as contiguous open space area, and counting towards meeting the minimum open space requirement, shall be no less than 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.
   j. Restriction from Further Subdivision and/or Land Development. All areas designated as **Land Preservation Overlay 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 Township, 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.
   k. 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 of 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.

l. 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 percent (5%) of the total required minimum open space (i.e., "land preservation area") of the 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 Township at the discretion of the Board of Commissioners, or used for a larger, watershed storm water management plan approved by the Township.

   e. Water supply and individual or community sewage disposal systems for individual lots within a **Land Preservation (LP) Overlay 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 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. However, Open space may include land within utility corridors only if the utility companies having legal rights to these corridors do not prohibit their use for such purposes.

   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.

   j. Historic structures.

   k. Driveways and roads approved by the Board of Commissioners; however, these cannot count towards the minimum required open space area.

3. Ownership and Methods of Conveyance: All open space shown on the final development plan as filed with the Township 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 feesimple to the Township: The Township 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 Township, and accept dedication thereof;

      (2) The Township agrees to and has access to maintain such lands;

      (3) The titles are conveyed to the Township 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, trust, condominium, individual, or other legal entity:

(1) The terms of such instrument of conveyance must include provisions suitable to the Township 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 Township 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 Township, prior to final plan approval, and any liens 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 Township.

(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 Township.

(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 Township 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 Township shall be absolute, and not subject to reversion for possible future use for further development.

c. Private Homeownership: At the option of the Township, 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 feesimple lots, provided:

(1) The terms of such instrument of conveyance must include provisions to the Township for guaranteeing:

(a) The continued use of such land for the preservation of open space;

(b) Such other conveyance and/or easement that the Township 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 Township 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 Township shall deem desirable to fulfill the purposes and intent of this Ordinance.

4. No form of ownership, change in method of ownership, or change in owner of the open space may occur without the approval of the Township; along with by-laws, agreements, and conditions, subject to the satisfaction of the Township.

5. Estate lots shall require appropriate agreements for the maintenance of the open land.

6. 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.

§2601.L. Standards Applicable to Zoning Uses.

1. All zoning uses allowed under this Ordinance shall only be permitted provided all use regulations for that particular use and regulations applicable to the district where the use is permitted shall be satisfied. In the case where use regulations conflict with district regulations, the stricter regulation shall apply.

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 exceed the maximum impervious coverage level in an effort to meet the required minimum parking.

3. No more than one (1) principal use shall be permitted on a lot or parcel, unless permitted by the applicable zoning district or use regulation. Ten percent (10%) of the total gross leasable floor area for nonresidential 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 MS-H Main Street-High, MS-L Main Street-Low, MS-VC Main Street-Village Center, SI-G Suburban Industrial-Glenside, or SI-W Suburban Industrial-Willow Grove zoning districts shall comply with the dimensional regulations of the residential zoning district which most closely matches their lot size area.

§2601.M. Standards for Impervious Surface Areas.

1. Residential Uses. 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.

Figure 26.2
Pervious Paving

2. Nonresidential Uses. Pervious paving materials may be used in lieu of impervious materials on nonresidential uses, provided such material is approved by the Zoning Official and Township Engineer, will not pose a hazard or unsafe condition for public use, and does not increase development potential.
3. Removal of Impervious Area. In order to achieve the maximum impervious coverage on an existing lot proposed for alteration or expansion of use, other existing impervious area or materials may be removed in exchange for new construction rights.
4. Residential driveways may be left in stone if desired, provided at least ten feet (10') of paved area exists behind the property line which the driveway intersects.

For nonconforming impervious surface coverage regulations, see ***Article XIX: Nonconforming Uses, Structures, Lots, and Signs****.*

§2601.N. Trash Containment Standards.

1. Trash containment and storage shall be provided inside the principal building, or located as remotely as possible from adjoining residential uses. In no case may trash containment occur between the building and the street, nor be located closer than 15' to an adjoining residential use or district.
2. When stored external to the principal building, trash containers must utilize self-closing lids, or be placed in self-confining containers in order to provide odor control.
3. When trash containment is located outdoors in the **MS-H Main Street-High Intensity, MS-L Main Street-Low Intensity, MS-VC Main Street-Village Center**, and **BC Business Center Districts**, trash containers shall be located in walled or fenced enclosures, at least six feet (6') in height.
    a. Enclosures shall utilize self-closing gates.
    b. Enclosures shall be constructed of masonry wall or wooden fence (or a vinyl-coated fence designed to look like wood).
    c. Enclosures and gates shall not consist of chain link fence; enclosures shall not consist of cinder block.
    d. It is recommended that trash enclosures be constructed of the same or similar materials and colors as the principal structure on-lot.

Figure 26.3
Trash Containment

4. Trash containers shall be emptied and removed from the premises with such frequency so as to eliminate overflow, unsanitary conditions, and noxious odors.
5. 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 feasible, 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.

§2601.O. 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.
      (1) Shall have two (2) front yards and two (2) side yards.
      (2) Where multiple front yard standards are expressed for corner properties, for example a 50'/40' setback in the **R-1 Low Density Residential District**, new construction shall follow the yard setback established by the existing or proposed units in the adjacent block or row which contains the greater number of buildings, provided those units lie in the same zoning district as the corner property.
   b. Through-lots (lots fronting onto two streets), shall have two (2) front yards and two (2) side yards.
   c. Triangular or pie shaped lots shall have one (1) front yard and two (2) side yards.
   d. Irregularly Shaped Lots. 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.
   e. In the **MS-H Main Street-High**, **MS-L Main Street-Low**, and **MS-VC Main Street-Village Center Districts**, the following conditions for lots with more than two frontages apply:
      (1) Triple-Frontage Lots. If a lot is fronted on three sides by streets and there is a required minimum front yard setback but no required maximum setback, the minimum front yard setback requirement for the district shall be applied only on the two opposing street fronts. The front yard setback on the third street front must be at least one-half the required front yard setback in that district. If there is a required build-to-zone, the third street frontage must conform to the minimum build-to-zone setback distance, but does not have to comply with the maximum build-to-zone setback.
      (2) Quadruple-Frontage Lots. If the lot is fronted on four sides by streets and there is a required minimum front yard setback, two opposing streets shall have the

required minimum front-yard setback, and the other two streets shall have front yards of at least one-half the required minimum front yard setback in that district. If there is a required build-to-zone, two opposing streets shall comply with the required build-to-zone; the other two street frontages must meet the minimum build-to-zone setback required, but do not necessarily have to meet the maximum build-to-zone setback requirement.

f. Setbacks Along Railroads. Minimum side or rear yard setbacks will not be required for lots used for nonresidential purposes when such side or rear yards would be adjacent to railroad rights-of-way in zoning districts other than residential districts.

g. 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.

h. Projection into Yards. No principal building, or portion thereof, shall be erected within, or project into any required yard, except as follows:

(1) Bay windows, structural buttresses, cornices, eaves, gutters, and chimneys projecting not more than 24".

(2) 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 inches (2") of surrounding grade elevation, without artificial earth mounding.

(3) Solar roof overhangs—*see* ***Article XXVII: Alternative Energy***.

(4) Covered or uncovered fire escapes may project up to four feet (4') into any required side or rear yard, unless they would obstruct driveways used for service or emergency vehicles.

(5) Covered or uncovered handicapped ramps, used exclusively for ADA compliance, may project into any required setback or yard area.

(6) 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.

(7) Security stations, guard houses, bus shelters, and pollution recovery shelters may be located within any setback or required yard provided they do not exceed 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 and lie in the required minimum setback, yard requirements shall be measured from the inside edge of the resource right-of-way or easement.

(9) Setback 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 300' of the property in question shall be used. Such calculations shall be certified by a registered professional surveyor.

§2601.P. Zoning Standards Applicable to Streets and Driveways.

1. Public and private streets, public easements, parks and rights-of-way are subject to the

zoning 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 rights-of-way.
3. On residential properties, one driveway cut is permitted for every 100' of street frontage unless otherwise regulated, except for corner properties, which are permitted one driveway cut on each street frontage.
4. No driveway shall be more than 20' wide.

Article XXVII: Alternative Energy

SECTION 2700. DEFINITIONS:

A. **Accessory Anaerobic Digester** – An anaerobic digester used to convert biogas into electricity, heat, and water and is intended to primarily reduce on-site consumption of utility power. A system is considered a small anaerobic digester only if it supplies electrical or thermal power for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Small anaerobic digesters use livestock and poultry manure generated on-site from one (1) farm, and is designed and intended solely to generate power to off-set utility costs. Small anaerobic digesters may include co-digestion in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts).

