

Appendix B

ZONING

Chapter 200

Township

of

MOORE

**GENERAL
CODE**

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Chapter 200

ZONING

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[HISTORY: Adopted by the Board of Supervisors 4-24-1973; last amended by Ord. No. 1996-7. Subsequent amendments noted where applicable.]

ARTICLE I
General Provisions

§ 200-1. Short title.

This chapter shall be known and cited as the “Moore Township Zoning Ordinance of 1980,” as amended.

§ 200-2. Purpose.

- A. This chapter is hereby adopted in accordance with the requirements of the Municipalities Planning Code, Act 247, as amended,¹ and with the objectives of the township’s Comprehensive Plan.
- B. In addition to carrying out the objectives of the Comprehensive Plan, this chapter is designed:
- (1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density or population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.
 - (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be made in accordance with an overall program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
 - (3) To preserve prime agriculture and farmland considering topography, soil type and classification and present use.

§ 200-3. Applicability.

- A. No building, structure or land shall be used, occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this chapter.
- B. This chapter regulates:
- (1) The location, height, bulk and size of buildings and other structures.
 - (2) The relation of such buildings or structures to roads and highways and their intersections and interchanges, to steep slopes and natural bodies of water, to public buildings and public grounds, to airports and heliports, to historic buildings and places and to floodplains.

¹ Editor’s Note: See 53 P.S. § 10101 et seq.

ARTICLE II
Word Usage

§ 200-4. General interpretation.

Words used in the present tense include the future. Words in the masculine gender include the feminine and the neuter. The singular includes the plural and the plural the singular. The word “shall” is always mandatory; the word “may” is permissive.

§ 200-5. Definitions.

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

ABANDONED VEHICLE — Any inoperable vehicle lacking a currently effective state license and inspection sticker.

ABUT — Next to or adjacent to, and includes the words “directly across from streets, natural features and rights-of-way.”

ACCESSORY BUILDING — A building (including but not limited to a private garage, private toolhouse or children’s play house or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

ACCESSORY STRUCTURE — A structure (including but not limited to a swimming pool, tennis court, fence or wall) serving a purpose customarily incidental to the use of the principal building or use and located on the same lot as the principal building or use.

ACCESSORY USE — A use subordinate to the principal use on the same lot and customarily incidental thereto.

ACRE — Forty-three thousand five hundred sixty square feet.

ADJACENT — A state of being side by side, next to, adjoining, contiguous or abutting one to another.

ADMINISTRATOR — The person designated by the Board of Supervisors who receives subdivision or land development plans or otherwise acts in a clerical capacity for and on behalf of the Township Planning Commission.

AGRICULTURAL RETAIL — A principal use for the retail sale of products, of which 25% must have been produced on the premises.

AGRICULTURE — The raising and keeping of field, truck and tree crops. Agriculture does not include animal husbandry.

ALLEY — A public or private way affording only secondary means of access to abutting property.

ANIMAL HUSBANDRY — The raising and keeping of livestock or poultry for any commercial purpose. The keeping of livestock or poultry as farm pets or for domestic

purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry.

APPLICANT — A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

AUDITORIUM — A building containing a stage and seating for meetings and performances.

AUTO GAS STATION — A place where only gasoline and a limited selection of automobile accessories are sold to the public at retail.

AUTO, RECREATION VEHICLE OR BOAT SALES AREA — An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, recreation vehicles or boats in operable condition, and where no major repair work is done.

AUTO REPAIR STATION — Buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major repairs are conducted.

AUTO SERVICE STATION — Buildings and land areas where gasoline, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor repairs are conducted. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than customary. Outside storage of inoperable or unlicensed vehicles at service stations is limited to a maximum two-day period of time for each such vehicle.

AUTO WRECKING — The dismantling or disassembling of used motor vehicles or recreation vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT — A story in a building (excluding a subterranean building) which has a structural ceiling four feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road, and the floor level of which is below finished grade at all points on the periphery of the building. A basement shall be counted as one story in determining the permissible number of stories.

BLOCK — Property bounded on one side by a street and on the other three sides by a street, railroad right-of-way, public park, waterway, township line or any combination thereof.

BLOCK FRONTAGE — That part of a block which fronts on a single street.

BOARD — The Zoning Hearing Board of Moore Township.

BOARDINGHOUSE — A dwelling in which the owner or tenant rents at least one but not more than six rooms for residential purposes and furnishes meals for compensation.

BOARD OF SUPERVISORS — The Board of Supervisors of Moore Township.

BUFFER YARD — A strip of land at least 20 feet in width which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any other use than open space.

BUILDING — Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property. Building is interpreted as including “or part thereof.”

BUILDING COVERAGE — The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breezeways, but excluding open patios) by the total area of the lot upon which the buildings are located.

BUILDING HEIGHT — The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the building site covered by the building to the highest portion of the roof.

BUILDING, PRINCIPAL — The building in which the main or principal use of a lot is situated.