B. **Accessory Solar Energy System** – A solar collection system consisting of one or more building and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to 20 kilowatts (for electricity) or rated storage volume of the system of less than or equal to 240 gallons or that has a collector area of less than or equal to 1,000 square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Figure 27.1
Solar Energy System, Ground-Mounted

C. **Accessory Wind Energy System** – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of less than or equal to 100 kilowatts and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also

receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Figure 27.2
Wind Turbines

D. **Acidity (Basicity)** – The amount of acid present in a solution.

E. **Applicant** – The person or entity filing application under this ordinance.

F. **Anaerobic Digester** – A facility which main purpose is to use anaerobic digestion processes to convert livestock manure (primary catalyst) and feedstock into biogas, which is generally burned on-site to produce electricity, heat, and water; as well as to manage livestock and poultry manure. Anaerobic digesters may include co-digestion in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts). Types of anaerobic digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (or continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

G. **Anaerobic Digestion** – is a series of processes in which microorganisms break down biodegradable material in the absence of oxygen, used for industrial or domestic purposes to manage waste and/or to release energy.

H. **ANSI** – The American National Standards Institute

I. **APCA** – Air Pollution Control Act

J. **Appurtenances** – The visible, functional, or ornamental objects accessory to and part of buildings.

K. **ASTM** – The American Society for Testing and Materials

Figure 27.3
Anaerobic Digester

Source: U.S. Department of Agriculture (anaerobic digester) [CC-BY-2.0 (http://creativecommons.org/licenses/by/2.0)], via Wikimedia Commons.

L. **Biogas** – A fuel consisting of methane, carbon dioxide, and small amounts of water and other compounds produced as part of anaerobic digestion processes.

M. **Building Code** – The Municipal Uniform Construction Code Ordinance

N. **Clean Wood** – Natural wood that has no paint, stains or other types of coatings, and natural wood that has not been treated with preservatives or chemicals, including but not limited to copper, chromium, arsenate, creosote or pentachlorophenol.

O. **EPA** – United States Environmental Protection Agency

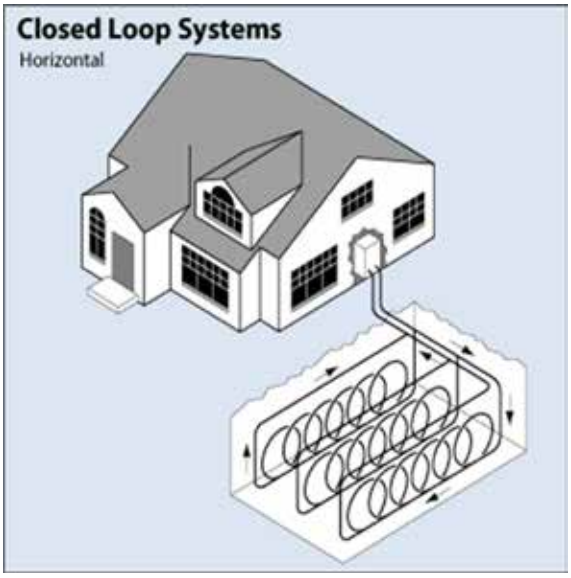
P. **FAA** – Federal Aviation Administration

Q. **Geothermal Terms**

1. Closed Horizontal Loop Geothermal System: A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the Earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater. A horizontal closed loop system shall be no more than 20' deep.

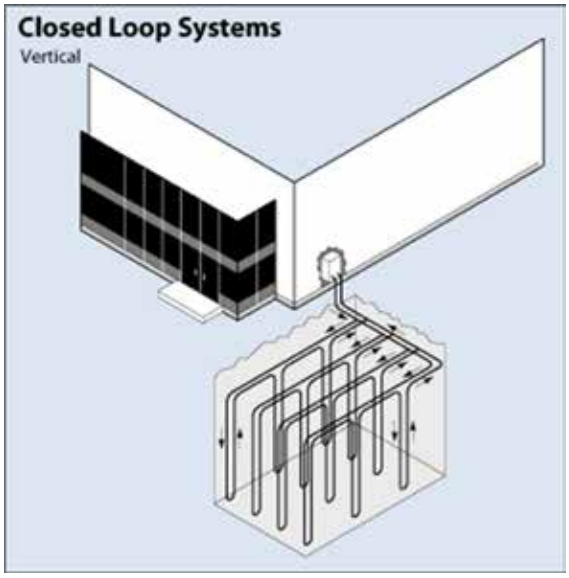
2. Closed Vertical Loop Geothermal System: A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

Figure 27.4
Closed Loop Horizontal System



Source: FEMA.

Figure 27.5
Closed Loop Vertical System



Source: FEMA.

3. Geothermal Boreholes: A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

4. Geothermal Energy System: An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

5. Open Horizontal Loop Geothermal System: Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the

Earth is then pumped back into the ground through a different well or in some cases the same well, also known as re-injection. Alternatively, the groundwater could be discharged to a surface water body also known as a – pump and dump. In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the surface water body or well.

R. **Hub Height** – The distances measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

S. **Methanogens** – Bacteria found in anaerobic environments such as animal intestinal tracts or sediments or sewage and capable of producing methane.

T. **Net Metering** – A mechanism that provides a simplified approach for interconnecting and metering on-site renewable generating facilities, such as a solar PV system. It allows customers to use excess solar electric generation to offset utility-purchased electricity on a monthly or annual basis.

U. **Occupied Building** means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

V. **Outdoor Wood-Fired Boiler (Hydronic Heater)** – A fuel-burning device, also known as an outdoor hydronic heater,—outdoor wood-fired furnace, and—outdoor wood-burning appliance, designed:

1. To burn clean wood or other fuels specifically tested and listed for use by the manufacturer;
2. By the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and
3. To heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

Figure 27.6
Wood-Fired Boiler

W. **Phase 2 Outdoor Wood-Fired Boiler (Hydronic Heater)** – An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly, with a white hang tag.

X. **Photovoltaic (Pv)** – The technology that uses a semiconductor to convert light directly into electricity.

Y. **Principal Anaerobic Digester** – An anaerobic digester principally used to convert biogas into electricity, heat, and water. Large anaerobic digesters accept both livestock manure (primary

catalyst) and feedstock, generated off-site or from more than one (1) farm. Large anaerobic digesters may include co-digestion in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalysts).

Z. **Principal Solar Energy Production Facility** – The primary use of land or other area for a solar collection system principally used to capture solar energy and convert it to electrical energy. Solar energy production facilities consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity sized to primarily produce electricity for off-site consumption.

AA. **Principal Wind Energy Production Facility** – An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than 100 kilowatts.

AB. **Responsible Official**– Person from the Abington Township Code Enforcement Department designated to be responsible for the administration and enforcement of this ordinance.

AC. **Solar Collection System** – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

AD. **Solar Related Equipment** – Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

AE. **Solar Rights** – The right to enjoy and utilize solar rays normally incident to a given property for any energy-related use shall be determined by the Rule of First Come/ First Served.

AF. **Stack** – Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

AG. **Wet Stamp**– A from-scratch calculation performed by a structural engineer of the tower's integrity.

SECTION 2701. ACCESSORY SOLAR ENERGY SYSTEMS: Permitted by right as an accessory use in all zoning districts where structures of any sort are allowed, as long as it meets the requirements of this subchapter and all other applicable construction codes as set forth below:

A. Applicability.

1. A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the accessory solar energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

2. This ordinance applies to Solar Energy Systems to be installed and constructed after the effective date of the ordinance, and all applications for Solar Energy Systems on existing structures or property.

3. Any upgrades, modifications or changes that materially alter the size or placement of an existing Solar Energy System shall comply with the provisions of this Chapter.

B. Design and Installation.

1. To the extent applicable, the Solar Energy System shall comply with all applicable building and construction codes as amended and any regulations adopted by the Department of Labor and Industry.
2. The design and installation of accessory solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Municipal Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
3. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.
4. Whenever practical, all accessory solar energy systems shall be attached to a building, or located on an impervious surface. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitation of the building. All equipment and mounts shall be designed and installed so as to be architecturally compatible with the existing structure.
5. Accessory solar energy systems shall be designed and located in order to prevent reflective sun glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
6. No portion of an accessory solar energy system shall be located within any required setback of any property and shall not be located within or above any front yard or along any street frontage unless the applicant can prove such installation would be impossible otherwise and can be installed meeting all other requirements.

C. Height Restrictions – Active solar energy systems must meet the following requirements:

1. Building – or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
2. Ground– or pole-mounted solar energy systems shall not exceed the maximum accessory structure height within the underlying district.

D. Setback – Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. Roof-mounted Solar Energy Systems – In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. The collectors and mounting equipment may not be erected higher than 2 feet above the ridge line of the roof on which it is mounted.
2. Ground-mounted Solar Energy Systems – Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

E. Plan Approval Required – All solar energy systems shall require administrative plan approval by municipal zoning officials.

1. Plan Applications – Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines. Applicants must use an installer who is on DEP's approved list.

Figure 27.7

Solar Energy System, Roof-Mounted

2. Pitched Roof Mounted Solar Energy Systems – For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

3. Flat Roof Mounted Solar Energy Systems – For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

4. Plan Approvals – Applications that meet the design requirements of this ordinance, and do not require a conditional use permit, shall be granted administrative approval by the zoning official. Such plan approval does not indicate compliance with Building Code or Electric Code. The Zoning Official may seek the finding of the township planning commission on any proposal under this section which the official determines is vague or inconclusive with these provisions. If the majority of the planning commission concludes that an applicable determination of compliance can be made, then the Zoning Official may proceed with plan approval in whole or as conditioned by the planning commission.

F. Utility Notification – The owner of the small solar energy system shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

G. Owners of solar energy systems are encouraged but not required to obtain solar easements from neighboring landowners to ensure solar access. The Township does not guarantee and will not protect any individual property rights with respect to solar access.

SECTION 2702. ACCESSORY WIND ENERGY SYSTEMS: Permitted by right as an accessory use in all zoning districts where structures of any sort are allowed, as long as it meets the requirements of this subchapter and all other applicable construction codes as set forth below:

A. Setback – The base of the tower shall be set back from all property lines, public rights-of-way, public utility lines, and any occupied building for a distance equal to 1.1 times the total extended height. Turbines shall not be allowed closer to a property line than its total extended height unless there is a nonresidential zoning use or occupied building abutting the property and the installation poses no interference with public utility lines or public road and rail rights-of-way. In addition, in nonresidential districts turbines shall not be allowed closer to the property line than the maximum building height in that district. In residential districts, turbines shall not be allowed closer than 35 feet or the height of the structure, whichever is greater.

B. Tower Height – So long as the total extended height meets noise and setback requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations.

C. Sound – Audible sound from a Wind Energy Facility shall not exceed 55 dba, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.

D. Wind Turbine Equipment – The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.

E. Accessory Building – When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding 150 square feet, and shall comply with the accessory building requirements specified within the underlying zoning district.

F. Requirement for Engineered Drawings – Building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.

G. Soil Studies – For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.

H. Compliance with FAA Regulations – No accessory wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

I. Compliance with National Electric Code – Building permit applications for accessory wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

J. Utility Notification – No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

K. Insurance – Additional insurance beyond homeowners' coverage may not be required.

L. Abandonment – If a wind turbine is inoperable for 6 consecutive months the owner shall be notified that they must, within 6 months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the 6-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the Municipal code.

M. Signage – All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

N. Lighting – No illumination of the turbine or tower shall be allowed unless required by the FAA.

O. Access – Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened.

P. Flicker Control – All wind rotors shall be installed and located to prevent the effect of any reflected flicker patterns onto any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

SECTION 2703. ACCESSORY ANAEROBIC DIGESTER SYSTEMS: Permitted by right as an accessory use in all zoning districts where farming operations and agricultural use are allowed, as long as it meets the requirements of this subchapter and all other applicable construction codes as set forth below:

A. Minimum Lot Area – Ten acres.

B. Setback – Accessory anaerobic digesters shall not be located within 50 feet of any side property line, 75 feet of any rear property line, 150 feet from any residential structure other than that of the property owner, and 100 feet from any public road right-of-way. There shall be no discharge of any type onto such road right-of-way.

C. Design and Installation:

1. The applicant shall address and document performance standards for citing to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.

2. Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the Pennsylvania Department of Environmental Protection's Bureau of Water Quality Management publication, and any revisions, supplements and successors thereto, of the Pennsylvania Department of Environmental Protection as of this date.

3. Anaerobic digester systems shall be designed and constructed in compliance with applicable local, State and Federal codes and regulations. Evidence of all Federal and State regulatory agencies' approvals shall be included with the application.

4. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related the anaerobic digester system.

5. The applicant shall provide either (1) a letter from the Montgomery County Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Montgomery County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Montgomery County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Montgomery County Conservation District has failed to respond.

D. Utility Notification – No anaerobic digester system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

SECTION 2704. ACCESSORY GEOTHERMAL SYSTEMS: Shall be permitted as an accessory use in all zoning districts and shall be subject to the following regulations:

A. Design and Installation:

1. Only the following types of geothermal energy systems shall be permitted:

a. Closed horizontal loop;

b. Closed vertical loop.

c. Existing standing column well are permitted to remain or be repaired.

2. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application.
3. For closed loop systems, the following shall apply:
   a. For all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable.
   b. All horizontal closed loop systems shall be no more than 20 feet deep.
4. Geothermal systems shall be located 10 feet away from any wetlands, floodplains, or other surface waters.

B. Height and Setback Restrictions:
1. All horizontal closed loop systems shall be installed not less than 5 feet deep contingent upon soil conditions.
2. Isolation Distances (setback) for geothermal wells shall be as established below for the applicable condition:

Figure 27.8

Isolation Distances (Setback) for Geothermal Wells

Setback From	Borehole and Geothermal Supply and Return Well
Delineated wetlands, flood plains, lakes, ponds or other surface waters.	10' –25'
Storm drains, retention basins, stabilization ponds or storm water management facilities.	At least 10'
Preparation area or storage area of hazardous spray materials, fertilizers, chemicals, or salt pile.	300' 150' if borehole is cased and grouted inside and out
Gravity sewer lines and drains carrying domestic sewage or industrial waste.	15' or according to existing easement
Existing water and forced sewer lines, buried utilities and/or utility trenches.	15' or outside existing easement
Septic tanks, aerobic tanks and holding tanks.	At least 25'
Subsurface sewage disposal systems, elevated sand mounds and other sewage disposal fields.	25 to 50'
Sewage seepage pits and cesspools.	At least 25'
Farm silos, barnyards, privies and fuel tanks.	At least 25'
Spray irrigation sites, sewage sludge and seepage disposal sites.	At least 25'
Dedicated public right-of-ways and property lines.	At least 10'
Building foundation (except for buildings enclosing water wells and/or water well pumps, and any other source of pollution as approved).	At least 10'
Identified NPL Superfund Sites and plume areas.	At least 300'
Any other source or potential source of pollution.	At least 100'

3. Above-ground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.

C. Abandonment – If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:

D. The heat pump and any external mechanical equipment shall be removed.

E. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

SECTION 2705. ACCESSORY WOOD-FIRED BOILERS: Permitted by right as an accessory use in all zoning districts where structures of any sort are allowed, as long as it meets the requirements of this subchapter and all other applicable construction codes as set forth below: On or after the effective date of the adoption of this ordinance, an outdoor wood-fired boiler may be installed, used or operated in Abington Township only in accordance with the following provisions:

A. Zoning Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler in any zoning district unless the lot size on the parcel of installation is 10 acres in size.

B. Particulate Standard Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler that is not a Phase 2 Outdoor Wood-Fired Boiler.

C. Setback Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler unless it is installed at least 150 feet from the nearest property line.

D. Stack Height Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler unless it has a permanent attached stack with a minimum stack height of 10 feet above the ground and is installed according to the manufacturer's specifications. The stack height shall not exceed the zoning district height restriction by more than 2 feet.

E. Stack Height Requirements for Existing Outdoor Wood-Fired boilers. No person shall use or operate an outdoor wood-fired boiler that was installed before the effective date of this ordinance unless it has a permanent attached stack with a minimum stack height of 10 feet above the ground that also extends at least 2 feet above the highest peak of any residence located less than 500 feet from the outdoor wood-fired boiler. However, if the existing outdoor wood-fired boiler is a Phase 2 outdoor wood-fired boiler Section D will apply.

F. Fuel Requirements for New and Existing Outdoor Wood-Fired Boilers. No person that operates a new or existing outdoor wood-fired boiler shall use a fuel other than the following:

1. Clean wood
2. Wood pellets made from clean wood
3. Home heating oil, natural gas, propane or that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
4. Other types of fuel approved in writing by DEP upon receipt of a written request.

G. Prohibited Fuels for New and Existing Outdoor Wood-Fired Boilers. No person shall burn any of the following items in an outdoor wood-fired boiler:

1. Any material not listed in Section F above;
2. Treated or painted wood;

3. Furniture;
4. Garbage;
5. Tires;
6. Lawn clippings or yard waste;
7. Material containing plastic;
8. Material containing rubber;
9. Waste petroleum products;
10. Paints and paint thinners;
11. Chemicals;
12. Any hazardous waste;
13. Coal;
14. Glossy colored paper;
15. Construction and demolition debris;
16. Plywood;
17. Particleboard;
18. Salt water driftwood;
19. Manure;
20. Animal carcasses;
21. Asphalt products.

H. Regulatory Requirements for New and Existing Outdoor Wood-Fired Boilers. No person shall use or operate a new or existing outdoor wood-fired boiler unless it complies with all existing state and local regulations. Some regulations of this Commonwealth that could apply include:

1. 25 Pa. Code Section 121.7 – Prohibition of Air Pollution.
2. 25 Pa. Code Section 123.1 – Fugitive Emissions.
3. 25 Pa. Code Section 123.31 – Odor Emissions.
4. 25 Pa. Code Section 123.41 – Visible Emissions.
5. Section 8 of the APCA, 35 P.S. Section 4008 – Unlawful Conduct.
6. Section 13 of the APCA, 35 P.S. Section 4013 – Public Nuisances.