CAMP — A business or organization offering dormitories, cottages, cabins or similar accommodations, eating facilities, sanitary facilities and recreational or education facilities to the public at large or any segment of the public on other than a transient basis, but does not include “campground.”

CAMPGROUND — Any lot, parcel or tract of land upon which space is rented for two or more tents, recreation vehicles, camping trailers, travel trailers, pickup coaches, motor homes or any combination thereof for temporary occupancy. Any such land development intended for permanent occupancy or involving the sale of lots, parking space for location of tents, recreation vehicles, travel trailers, pickup coaches or other similar accommodations shall be considered as a residential subdivision and shall meet all standards and requirements in this chapter and the Subdivision and Land Development Ordinance.

CARPORT — A building open on two or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

CARTWAY — The paved portion of a street or highway.

CELLAR — A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than four feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.

COMMERCIAL CROP STORAGE — The bulk storage of crops where more than 50% of the crops stored were not produced by the owner.

COMMERCIAL FORESTRY — The harvesting of trees for any commercial purpose in areas greater than 10 acres in size or greater than 10% of the lot area.

COMMERCIAL MOTOR VEHICLE — A motor vehicle licensed by the commonwealth in a class other than Class I or Class II.

COMMERCIAL OUTDOOR RECREATION — Any area which is predominantly open space, is used principally for active or passive recreation and is used for a profit-making purpose.

COMMISSION — The Planning Commission of Moore Township.

COMPREHENSIVE PLAN — The document entitled “Moore Township Comprehensive Plan” or any part thereof, prepared and adopted by the Board of Supervisors.

CONDITIONAL USE — Certain specified uses which are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission pursuant to express standards and criteria set forth in this chapter.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963, or the Pennsylvania Uniform Condominium Act.²

CONSTRUCTION — Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and the demolition of preexisting buildings, provided that further construction be diligently carried on.

CONVERSION — To change or adapt land or structures to a different use, occupancy or purpose.

COUNTY — The County of Northampton, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION — The Joint County Planning Commission for Lehigh and Northampton Counties.

CROSSWALK or WALKWAY — A strip of land, including a right-of-way, dedicated to public use in order to facilitate pedestrian access through or into a block.

CULTURAL CENTER — A building and/or land open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature study area, etc.

CURATIVE AMENDMENT — A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

DEVELOPER — Any landowner, agent of such landowner or tenant with permission from a landowner who makes or causes to be made a subdivision of land or land development.

DEVELOPMENT PLAN — A proposal for the development of land, prepared in accordance with this chapter, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this chapter shall mean both the written and graphic materials referred to in this definition.

DISTRICT or ZONING DISTRICT — A portion of the territory of the township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

² Editor's Note: The Unit Property Act was repealed 7-2-1980, by P.L. 286, No. 82. The Uniform Condominium Act can be found at 68 Pa.C.S.A. § 3101 et seq.

DRIVEWAY — A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the road.

DUMP — A site used primarily for the disposal, by abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, trash, junk, vehicles or parts thereof or waste material of any kind.

DWELLING, RESIDENCE OR RESIDENTIAL STRUCTURE — Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term “dwelling” shall not be deemed to include an automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence.

- A. **SINGLE-FAMILY DWELLING** — A detached building designed for or occupied exclusively by one family, except for a mobile home.
- B. **MOBILE HOME DWELLING:**
- (1) A transportable single-family dwelling designed so that it can be:
 - (a) Transported on a highway;
 - (b) Used for permanent occupancy, office or place of assembly contained in one unit or in two 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
 - (c) Constructed so that it may be used without a permanent foundation.
 - (2) Mobile home does not include travel trailers or modular homes.
- C. **MODULAR HOME** — A single-family dwelling designed for transportation after fabrication in one or more units and arriving at a site where it is assembled on a permanent foundation and connected to utilities.
- D. **TWO-FAMILY DWELLING** — A detached or semidetached building where not more than two individual family dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- E. **MULTIFAMILY DWELLING** — A building designed for occupancy of families living independently of each other and containing three or more dwelling units per building.
- (1) **LOW-RISE BUILDING** — A multifamily dwelling structure, including townhouses, garden apartments and other housing types which do not exceed three stories in height and which do not share a common outside access.
 - (a) **GARDEN APARTMENT** — A building containing three or more dwelling units in a single structure, having no half stories underground, where individual dwelling units share a common outside access and share a common yard area which is in the sum of the required lot areas of all the dwelling units within the building.

(b) **TOWNHOUSE** — An attached dwelling with one dwelling unit from ground to roof, two points of independent outside access, at least two other dwellings built in conjunction therewith and any portion of one or two unpierced walls common with an adjoining dwelling.

(2) **LOW-RISE APARTMENT** — A multifamily dwelling in a building not exceeding three stories in height where individual dwelling units share a common outside access. Each unit shares with other units a common yard area which is in the sum of the required lot areas of all of the dwelling units within the building.