I. Permits for New and Existing Outdoor Wood-Fired Boilers. No person shall use or operate an outdoor wood-fired boiler unless a permit is obtained from the Abington Township Code Enforcement Department Official.

SECTION 2706: PRINCIPAL SOLAR ENERGY SYSTEMS:

A. Use – A Principal Solar Energy Production Facility shall be considered a permitted use in the SI Suburban Industrial and MS Main Street Districts, and shall meet the requirements specified herein.

B. Acreage – The proposed solar energy project shall occupy less than 10 acres of land zoned for commercial or industrial uses but shall occupy less than 10% of the site and produce more than 10,000 kW of power output.

C. Height and Setback – For purposes of determining compliance with lot coverage standards of the underlying zone, the total surface area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices shall be considered pervious, but all installations will require storm water best management practices to negate any storm water impact. Panels mounted on the roof of any building shall be subject to the maximum height regulations specified within each of the underlying zone.

D. Design and Installation:

1. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
2. All large solar energy production facilities shall be designed and located in order to prevent reflective sun glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
3. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
4. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
5. Whenever practical, all principal solar energy systems should be attached to a building; or if ground mounted and/or freestanding, the applicant shall demonstrate by credible evidence that:
   a. The area proposed for the principal solar energy system does not predominantly consist of Class I, II or III soils, as identified in the soil survey, or contains agricultural soils but are not suitable for agricultural purposes, such as an industrial site, and
   b. Such facilities cannot feasibly be attached to a building due to structural limitations of the building.
6. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum 8 foot high fence with a self-locking gate, and provided with screening in accordance with the landscaping provisions of the municipal subdivision and land development ordinance.

E. Use of Public Roads – The applicant has secured, or can secure, all necessary approvals from the local government or the State Highway Division of access points for project roads and parking areas at the project site.

F. Liability Insurance – There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate.

G. Decommissioning – The applicant agrees to the following as conditions of the land use permit:

1. If the applicant ceases operation of the energy project or begins, but does not complete, construction of the project, the applicant shall restore the site according to a plan approved by the planning authority.
2. The Large Solar Energy Production Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. The owner shall then have 12 months in which to dismantle and remove the Large Solar Energy Production Facility from the property. At the time of issuance of the permit for the construction of the Large Solar Energy Production Facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

H. Solar Rights – The provisions for Solar Rights as specified in **Section 2702. Accessory Solar Energy Systems** of this ordinance shall be applicable.

SECTION 2707. PRINCIPAL WIND ENERGY FACILITY: A Principal Wind Energy Facility shall be considered a permitted use in the SI-G and SI-W Suburban Industrial Districts and conditional use in the MS Main Street Districts, and shall meet the requirements specified herein. Applicability:

A. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this Ordinance is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.

B. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

1. Permit Requirement:

a. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy facility, shall be constructed or located within the township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.

b. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification

2. Permit Application. The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance. Among other things, the application shall contain the following:

a. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

b. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

c. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

d. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

e. Documents related to decommissioning.

f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the township to ensure compliance with this Ordinance.

3. Design and Installation.

a. Design Safety Certification: The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

b. Uniform Construction Code: To the extent applicable, the Wind Energy Facility shall comply with the **Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142**.

c. Controls and Brakes: All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

d. Electrical Components: All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

e. Visual Appearance; Power Lines:

(1) Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

(2) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(3) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

(4) On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

f. Warnings:

(1) Clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

(3) Climb Prevention/Locks:

(a) Wind Turbines shall not be climbable up to 15' above ground surface.

(b) All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

4. Setbacks.

a. Occupied Buildings: Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

b. Property Lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

c. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

4. Waiver of Setbacks.
    a. Property owners may waive the setback requirements in Subsection **§H.5.a Occupied Buildings** and Subsection **§H.5.b. Property Lines** by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
    b. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.
    c. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
    d. Upon application, the Township may waive the setback requirement for public roads for good cause.

6. Use of Public Roads.
    a. The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
    b. The Township Engineer or a qualified third party engineer hired by the township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.
    c. The township may bond the road in compliance with state regulations.
    d. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
    e. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

7. Local Emergency Services.
    a. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).
    b. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

8. Noise and Shadow Flicker.
    a. Audible sound from a Wind Energy Facility shall not exceed 55 dba, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.*
    b. All wind rotors shall be installed and located to prevent the effect of any reflected flicker patterns onto any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

9. Waiver of Noise and Shadow Flicker Provisions.
    a. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
    b. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.
    c. Any such waiver shall be recorded in the Recorder of Deeds Office of the Count where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

10. Signal Interference. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

11. Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to the Township upon request.

12. Decommissioning.
    a. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within 12 months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
    b. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36", and any other associated facilities.
    c. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
    d. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the township after the first year of operation and every fifth year thereafter.
    e. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than 25% of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the township.
    f. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the township.
    g. If the Facility Owner or Operator fails to complete decommissioning within

the period prescribed herein, then the landowner shall have six (6) months to complete decommissioning.

h. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 13(a) and 13(g) within this subsection on Decommissioning, then the township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the township may take such action as necessary to implement the decommissioning plan.

i. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

SECTION 2708. REGIONAL ANAEROBIC DIGESTERS: Regional anaerobic digesters are permitted by conditional use in the SI-G and SI-W Suburban Industrial Districts, Subject to the following:

A. Minimum lot area – ten (10) acres.

B. A traffic impact study analysis shall be provided, showing the following:

1. Existing traffic volume data for all roadways within 1,000', which provide access to the site;
2. Anticipated traffic volumes for the area identified in Subsection a. above, resulting from the proposed use as well as background traffic growth;
3. Analysis of current and future levels of service for all intersections identified in Subsection a. above;
4. Physical analysis of all roadways identified in Subsection a. above, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated storm water drainage characteristics, and sight distances;
5. The traffic analysis shall be reviewed by the Township Engineer.
6. The applicant shall submit a transportation study, detailing the effect of the anaerobic digester system on local roadways, including effect of vehicle weight, congestion, and noise.
7. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not back-up onto public roads, All regional anaerobic digester systems also shall comply with the requirements

C. Applicability – The applicant shall provide a detailed description of the proposed use in each of the following topics and a complete land development application shall be submitted to the township once the conditional use application has been approved.

1. The nature of the on-site activities and operations, the types of materials stored and used, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in a manner that complies with State and Federal regulation.
2. The general scale of operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.

D. Design and Installation:

1. The applicant shall address and document performance standards for citing to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.
2. Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication, and any revisions, supplements and successors thereto, of the Pennsylvania Department of Environmental Protection.
3. Anaerobic digester systems shall be designed and constructed in compliance with applicable local, State and Federal codes and regulations. Evidence of all Federal and State regulatory agencies' approvals shall be included with the application.
4. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the anaerobic digester system.
5. The applicant shall provide either (1) a letter from the Lancaster County Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Lancaster County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Lancaster County Conservation District stating that it mil not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Lancaster County Conservation District has failed to respond.

E. Height and Setback Requirements – Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area or above ground storage facility related to the anaerobic digester system shall be located within 200' of from any property line. Additionally, no building, structures, or facility shall be located nearer than 300' to an existing residential building unless the owner of such residence waives this restriction in writing to the township.

F. Decommissioning – The applicant shall submit a plan for the removal of the manure digestion facility when it becomes functionally obsolete or is no longer in use. The regional anaerobic digester owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the regional anaerobic digester facility, the owner shall provide financial security in form and amount acceptable to the township to secure the expense of dismantling and removing said structures.

Article XXVIII: Wireless Communications

SECTION 2800. INTENT:

A. 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

B. WHEREAS, it is the intent of the Township to permit the siting of wireless communications towers and antennas within the municipal boundaries; and

C. 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:

D. 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; Minimize the total number of towers throughout the community;
3. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
4. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
5. 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;
6. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
7. Consider the public health and safety of communication towers; and
8. 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 2801. DEFINITIONS: As used in this ordinance, the following terms shall have the meanings set forth below:

A. **Alternative Tower Structure** – 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** – 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-2E: Commercial Antennas as set forth in this Ordinance.

C. **Backhaul Network** – 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** – Federal Aviation Administration.

E. **FCC** – The Federal Communications Commission.

F. **Height** – 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** – 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** – 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-2E: Commercial Antennas as set forth in this ordinance.

SECTION 2802. APPLICABILITY:

A. New Towers and Antennas. All new towers or antennas in Township shall be subject to these regulations, except as provided in **§2802.B through §2802.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 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. Pre-existing Towers or Antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than the requirements of §2803.F: State or Federal Requirements and §2803.G: Building Codes; Safety Standards.

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 2803. 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 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 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 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 Figure 28.2: Existing Towers –Types, in this article, 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 2807: Removal of Abandoned Antennas and Towers**.

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 2804. 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:

1. The antenna does not extend more than 8 feet above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and,
3. The antenna complies with all applicable building codes.

B. Special conditions for antennas to be placed on existing towers:

1. A tower which is modified or reconstructed to accommodate the collocating of an additional antenna shall be of the same tower type as the existing tower.
2. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
3. The tower's pre-modification 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 non-refundable 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 pursuant to this section shall be reviewed by the Township to ensure that the proposed use complies with **§2803.D.3: If an Antenna is Installed..., §2803.J. Franchises, §2803.L Signs, §2803.M Buildings and Support Equipment, §2803.N Multiple Antenna/Tower Plan,** and with **§2804.B. Special Conditions for Antennas...** of this ordinance.

E. The Township shall respond to each such application within 90 days after receiving it by either approving or denying the application. If the Township fails to respond to the applicant within said 90 days, the applications shall be deemed to be approved (unless the applicant requests continuances, in which case the deemed approval shall be tolled).

SECTION 2805. 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 **§1806. 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. 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. Specific Standards and Requirements Regarding Towers.

1. Information required. In addition to any information required for applications for conditional use permits pursuant to **§1806. Conditional Uses**, applicants for a conditional use permit for a tower shall submit the following information:

   a. 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 **§2806.B. Antennas Mounted on Utility Poles or Light Poles**, 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.

   b. Legal description of the parent tract and leased parcel (if applicable).

   c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties

   d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to **§2803.C. Inventory of Existing Sites** 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.

   e. A landscape plan showing specific landscape materials.

   f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

   g. A description of compliance with **§2803.C. Inventory of Existing Sites, §2803.D Aesthetics, §2803.E Lighting, §2803.F State or Federal Requirements, §2803.G Building Codes; Safety Standards, §2803.J. Franchises, §2803.L. Signs,** and **§2803.M. Buildings and Support Equipment, §2806.A. Antennas Mounted on Structures or Rooftops, §2806.B. Antennas Mounted on Utility Poles or Light Poles, and §2806.C. Antennas Located on Towers,** and all applicable federal, state and local laws.

   h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

   i. 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 Township.

   j. 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.

   k. 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 **§1806. Conditional Uses**, 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:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection 3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology, 3.a. through 3.g., below.

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:

a. No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. 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.

e. 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.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. 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:

   a. Towers must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line.

   b. 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.

   a. Separation from off-site uses/designated areas.

      (1) 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 **Figure 28.1: Separation Distance Required by Use or Zoning...**, below, except as otherwise provided in **Figure 28.1: Separation Distance Required by Use or Zoning...**

      (2) Separation requirements for towers shall comply with the minimum standards established in **Figure 28.1. Separation Distance Required by Use or Zoning...**

Figure 28.1

Separation Distance Required by Use or Zoning District

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units[1].	200' or 300% height of tower[2] 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' or 300% height of tower[2] whichever is greater
Vacant unplatted residentially zoned lands[3].	100' or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units.	100' or 100% height of tower whichever is greater
Nonresidentially zoned lands or nonresidential 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 multifamily residentially zoned land greater than duplex.

   b. Separation distances between towers.

      (1) 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 **Figure 28.2: Existing Towers: Types**, below.

Figure 28.2

Existing Towers: Types

	Lattice	Guyed	Monopole 75' in Height or Greater	Monopole Less Than 75' in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75' 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.

   a. 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 4 feet wide outside the perimeter of the compound.

   b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

   c. 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 2806. 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 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% 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:

   a. 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.

   b. 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 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 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 2806.A. through 2806.C, above, may be modified by the Board of Commissioners to encourage collocation.

SECTION 2807. REMOVAL OF ABANDONED ANTENNAS AND TOWERS:

A. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 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 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users or 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 **§2807.A. Any antenna or tower...**, 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 2808. 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.

SECTION 2809. REBUILDING DAMAGED OR DESTROYED NONCONFORMING TOWERS OR ANTENNAS. Notwithstanding **§2808. Nonconforming Uses**, 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 **§2807. Removal of Abandoned Antennas and Towers**. 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 this **§2808. Nonconforming Uses**.

Article XXIX: Adult Uses

SECTION 2900. INTENT:

A. Prescribe definitions of sexually-oriented business.

B. Disperse sexually-oriented businesses and limit them to specified zoning districts.

C. Provide for licensing and regulation of sexually-oriented businesses and employees; provide for additional miscellaneous regulations for sexually-oriented businesses.

SECTION 2901. TABLE OF CONTENTS: This article shall be organized into the following sections:

§2900. Intent.

§2901. Table of Contents. ***For regulation of massage establishments, see Chapter 105 of the Municipal Code.***

§2902. Background.

§2903. Purpose and Findings.

§2904. Definitions.

§2905. Fees.

§2906. License Required.

§2907. Issuance of License.

§2908. Fees.

§2909. Inspection.

§2910. Expiration of License.

§2911. Suspension.

§2912. Revocation.

§2913. Transfer of License.

§2914. Location of Sexually-Oriented Businesses.

§2915. Additional Regulations for Adult Motels.

§2916. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms.

§2917. Additional Regulations for Escort Agencies.

§2918. Additional Regulations for Nude Model Studios.

§2919. Additional Regulations Concerning Public Nudity.

§2920. Prohibition Against Children in a Sexually-Oriented Business.

§2921. Requirement That All Outdoor Trash Containers Be Locked or Kept in Locked Enclosures.

§2922. Hours of Operation.

§2923. Exemptions.

§2924. Enforcement.

§2925. Severability.

§2926. Conflicting Ordinances Repealed.

SECTION 2902. BACKGROUND: The Board of Commissioners finds that:

A. 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

B. Sexually-oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

C. 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

D. 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

E. 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

F. 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

G. 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

H. Locational criteria alone do not adequately protect the health, safety, and general welfare of the people of the Township; and

I. 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

J. 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.

SECTION 2903. PURPOSE AND FINDINGS: To regulate adult-oriented businesses in the Township.

SECTION 2904. DEFINITIONS:

A. **Adult Arcade** – 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."

B. **Adult Bookstore, Adult Novelty Store Or Adult Video Store** – A commercial establishment which, as one of its principal purposes: offers for sale or rental for any form of consideration anyone or more of the following:

1. 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

2. 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."

C. **Adult Cabaret** – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nude; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. 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."

D. Adult Motel – A hotel, motel or similar commercial establishment which

1. 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
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

E. **Adult Motion Picture Theater** – 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."

F. **Adult Theater** – 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."

G. **Employee** – 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.

H. **Escort** – 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.

I. **Escort Agency** – 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.

J. **Establishment** – Includes any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
3. The additions of any sexually-oriented business to any other existing sexually-oriented business; or
4. The relocation of any sexually-oriented business.

K. **Licensee** – 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.

L. **Nude Model Studio** – 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:

1. 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
2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

M. **Nudity or a State of Nudity** – 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.

N. **Person** – An individual, proprietorship, partnership, corporation, association, or other legal entity.

O. **Semi-Nude or in a Semi-Nude Condition** – 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.

P. **Sexual Encounter Center** – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. 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.

Q. **Sexually-Oriented Business** – 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.

R. **Specified Anatomical Areas:**

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. 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.

S. **Specified Criminal Activity** – Any of the following offenses:

1. 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;
2. For which:
   a. 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;
   b. 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
   c. 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.
3. 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.

T. **Specified Sexual Activities** – Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

U. **Substantial Enlargement** of a sexually-oriented business means the increase in areas exist on floor areas occupied by the business by more than twenty-five percent (25%), as the floor the date this ordinance takes effect.

V. **Transfer of Ownership or Control** of a sexually-oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. 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 2905. CLASSIFICATION: Sexually-oriented businesses are classified as follows:

A. Adult arcades;

B. Adult bookstores, adult novelty stores, or adult video stores;

C. Adult cabarets;

D. Adult motels;

E. Adult motion picture theaters;

F. Adult theaters;

G. Escort agencies;

H. Nude model studios; and

I. Sexual encounter centers.

SECTION 2906. 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 6 inches.
12. A current certificate and straight-line drawing prepared within 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 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 **§2916. Regulations Pertaining to Exhibition of Sexually Explicit Film, Videos, or Live Entertainment in Viewing Rooms**.

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 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 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 2907. 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 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 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 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 **§2912. Revocation**.

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 **§2908. Fees**.

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 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 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 bas 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 **§2905. Classification**. 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 premise is in compliance or not in compliance within 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 **§2905. Classification**.

SECTION 2908. 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 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 within 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 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 2909. 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. 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 2910. 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 **§2906. License Required**. Application for renewal shall be made at least 30 days before the expiration date, and when made less than 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 90 days have elapsed since the date denial became final.