(3) **HIGH-RISE APARTMENT** — A multifamily dwelling in a building over three stories in height where individual dwelling units share a common outside access and elevators serve each floor. Each unit shares with other units a common yard area which is the sum of the required lot areas of all of the dwelling units within the building.

DWELLING, DETACHED — A dwelling with yards surrounding all sides.

DWELLING UNIT or HOUSING UNIT — One or more rooms intended to be occupied by one family as separate living quarters, containing sanitary facilities and kitchen facilities and having direct access from the outside or through a common hall.

EASEMENT — A grant by the property owner of a use of land for specified purposes by the public, a corporation or persons.

ENGINEER — The registered professional engineer designated by the Board of Supervisors to perform all duties required of the Engineer by the provisions of this chapter.

ESSENTIAL SERVICES — Includes the provision of gas, electricity, steam, communication, telephone, sewer, water, public safety and other similar services. The facilities required to provide such services shall consist of the following:

- A. Limited facilities are equipment which does not require enclosure within a building or which can be constructed within a public right-of-way (including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals and hydrants).
- B. Major facilities are equipment which requires enclosure within a building or construction on its own site (including gas storage areas, substations, telephone exchanges and telephone booths).

FAMILY — One or more persons related by blood, marriage or adoption (or a group of not more than five persons not related by blood or marriage) living together in a single dwelling and maintaining a common household. A family includes any domestic employees.

FARM POND — A man-made body of water at least 2,000 square feet in area used for agricultural or recreational purposes.

FAST-FOOD EATING PLACE — A building in which food is prepared and served to the public for consumption both on or off the premises.

FEEDLOT — A structure or area of land on which domestic animals are fattened for market.

FENCE — A barrier of natural vegetative growth or of other natural or fabricated materials placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof.

A. **BOUNDARY LINE FENCE** — Any fence which has an average center line within two feet of the lot line.

FLOODPLAIN — A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation once in every 100 years.

FLOODWAY — The designated area of a floodplain required to carry the discharge waters of a flood of one-hundred-year magnitude.

FLOOR AREA — The total area of all floors as measured to the outside surfaces of exterior walls or from the center line of party walls separating two buildings, but excluding cellars, basements, crawl spaces, attics without floors, open porches, balconies and terraces.

FORESTRY — The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. **[Added 2-5-2002 by Ord. No. 2002-1]**

GOVERNMENT SERVICES AND FACILITIES — Municipal, county, state or federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

GRADE — The elevation of finished ground or paving.

GROUP HOME — All buildings used primarily for the housing of persons nonrelated by blood or marriage (including dormitories, fraternities and sororities, etc.). Rooming houses, boardinghouses, hotels, motels and resorts are not group residences.

HOME OCCUPATION — Any use conducted entirely within a dwelling which is carried on only by the inhabitants of such dwelling or one additional person and which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character.

HOTEL — A building or group of buildings with an outside entrance in common, which contains six or more rooms and is designed, arranged and used for the overnight lodging of travelers or for the temporary occupancy of transients and the business conduct of which it is licensed under applicable laws.

IMPERVIOUS COVER — Any area covered by a structure or other man-made improvement which may be designed to be or may exist as semipervious (e.g., gravel, crushed stone, porous pavement, etc.). **[Amended 7-6-1999 by Ord. No. 1999-1]**

JUNK or SALVAGE — Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers and structures). Junk or salvage shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNKYARD or SALVAGE YARD — Any land or structure where junk or salvage is discarded, bought, sold, exchanged, stored, bailed, cleaned, packed, disassembled or handled. Junkyard does not include those structures where used furniture or household

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equipment is stored, bought or sold, nor those structures or land where automobiles not abandoned are stored, bought or sold.

KITCHEN FACILITIES — Consists of all of the following: a sink with piped water, a permanent cookstove and a refrigerator.

LAND AREA — The total area of space or surface occupied, measured in square feet.

LAND DEVELOPMENT:

- A. The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.³

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

LOT — Any parcel or tract of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots under common ownership shall be considered one lot.

- A. **CORNER LOT** — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
- B. **INTERIOR LOT** — A lot other than a corner lot whose sides do not abut a street.
- C. **REVERSE FRONTAGE LOT** — A lot which fronts on one public street but provides vehicular access solely from another public street at the rear of the lot.
- D. **THROUGH LOT** — An interior lot having frontage on two streets.
- E. **FLAG LOT** — A lot with direct frontage on a public road, which does not meet the required lot width at the minimum required front yard setback line and which consists of an access lane with a minimum width of 35 feet and a maximum width of 45 feet and a maximum length of 500 feet measured from the center line of the public road and a rectangular area, the dimensions of which exceed the minimum lot width and lot size requirements.

³ Editor's Note: See 53 P.S. § 10503(1.1).

LOT AREA — The area contained within the lot lines, excluding space within existing street rights-of-way.

LOT DEPTH — The mean average horizontal distance between the front and the rear lot lines.

LOT LINES — The property lines bounding the lot.