SECTION 2911. SUSPENSION: The Township shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

A. Violated or is not in compliance with any section of this ordinance;

B. Refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter.

SECTION 2912. REVOCATION:

A. The Township shall revoke a license if a cause of suspension in **§2911. Suspension** occurs and the license has been suspended within the preceding 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 year, and the licensee shall not be issued a sexually-oriented business license for one 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 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 2913. 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 2914. LOCATION OF SEXUALLY-ORIENTED BUSINESS:

A. A sexually-oriented business shall be permitted as of right in **BC Business Center** zoning districts as defined and described in the 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 BC Business Center, 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 Band 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 Subsections 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 2915. ADDITIONAL REGULATIONS FOR ADULT MOTELS:

A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 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 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 2916. 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 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 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 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 5 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 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 2917. 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 2918. 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 2919. 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 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 2920. 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 2921. 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 2922. 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 2923. EXEMPTIONS: It is a defense to prosecution under **§2919: Additional Regulations Concerning Public Nudity** that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school, licensed by the Commonwealth of Pennsylvania; a college, junior college, or university supported entirely or partly by taxation;

B. 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

C. In a structure:

1. 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
2. Where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and
3. Where no more than one nude model is on the premises at any one time.

SECTION 2924. ENFORCEMENT:

A. A person who operates or causes to be operated a sexually-oriented business in violation of **§2914. Location of Sexually-Oriented Business** 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 III: Administration and Permits of the Abington Township Zoning Ordinance and to the fullest extent of the law. 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 **§2914. Location of Sexually-Oriented Business**, 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 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 2925. 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 2926. CONFLICTING ORDINANCES REPEALED: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Article XXX: Amendments

A

Appendices

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Abington Comprehensive Use Matrix Draft

A= Accessory Use, CU= Conditional Use, SE= Special Exception, Y= By-Right, N= Not Permitted

Permitted Uses: 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.

Code	Use	Class (for MS Districts)	AO	BC: Lots < 1 Ac	BC: Abington Towne Center	BC: Foxcroft	BC: Huntingdon Valley	BC: Noble	BC: Willow Grove Park	CS	LP Overlay	MS-H	MS-L	MS-VC	R1	R2	R3	R4	RC	SI-G	SI-W	SNR
A	**Accessory Uses** *Note: Accessory uses customarily incidental to a permitted principal use shall be permitted unless expressly prohibited below*																					
A-1	Accessory Dwelling Units (ADUs)	1						N	N		SE				SE	SE	SE	SE				
A-2A	Vertical Antenna	1	Y	N NOTE 14	N NOTE 14	N NOTE 14	N NOTE 14	N NOTE 14	N	N	Y	Y	Y	Y	Y NOTE 8	Y NOTE 8	Y NOTE 8	Y NOTE 8	N	Y	Y	Y
A-2B	Satellite Dish Antenna																					
A-2C	Home Reception Antenna																					
A-2D	Telecommunications Towers		CU		CU	CU	CU	CU	CU			CU	CU	CU								
A-2E	Commercial Antennas		Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y					Y	Y	Y	
A-2F	Roof- or Structure-Mounted Telecommunications Equipment		Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y					Y			
A-3	Car Share	1	Y NOTE 17	Y	Y	Y	Y	Y	Y			Y	Y	Y	N	N	N	N	N			
A-4	Chapel	1								Y												
A-5	Chickens, Limited Keeping of	1		N	N	N	N	N	N	Y					Y	Y	Y	Y	Y			
A-6	Club House	1	Y							Y	Y								Y			Y
A-7	Commercial Accessory Apartment	1	NOTE 5	N	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
A-8	Commercial Vehicle Parking	1	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y						Y	Y	
A-9A	Day Care Center, Adult	2	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y, NOTE 16	Y NOTE 16	Y NOTE 16	N	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	N
A-9B	Day Care Center, Child	2	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	N	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	Y NOTE 16	N
A-9C	Day Care Home, Family	2	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y NOTE 11	SE NOTE 11	SE NOTE 11	N	N	N	N
A-9D	Day Care Home, Group	2	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y NOTE 11	Y NOTE 11	SE NOTE 11	SE NOTE 11	N	N	N	N
A-10	Dining Facilities	1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N		Y	Y	
A-11	Drive-Through Facility	1 or 2 NOTE 15	SE	SE	SE	SE	SE	SE NOTE 2	SE	N	N	SE	SE	SE NOTE 2	N	N	N	N	N	N	N	N
A-12	Farmers' Market (Temporary or Seasonal)	1	Y	Y	Y	Y	Y	Y	Y	CU	N	Y	Y	Y	N	N	N	N	Y	Y	Y	Y
A-13	Fences and Walls	1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A-14	Home Occupation	1	NOTE 4	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y				
A-15	No-Impact Home-Based Business	1	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
A-16	Nonresidential Accessory Structure	1	Y	Y	Y	Y	Y	N	Y	Y		Y	Y	Y					Y	Y	Y	
A-17	Outdoor Dining	1	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	N	N	Y	Y	Y	Y
A-18	Outdoor Recreation, Uses Accessory to	N/A		N	N	N	N	N	N	Y		N	N	N			SE	SE	Y			
A-19	Play Structures	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y
A-20	Recreational Vehicle (RV) Storage, Residential Properties	N/A	NOTE 3	Y	N	N	N	N	N	N	Y	N	N	N	Y	Y	Y	Y				
A-21	Recycling Drop-Off Facility	2		N	N	Y	Y	Y	N			Y	Y	Y						Y	Y	
A-22	Residential Accessory Structure	1	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y				Y
A-23	Storage, Outdoor	1	Y	N	N	Y	Y	Y	Y	N		Y	N	N						Y	Y	
A-24	Swimming Pool	1	NOTE 4	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y
A-25	Tennis/Sports Courts	1	NOTE 4	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y

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Code	Use	Class (for MS Districts)	AO	BC: Lots < 1 Ac	BC: Abington Towne Center	BC: Foxcroft	BC: Huntingdon Valley	BC: Noble	BC: Willow Grove Park	CS	LP Overlay	MS-H	MS-L	MS-VC	R1	R2	R3	R4	RC	SI-G	SI-W	SNR
B	**Agricultural Uses**																					
B-1	Agriculture	N/A	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	A/SE	N	N	N
B-2	Kennel	2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
B-3	Nursery	2	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	SE	N	N	N
B-4	Riding Academy/Stable	N/A	N	N	N	N	N	N	N	N	Y	N	N	N	SE	SE	N	N	A/SE NOTE 9	N	N	N
C	**Retail & Service Uses**																					
C-1	Automotive Detailing	1	N	N	N	N	N	N	N	N	N	Y	SE	SE	N	N	N	N	N	Y	SE	N
C-2	Automotive Sales	2	N	N	SE	SE	SE	Y	SE	N	N	Y	N	N	N	N	N	N	N	N	N	N
C-3	Automotive Service	2	N	N	N	N	N	N	N	N	N	Y	SE	N	N	N	N	N	N	Y	SE	N
C-4	Bank	1	Y	Y	Y	Y	SE	Y	Y	A	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-5	Bed & Breakfast	1	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
C-6	Brewpub	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-7	Building Materials	2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	SE	SE	N
C-8	Car Wash	2	N	N	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	SE	SE	N
C-9	Club, Fraternal Organization, or Lodge	2	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	A/SE NOTE 9	N	Y	N
C-10	Convenience Store	2	A NOTE 17	SE	N	SE	SE	SE	N	N	N	SE	SE	SE	N	N	N	N	N	N	Y	N
C-11	Dry Cleaners (Drop-Off)	1	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-12	Dry Cleaners (On-Site)	1	N	N	N	N	N	N	N	N	N	Y	N	SE	N	N	N	N	N	Y	N	N
C-13	Farmers' Market (Indoor, Year-Round)	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-14	Funeral Home	2	N	N	N	N	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	N	SE	N
C-15	Hotel/Motel/Inn	2	N	N	Y	Y	SE	Y	Y	N	N	Y	N	SE	N	N	N	N	N	N	Y	N
C-16	Laundry (Self Service)	1	A NOTE 17	N	N	N	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	N	Y	N
C-17	Motor Vehicle Fueling Center	N/A	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N
C-18	Parking Garage (Commercial)	2	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
C-19	Parking Lot (Commercial)	1	Y	Y	Y	Y	Y	Y	Y	N	N	Y	SE	SE	N	N	N	N	N	N	Y	N
C-20	Personal Care Business	1	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	Y	N
C-21	Professional Service Business	1	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y NOTE 13	Y NOTE 13	N
C-22	Radio/TV Station	1	SE	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	SE	SE	N
C-23	Rental Agency, Vehicle	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	Y	N
C-24	Repair Shop	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	SE	SE	N
C-25	Restaurant, Fast-Food	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-26	Restaurant, Sit-Down	1	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-27	Restaurant, Take-Out	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	N