- A. **FRONT LOT LINE** — The line separating the lot from an existing street right-of-way.
- B. **REAR LOT LINE** — The lot line opposite and most distant from the front lot line. (A three-sided lot has no rear lot line.)
- C. **SIDE LOT LINE** — Any lot line other than a front or rear lot line. A “side street lot line” is a side lot line separating a lot from a street.
- D. **STREET OR ALLEY LOT LINE** — A lot line separating a lot from a street or alley.

LOT WIDTH — The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line as set forth in this chapter or as otherwise prescribed in § 200-24D(2).⁴

MEMBERSHIP CLUB OR CAMP — An association of persons which owns, leases or occupies an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose and whose activities are confined to the members and guests and are not extended to the general public (including the establishment so operated). But it does not include such clubs and camps whose chief activity is a service carried on primarily for business or gain.

MOBILE HOME LOT — A parcel of land in a mobile home park improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home, which is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient residential use.

MOTEL — A building or group of buildings containing individual rooms or accommodations, each of which is provided with a separate exterior entrance and a parking space and is offered principally for temporary occupancy by motor vehicle travelers (including auto courts, motor courts, motor inns and motor lodges).

MOTOR FREIGHT TERMINAL — The building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by motortruck.

NONCONFORMING BUILDING — A building or part of a building manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or amendment heretofore or hereafter enacted, where such building lawfully existed prior to

⁴ Editor's Note: See Diagram 1, Lot Measurements, included at the end of this chapter.

the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING LOT — A lot which does not conform to the minimum width, depth or area dimensions specified for the district where such lot is situated, but was lawfully in existence at the time of enactment of this chapter or is legally established through the granting of a variance by the Board. Contiguous nonconforming lots under common ownership shall be considered one lot.

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.

NONCONFORMING USE — A use which does not comply with the applicable use provisions of this chapter but which was lawfully in existence prior to the enactment of this chapter.

NURSING HOME — A building containing sleeping rooms used by elderly persons who are lodged and furnished with meals with or without nursing care.

OFFICIAL MAP — The Official Map as adopted or amended by the Board of Supervisors showing the characteristics of streets, watercourses and public grounds.

OFFICIAL ZONING MAP — The map as adopted or amended by the Board of Supervisors which designates the location and boundaries of zoning districts.

OPEN SPACE — The unoccupied area of a lot. Open space does not include the areas of principal and accessory structures, streets, driveways and parking areas, but may include areas occupied by walkways, patios and porches without roofs, playgrounds and other areas occupied by outdoor recreation or play apparatus, gardens and trees.

OPEN SPACE, COMMON — A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

OPEN SPACE, USABLE — Open space of a lot or tract used for residential purposes, exclusive of required front and side yard areas, which is suitable for specified use(s) or as outdoor open space for the residents.

ORDINANCE — The Moore Township Zoning Ordinance of 1980, or any provisions or amendment thereof, enacted by the Board of Supervisors, including the Official Zoning Map.

PARK — Any area which is predominantly open space, is used principally for active or passive recreation and is not used for a profit-making purpose.

PARKING FACILITIES — Outdoor areas or specially designed buildings or garages used for the storage of vehicles.

PATIO — An area or courtyard which is not covered by a roof or permanent awning and is designed for outdoor living purposes as an accessory use to a structure.

PERFORMANCE GUARANTY — Financial security which may be accepted by the township in lieu of a requirement that certain improvements be made by a developer before a plat is approved (including letters of credit, performance bonds, escrow agreements and other similar collateral or surety agreements).

PERMIT — A document issued by the proper township authority authorizing the applicant to undertake certain activities.

- A. **ZONING PERMIT** — A permit issued indicating that a proposed use, building or structure is in accordance with this chapter, which authorizes an applicant to proceed with said use, building or structure.
- B. **BUILDING PERMIT** — A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code which may be adopted by the township, which authorizes an applicant to commence with said construction, alteration or reconstruction.
- C. **OCCUPANCY PERMIT** — A permit issued upon completion of the construction of a structure or change in use of a structure or parcel of land or reoccupancy of a structure or land indicating that the premises comply with the provisions of this chapter and may be used for the purposes set forth in the occupancy permit.

PERMITTED USE — Any use which does not require special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.

PERSON — An individual, partnership, organization, association, trust or corporation. When used in a penalty provision, person shall include the members of such partnership, the trustees of such trust and the officers of such organization, association or corporation.

PERSONAL SERVICES — Places primarily providing services oriented to personal needs which do not involve retail sales or professional advisory services. Personal services include barber- and beauty shops, shoe repair shops, household appliance repair shops and other similar establishments.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) — An area of land controlled by a single landowner to be developed as a single entity for a number of dwelling units in a variety of housing types which has a development plan that does not comply with regulations on lot size, bulk or type of dwelling, density, lot coverage or required open space, which apply to any single residential district created from time to time by this chapter.

PLAN or PLAT — A map or chart indicating the subdivision or resubdivision of land which, in its various stages of preparation, can include the following:

- A. **SKETCH PLAN** — An informal plan, identified as such with the title “sketch plan” on the map, indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision.

- B. **PRELIMINARY PLAN** — A complete plan, identified as such with the title “preliminary plan,” accurately showing proposed streets and lot layout and such other information as required by this chapter.
- C. **FINAL PLAN** — A complete and exact plan, identified as such with the title “final plan,” prepared for official recording as required by this chapter to define property rights and proposed streets and other improvements.

PLANTING SCREEN OR STRIP — A row of evergreens or deciduous shrubs or trees located within a buffer yard.

PORCH — A roofed or unroofed structure projecting from the front, side or rear wall of a building.

PRINCIPAL USE — The predominate or main use of the lot. The landowner shall declare the principal use at the time of any application to the Zoning Officer.

PROFESSIONAL OFFICE — An office maintained for the conduct of a licensed profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician or realtor.

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

QUARRY — A site where a mineral, stone, sand, gravel or topsoil is extracted.

RADIO/TELEVISION TRANSMITTER — Any structure used for the transmission or retransmission of a commercial radio or television broadcast signal.

RECREATION VEHICLE — A vehicle of any size which is designed as a temporary dwelling for travel, recreational and vacation uses and which is self-propelled or is designed to be towed or carried by another vehicle (including campers, pickup coaches, travel trailers and motor homes).

RESORT — A building or group of buildings located on a lot containing 10 acres or more combining lodging of members and guests, service of food to lodgers and/or nonlodgers, retail sale of commodities and services and facilities for educational activities and recreation for lodgers and/or nonlodgers.

RESTAURANT — A building in which food is prepared and served to the public for consumption within the building.

RIDING STABLE — The commercial boarding or hacking of six or more horses.

RIGHT-OF-WAY — Land reserved for the public or the abutting owners for use as a street, alley, interior walk or for other public purposes.

ROOMING OR LODGING HOUSE — A situation or building in which an owner of a dwelling rents at least one but not more than six rooms for residential purposes, but does not furnish meals.

SANITARY FACILITIES — All of the following: a sink with piped water, a toilet and a bathtub or shower.

SCREEN — A screen or obstruction of sufficient height (but not less than six feet high) to effectively visually obscure the area being screened from adjoining areas.

SEASONAL ROADSIDE PRODUCT MARKET — An accessory use for the sale of dairy, farm, greenhouse or nursery products.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED/ON-LOT — A public utility system or other system designed to collect, centrally treat and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the township. Any system which is not a centralized sewage disposal system shall be deemed an on-lot system. A centralized sewage disposal system shall also include a “community on-lot disposal system” as defined by the Department of Environmental Resources.⁵

SEWER CONNECTION — The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a dwelling or building to the inlet of the street or main collector sewer pipe of the sewerage system serving the subdivision or land development.

SIGN — A visual display which is affixed to, painted or represented directly or indirectly upon a building, structure, wall or land and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign shall not include any display of official court or public office notices nor any traffic control device nor the flag, emblem or insignias of a nation, state, county, municipality, school or religious group.

- A. **OFF-PREMISES SIGN** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located or to which it is affixed.
- (1) **OFF-PREMISES DIRECTIONAL SIGN** — A sign indicating the location of a business, service or use which does not exceed six inches in height and 36 inches in width and employs white block lettering not exceeding four inches in height on a green (PMS) background.
- B. **ON-PREMISES SIGN** — A sign which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed or to which it is affixed (including signs offering premises for sale, rent or development or advertising the services of professionals or advertising building trades during construction or alteration).
- (1) **BUSINESS IDENTIFICATION/ADVERTISING SIGN** — A sign identifying the name of the business and/or a commodity or service bought or sold on the premises.
- (2) **CHARITABLE/COMMUNITY SERVICE IDENTIFICATION SIGN** — A sign identifying the name of the charitable or community service organization

⁵ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

(including churches, volunteer fire companies and other nonprofit organizations) and/or a commodity or service provided by such organization.

- C. **FREESTANDING SIGN** — A sign which is not attached to a building.
- D. **PARALLEL SIGN** — A sign which is attached to or is part of the facade of a building and does not extend more than one foot from such facade.
- E. **PROJECTING SIGN** — A sign which is attached to the facade of a building and extends more than one foot, but not more than six feet, from such facade.
- F. **WINDOW SIGN** — A sign affixed to or visible through a window of a building.

SIGN, GROSS SURFACE AREA OF — The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

SITE ALTERATION — Includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

SOIL CONSERVATION DISTRICT — The Soil and Water Conservation District for Northampton County.

SOIL SURVEY — A scientific survey of soil conditions and characteristics prepared by an engineer or soil scientist and approved or certified by the United States Soil Conservation Service.