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Code	Use	Class (for MS Districts)	AO	BC: Lots < 1 Ac	BC: Abington Towne Center	BC: Foxcroft	BC: Huntingdon Valley	BC: Noble	BC: Willow Grove Park	CS	LP Overlay	MS-H	MS-L	MS-VC	R1	R2	R3	R4	RC	SI-G	SI-W	SNR
C-28	Retail Shop	1	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y NOTE 13	Y NOTE 13	N
C-29	Retail Store	2	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
C-30	School: Commercial, Trade, or Instructional	2	N	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
C-31	Self-Storage Facility	2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	Y	N	N
C-32	Service Station	1	N	N	N	N	N	N	N	N	N	Y	CU	CU	N	N	N	N	N	N	N	N
C-33	Shopping Center	2	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
C-34	Shopping Mall or Shopping Center, Regional	N/A	N	N	CU	CU	CU	CU	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
C-35	Supermarket or Grocery	2	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
C-36	Tavern/Bar/Night Club	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
C-37	Tool Rental	2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	SE	SE	N
C-38	Veterinary Clinic	2	N	N	N	SE	N	N	N	N	N	SE	SE	SE	N	N	N	N	N	SE	N	N
D	**Industrial Uses**																					
D-1	Assembly Plant	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-2	Contracting Shop	1	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	N	N
D-3	Distribution Center	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-4	Dry Cleaning/Laundry Plant	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-5	Fuel Storage Facility	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
D-6	Industrial Repar Shop	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-7	Junk or Salvage Yard	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	?	? NOTE 12	N
D-8	Lumber Yard	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	SE	N
D-9	Manufacturing/Assembly, Light	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-10	Quarry/Resource Extraction	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-11	Radio or Television Transmission Tower	N/A	SE	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	SE	N
D-12	Research Facility	2	SE	N	N	N	N	N	N	N	N	Y	SE	N	N	N	N	N	N	Y	SE	N
D-13	Recycling Center	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N
D-14	Resource Recovery Facility	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-15	Truck Terminal	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
D-16	Warehouse/Storage Facility	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N
D-17	Wholesale Facility	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
E	**Community Service Uses (Institutional Uses)**																					
E-1	Cemetery	1	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
E-2	Community Center	1	SE	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	N	N	N	Y	N	N
E-3	Community Service Planned Development	N/A	N	N	N	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N	N	N
E-4A	Day Care Center, Adult	2	SE	Y	Y	Y	Y	Y	Y	SE	N	Y	Y	Y	Y	Y	SE	SE	N	SE NOTE13	SE NOTE13	N
E-4B	Day Care Center, Child	2	SE	Y	Y	Y	Y	Y	Y	SE	N	Y	Y	Y	N	N	N	N	N	SE NOTE13	SE NOTE13	N

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E-5	Dormitory	N/A	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
E-6	Emergency Services	2	N	Y	N	Y	N	N	Y	SE	N	Y	Y	Y	CU	CU	CU	CU	N	SE	SE	N
E-7	Group Home/Personal Care Home	1	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	SE	SE	Y
E-8	Hospital	N/A	N	N	N	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N	N	N
E-9	Library, Museum, or Cultural Center	1	Y	Y	Y	Y	SE	Y	Y	CU	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
E-10	Life Care Facility (Continuing Care)	2	SE	N	N	N	N	N	N	CU	N	Y	N	N	CU	CU	CU	CU	N	Y	N	N
E-11	Municipal Complex	2	Y	Y	Y	Y	Y	Y	Y	CU	N	Y	Y	Y	Y	Y	CU	CU	Y	Y	Y	N
E-12	Nursing Home	N/A	Y	N	N	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	N	Y	N	N
E-13A	Place of Worship (Class 1)	N/A	CU	N	N	N	N	Y	N	CU	N	N	N	N	CU	CU	N	CU	N	N	N	N
E-13B	Place of Worship (Class 2)	N/A	CU	N	N	N	N	Y	N	Y	N	N	N	N	CU	CU	Y	CU	N	N	N	N
E-13C	Place of Worship (Class 3)	2	CU	CU	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	CU	CU	Y	CU	Y	Y	Y	CU
E-14	School or College--Public/Private	2	SE	N	N	N	N	N	N	Y	N	CU	CU	CU	N	N	N	N	N	Y	SE	N
E-15	Senior Living Community	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y
E-16	Transit Facility (Transit or Bus Station)	2	Y	Y	N	Y	N	Y	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
E-17	Utility Operating Facility	2	Y	N	N	N	N	N	Y	N	N	Y	Y	Y	SE	SE	SE	SE	N	Y	SE	N
F	**Office Uses**																					
F-1	Laboratory and Testing, Patient	1	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	Y	Y	N
F-2	Medical Clinic or Office	1	Y	SE	Y	Y	Y	Y	Y	A	N	SE	SE	SE	N	N	N	N	N	Y	Y	N
F-3	Office Building	1	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
F-4	Office Campus	2	CU	N	Y	Y	Y	Y	Y	N	N	Y	N	Y	N	N	N	N	N	CU	N	N
F-5	Professional Office	1	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
G	**Entertainment/Recreation Uses**																					
G-1	Amusement Arcade	2	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	SE	N	N	N	N	N	N	N	N
G-2	Amusement Park	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
G-3	Art Gallery or Museum	1	N	Y	Y	Y	Y	Y	Y	CU	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
G-4	Athletic/Health Club	2	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
G-5	Conservation/Recreation Preserve	1	Y	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N
G-6	Golf Course	N/A	SE	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N	N
G-7A	Movie Theater (Small)	2	N	N	SE	Y	Y	CU	CU	N	N	SE	SE	SE	N	N	N	N	N	SE	N	N
G-7B	Movie Theater (Multiplex)	N/A	N	N	CU	CU	CU	CU	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
G-8	Performing Arts Center or Theater (Performing)	1	N	CU	Y	Y	CU	CU	CU	N	N	Y	Y	Y	N	N	N	N	N	Y	SE	N
G-9A	Recreation, Indoor	2	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
G-9B	Recreation, Outdoor	2	N	Y	Y	Y	Y	Y	Y	CU/A	N	Y	Y	Y	SE	SE	SE	SE	Y	SE	N	N
G-10	Sexually-Oriented Business (Adult Use)	N/A	N	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N
G-11	Studio, Artist	1	A NOTE 17	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N
G-12	Studio for Dance, Fitness or Martial Arts	1	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	Y	Y	N

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Code	Use	Class (for MS Districts)	AO	BC: Lots < 1 Ac	BC: Abington Towne Center	BC: Foxcroft	BC: Huntingdon Valley	BC: Noble	BC: Willow Grove Park	CS	LP Overlay	MS-H	MS-L	MS-VC	R1	R2	R3	R4	RC	SI-G	SI-W	SNR
H	**Residential Uses**																					
H-1	Apartment/Condominium Building	1	Y	N	CU	CU	N	CU (but not in Triangle NOTE 1)	N	N	N	Y	Y	Y	N	N	N	N	N	Y	N	N
H-2	Apartment/Condominium Campus	N/A	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
H-3	Boarding House	1	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
H-4	Duplex Dwelling Unit (Multifamily Semi-Attached)	1	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	Y	N	N
H-5	Estate Dwelling Unit (Single-Family)	N/A	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
H-6	Mobile Home Development	N/A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	N	N
H-7	Single-Family Detached Dwelling Unit	N/A	Y	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	Y
H-8	Single-Family Detached Cluster Development	N/A	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
H-9	Townhouse Dwelling Unit (Single-Family Attached)	1	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
H-10	Twin Dwelling Unit (Single-Family Semi-Attached)	1	Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	N	N
H-11	Village Dwelling Unit	1	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
J	**Mixed Uses**																					
J-1	Mixed-Use Building	1	N	N	Y	Y	Y	Y	N	N	N	Y	Y	Y	N	N	N	N	N	SE	SE	N
	Other Uses, Not Expressly Permitted NOTE 18	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N

NOTES:

1= "Triangle" refers to property fronting east side of Old York Road, south of the Fairway.
2 = Drive-through permitted for retail except restaurants.
3= When accessory to Duplex, Single-Family Detached, Townhouse, or Twin.
4= When accessory to Residential Uses.
5= When accessory to Office Uses.
6= Permitted as accessory use for clients and their guests, permitted as principal use by CU.
7= In the LP District, accessory uses are permitted as they are in the R-1 District; open space uses are permitted as per §601.M Open Space Standards.
8= Noncommercial antennas are permitted.
9= Permitted as accessory use by-right, and principal use by special exception.
10 = When lawfully existing prior to adoption of the RC District.
11= Accessory use to Single-Family Detached Dwelling Unit.
12= Consult solicitor as to whether this use must be provided.
13= When located in mixed-use building.
14= Roof-mounted antennas only.
15= Drive-Through for restaurant/food = Class 2; Drive-Through for bank/drug store= class 1.
16= Accessory use to Places of Worship.
17= When located on the first floor of office or apartment/condominium uses.
18 = Any one individual use not specifically prohibited that complies with Article VI General Regulations and all other applicable sections of this ordinance. §2001.2.A requiring that a Special Exception be specifically authorized does not apply.