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

STORY and HALF STORY — That portion of a building included between the surface of any floor and the ceiling next above it and having a vertical distance of not less than seven feet shall be considered a full story. Any such portion of a building having a distance of less than seven feet shall be considered a half story. Basements shall be considered full stories while cellars shall not be considered as being stories or half stories.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

- A. **EXPRESSWAY** — Designed for large volumes of high-speed through traffic with access limited to selected grade-separated or at-grade intersections.
- B. **ARTERIAL STREET** — Designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.
- C. **COLLECTOR STREET** — Designed to carry a moderate volume of traffic between local streets and arterials and provide only limited vehicular access to the abutting properties.

- D. **LOCAL STREET** — Designed to provide direct access to abutting properties or gather traffic from marginal access streets and provide routes to collector streets.
- E. **LOCAL ACCESS STREET** — Designed to provide direct access to individual uses. They serve to provide the connecting link between the beginning or end point of a trip and the higher categories of streets. Local access streets are further classified as:
- (1) **CUL-DE-SAC STREET** — A street which is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end. Cul-de-sac streets have a maximum length of 1,200 feet and furnish access to no more than 25 dwelling units or ultimately have an average daily traffic count in excess of 200 vehicles. The length of a cul-de-sac street shall be measured from the point of center-line intersection with an approved through road that has an alternate access to an existing public road to the center-line point of the radius of the cul-de-sac curve.⁶
 - (2) **LOOP STREET** — A street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end. A loop shall not ultimately furnish access to more than 75 dwelling units or ultimately have an average daily traffic count in excess of 600 vehicles.⁷
- F. **ACCESS STREET** — Designed to provide access from a residential lot only to an approved street where the residential lot does not have frontage on an approved street. The access street shall have a minimum right-of-way of 50 feet.

STRUCTURAL ALTERATION — Any change in the structural parts of a structure, such as walls, columns, beams, girders, floors, roof or ceiling, or any addition to any structure or the moving of a structure from one location to another. Structural alteration does not include normal maintenance or minor repairs or improvements as defined in the Township Building Permit Ordinance.

STRUCTURE — Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term “structure” shall include buildings, signs, fences, walls, towers, swimming pools and similar structures. Structure shall be interpreted as including the words “or part thereof.”

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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MAJOR — Any subdivision which does not qualify as a minor subdivision.

⁶ Editor’s Note: See Diagram 2, Cul-De-Sac and Loop Streets, included at the end of this chapter.

⁷ Editor’s Note: See Diagram 2, Cul-De-Sac and Loop Streets, included at the end of this chapter.

SUBDIVISION, MINOR:**A. A subdivision:**

- (1) Into not more than three lots;
- (2) Which involves no extension of municipal water or sewer facilities, no new road or street (other than access street); and
- (3) Which provides for and does not adversely affect the potential development of the remainder of the tract.

B. A subdivision for the purpose of joining or annexing a lot to an existing lot, parcel or tract of land and which provides a covenant in the deed of the lot to be conveyed which joins it with and makes it an inseparable part of the parcel to which it is joined.

C. A subdivision of any lot which has undergone three successive minor subdivisions shall comply with the requirements of a major subdivision.

D. Approval of successive minor subdivisions of a tract of land shall be separated by a minimum of one year (i.e., one minor subdivision per tract of land per year).

SUBTERRANEAN BUILDING — A building covered by land on at least 50% of the surface of its walls and roof.

SWIMMING POOL — A body of water or receptacle for water having a depth at any point greater than 30 inches which is primarily used or intended to be used for swimming or bathing.

TEMPORARY BUILDING — A building which is not designed to last or to be used for more than one year.

TEMPORARY OR SEASONAL OCCUPANCY — The use of any premises, building or structure for living and/or sleeping purposes for less than 100 consecutive days in any calendar year.

TEMPORARY STRUCTURE — A structure which is not permitted to last or to be used for a specific use for more than one year.

TOURIST HOME — A dwelling in which at least one but not more than six rooms are offered for overnight accommodations for transient guests, for compensation.

TOWNSHIP — The Township of Moore, Northampton County, Pennsylvania.

TRAILER — See “mobile home dwelling” (under “dwelling”) and “recreation vehicle.”

TRAVEL TRAILER — See “recreation vehicle.”

TRAVEL TRAILER PARKS — See “campground.”

USE — The purpose for which land, a sign, a structure or a building is arranged, designed or intended, or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on.

VARIANCE — A granting of permission to use or alter land or structures which requires a variation from the strict application of a requirement of this chapter. Variances are granted only in the case of exceptionally irregular, narrow, shallow or steep lots or other

exceptional physical conditions, whereby strict application of regulations would result in practical difficulty and unnecessary hardship. Variances are granted only if specific requirements are met. A variance may not be granted to permit a use which is not permitted in the zoning district involved.

WATER CONNECTION — The connection consisting of all pipes, fittings and appurtenances from the water pipe to the inlet pipe of the distribution system within the dwelling or nonresidential unit.

WATERCOURSE — A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow.

WATER SUPPLY SYSTEM, CENTRALIZED/ON-LOT — A public utility system or other system designed to transmit water from a common source to users in compliance with the requirements of the appropriate state agencies and the township. Any system not deemed a centralized water supply system shall be an on-lot system.

YARD — An open space on the same lot with a building or group of buildings which lies between the principal building or group of buildings and the nearest lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

- A. **FRONT YARD** — A yard extending the full width of the lot between a building and the front lot line or side street lot line.
- B. **REAR YARD** — A yard extending the full width of the lot between a building and a rear lot line.
- C. **SIDE YARD** — A yard extending from the front yard to the rear yard between a building and the nearest side lot line.

ZONE — See “district.”

ZONING HEARING BOARD — See “Board.”

ZONING OFFICER — The administrative officer charged with the duty of enforcing the provisions of this chapter.

**ARTICLE III
Zoning Districts and Use Regulations**

§ 200-6. Zoning districts; Zoning Map.

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

BMC	Blue Mountain Conservation District
LC	Limited Conservation District
R	Rural District
SR	Suburban Residential District
VC	Village Center District
I	Industrial District

- B. For the purposes of this chapter, the zoning districts named above shall be of the number, size, shape and location shown on the Official Zoning Map adopted and included in its entirety as a part of this chapter.
- C. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be maintained in the Township Building shall be the final authority regarding the current zoning status of land, buildings and other structures.

§ 200-7. Uses permitted in zoning districts.

- A. Unless otherwise provided by law or specifically in this chapter, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. Permitted uses shall adhere to lot area, lot width, building coverage, height and yard requirements and other applicable provisions of this chapter.

§ 200-8. Continuation of existing uses.

- A. Any legally established existing use of a building or structure, lot or land or part thereof which constitutes a conforming use under the provisions of this chapter may be continued.
- B. Any lawful use which occupies any building or structure, lot or land at the effective date of this chapter or any amendment thereto, but does not comply with the use regulations of the district in which it is situated after the effective date of this chapter or any amendment thereto, may be continued as a nonconforming use in accordance with the provisions of Article IV of this chapter.

§ 200-9. Applicability of district regulations.

- A. The regulations set by this chapter shall apply uniformly to each class or kind of building, structure or land, except as provided for in this chapter.
- B. No building, structure or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the district in which it is located.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

- E. All territory which may hereafter be annexed to the township shall be considered to be zoned in the same manner as the contiguous territory inside the previous township limits until otherwise classified.

§ 200-10. Zoning Map.

- A. A map entitled "Zoning Map for the Township of Moore" accompanies this chapter and is declared a part of this chapter.
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Township Secretary and shall bear the adoption date of this chapter and the seal of the township under the following words: "This is to certify that this is the Official Zoning Map."
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this chapter. All changes shall be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Township Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the map for official use.
- E. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof. The new Official Zoning Map may be identified by the signatures of the Board of Supervisors and attested to by the Township Secretary, bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____(date) as part of the Moore Township Zoning Ordinance of 1980, Moore Township, Northampton County, Pennsylvania."
- F. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

§ 200-11. Rules for interpreting district boundaries.

- A. Boundaries drawn approximately following the center lines of streams, drainageways, streets, alleys, railroads or other right-of-way shall be construed to follow such center lines.
- B. Boundaries approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries drawn approximately following the center lines of streams shall be construed to follow such center lines and, in the event of change in the center line, shall be construed as moving with the actual center line.

- D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- E. Where physical features existing on the ground vary with those shown on the Official Zoning Map or in other circumstances not covered by Subsections A through D above, the Zoning Hearing Board shall interpret the district boundaries.

§ 200-12. Blue Mountain Conservation District (BMC).

- A. Purpose. The purposes of this district are to protect the scenic, recreational and environmental resources of Blue Mountain, to protect and preserve natural resources in the Township and to provide for the orderly development of the Township. The predominant land uses in the district are forest land, state game land and other open space uses. The regulations for this district are designed to protect these land uses.
- B. Uses permitted by right. The following principal uses and their accessory uses are permitted by right in the BMC District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this chapter are satisfied:
 - (1) Agriculture.
 - (2) Modular home.
 - (3) Park.
 - (4) Single-family detached dwelling.
 - (5) Forestry. (See § 200-31.1.) [Added 2-5-2002 by Ord. No. 2002-1]
- C. Special exception uses. The following principal uses and their accessory uses may be permitted in the BMC District by the Zoning Hearing Board in accordance with standards contained in § 200-18 of this chapter:
 - (1) (Reserved)¹
 - (2) Utility substation.
- D. Conditional uses. The following principal uses and their accessory uses may be permitted in the BMC District when authorized by the Board of Supervisors in accordance with standards in § 200-19 of this chapter:
 - (1) Radio/television transmitter.
- E. Accessory uses.
 - (1) Except as otherwise regulated in § 200-20, all accessory buildings, structures and uses shall comply with the minimum yard requirements for the principal uses.
 - (2) The following accessory buildings, structures and uses shall be permitted in the BMC District only if such use complies with the relevant standards contained in § 200-20 of this chapter:

¹ Editor's Note: Former Subsection C(1), Commercial forestry, was repealed 2-5-2002 by Ord. No. 2002-1.