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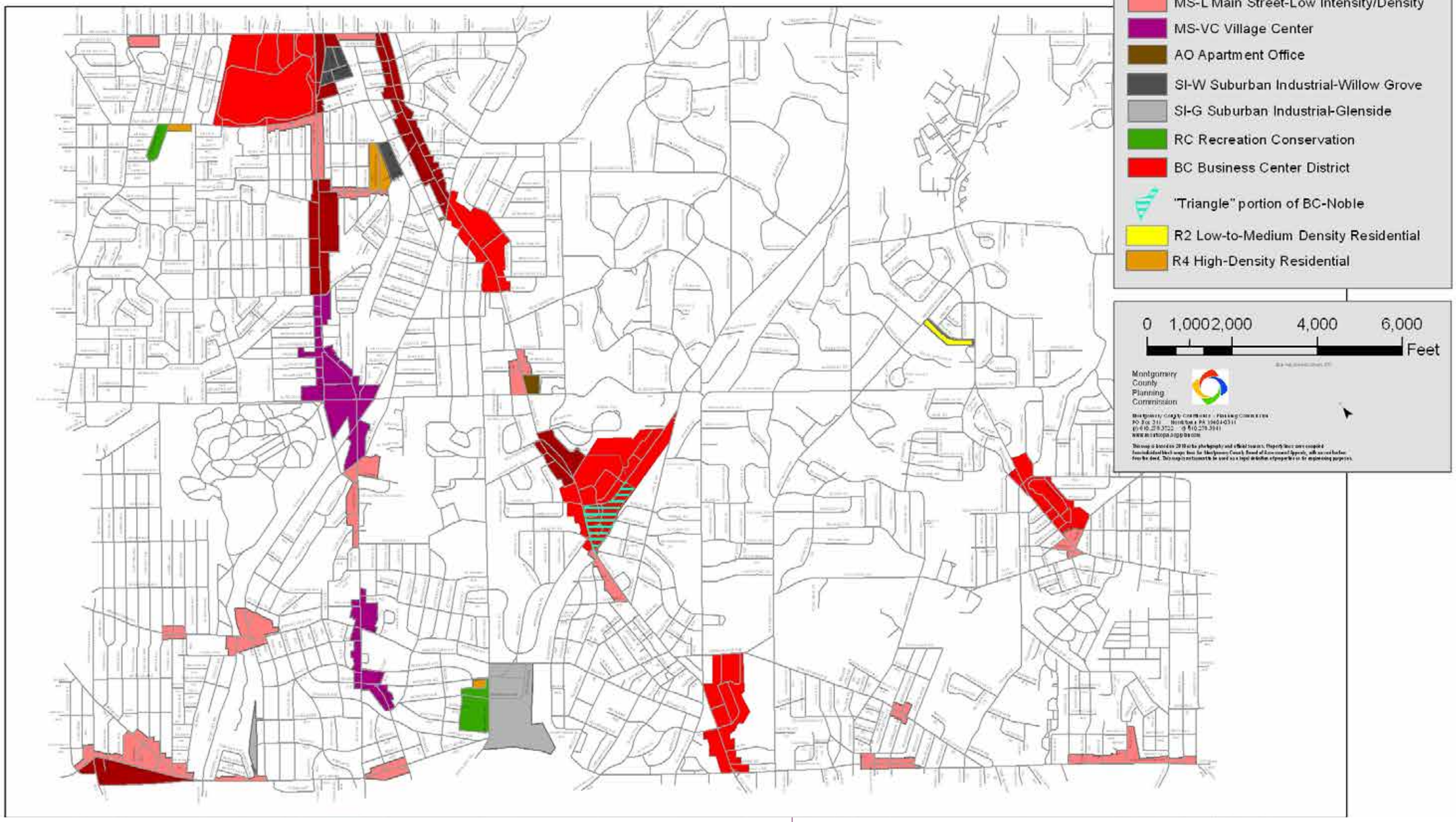
1" TRIM

Proposed Zoning Map Changes

6/10/14



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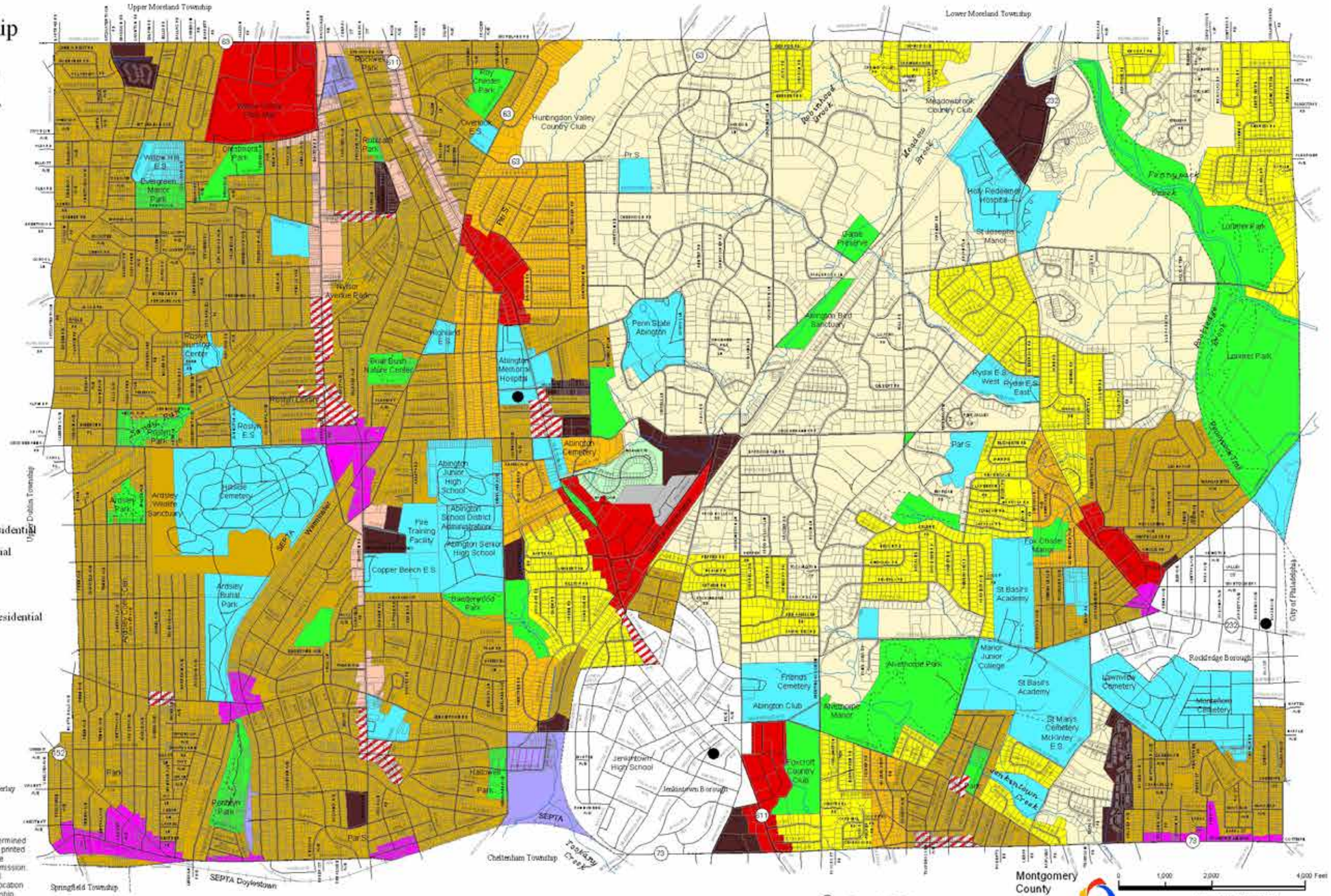
Abington Township

Jenkintown and Rockledge Boroughs

Montgomery County, Pennsylvania



Zoning

- RC Recreation/Conservation
- R1 Low Density Residential
- R2 Low-Medium Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- AO Apartment Office
- SNR Senior Neighborhood Residential
- TC Town Commercial
- SC Special Commercial
- PB Planned Business
- M Mixed Use
- CS Community Service
- SI Suburban Industrial
- FTD Fairway Transit District
- Suburban Industrial Mixed Development Overlay

Zoning boundaries as of February 2014

The Zoning Districts displayed on this map were determined by the Zoning Code of Abington Township. The date printed on this map is the latest information received from the Township by the Montgomery County Planning Commission. This information should not be considered the official "Adopted Zoning Map". Any question regarding the location of a district boundary should be directed to the Township.

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The Township of Abington
1176 Old York Road
Abington, PA 19001-3713
TELE 267.536.1003 • FAX 215.884.8271

www.ABINGTON.org