- (a) Farm pond.
 - (b) Home gardening, nursery or greenhouse.
 - (c) Home occupation.
 - (d) Keeping animals or fowl.
 - (e) Recreation vehicle.
 - (f) Residential or agricultural accessory building, structure or use.
 - (g) Solar energy system.
 - (h) Temporary building, structure or use.
 - (i) Tennis court.
 - (j) Windmill.
- (3) The following accessory uses are prohibited in the BMC District:
- (a) Any use which violates a provision of Article IV or V.
 - (b) Commercial or industrial outdoor storage or display.
 - (c) Dump.
 - (d) Noncommercial swimming pool.
 - (e) Seasonal roadside produce market.

F. [Amended 7-6-1999 by Ord. No. 1999-1] Lot area, width, building coverage and height regulations. The following dimensional requirements apply to each use in the BMC District, subject to further applicable provisions of this chapter:

BMC Principal Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height (stories)	Maximum Building Height (feet)
			By Buildings	By Total Impervious Cover		
All uses	10	400	1.95%	4%	2.5	35

G. Minimum yard requirements. The following minimum yard requirements apply to each use in the BMC District, subject to further applicable provisions of this chapter:

Principal Use	Front Yard* (feet)	Side Yards		From Dwelling to:	
		One (feet)	Both (feet)	Rear Yard (feet)	State Game Lands (feet)
All uses	50	50	100	50	225

* The depth at which the minimum lot width shall be measured.

H. Minimum floor area and dwelling unit widths. The following dimensional requirements apply to each residential use in the BMC District:

BMC Principal Use	Minimum Habitable Floor Area (square feet)	Minimum Dwelling Unit Width (feet)
All residential uses		18
Efficiency	500	
1-bedroom, 1 dwelling	600	
Each additional bedroom	120	

§ 200-13. Limited Conservation District (LC).

- A. Purpose. The purposes of this district are to protect and preserve natural resources in the Township, to preserve the rural character of the Township and to provide for the orderly development of the Township. The district contains environmentally sensitive areas and is predominantly undeveloped. The regulations for this district are designed to protect these sensitive areas, to stabilize the essential characteristics of the district and to control development which requires highways and public services in excess of those required by uses in the district.
- B. Uses permitted by right. The following principal uses and their accessory uses are permitted by right in the LC District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this chapter are satisfied:
 - (1) Agricultural retail.
 - (2) Agriculture.
 - (3) Animal husbandry.
 - (4) Church/cemetery.
 - (5) Greenhouse/nursery.
 - (6) Mobile home.
 - (7) Modular home.
 - (8) Orchard.
 - (9) Park.
 - (10) Single-family detached dwelling.
 - (11) Forestry. (See § 200-31.1.) **[Added 2-5-2002 by Ord. No. 2002-1]**
- C. Special exception uses. The following principal uses and their accessory uses may be permitted in the LC District by the Zoning Hearing Board in accordance with standards contained in § 200-18 of this chapter:
 - (1) Campground.
 - (2) Commercial crop storage.

- (3) (Reserved)²
 - (4) Commercial outdoor recreation.
 - (5) Fraternal, civic or social club.
 - (6) Gun club/outdoor target range.
 - (7) Riding stable.
 - (8) Slaughterhouse.
 - (9) Swimming club.
 - (10) Utility substation.
- D. Conditional uses. The following principal uses and their accessory uses may be permitted in the LC District when authorized by the Board of Supervisors in accordance with standards in § 200-19 of this chapter:
- (1) Government services and facilities.
- E. Accessory uses.
- (1) Except as otherwise regulated in § 200-20, all accessory buildings, structures and uses shall comply with the minimum yard requirements for the principal uses.
 - (2) The following accessory buildings, structures and uses shall be permitted in the LC District only if such use complies with the relevant standards contained in § 200-20 of this chapter:
 - (a) Farm pond.
 - (b) Home gardening, nursery or greenhouse.
 - (c) Home occupation.
 - (d) Keeping animals or fowl.
 - (e) Noncommercial swimming pool.
 - (f) Recreation vehicle.
 - (g) Residential or agricultural accessory building, structure or use.
 - (h) Seasonal roadside produce market.
 - (i) Solar energy system.
 - (j) Temporary building, structure or use.
 - (k) Tennis court.
 - (l) Windmill.
 - (3) The following accessory uses are prohibited in the LC District:

² Editor's Note: Former Subsection C(3), Commercial forestry, was repealed 2-5-2002 by Ord. No. 2002-1.

- (a) Any use which violates a provision of Article IV or V.
- (b) Commercial or industrial outdoor storage or display.
- (c) Dump.

F. [Amended 7-6-1999 by Ord. No. 1999-1] Lot area, width, building coverage and height regulations. The following dimensional requirements apply to each use in the LC District, subject to further applicable provisions of this chapter:

LC Principal Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height (stories)	Maximum Building Height (feet)
			By Buildings	By Total Impervious Cover		
Utility substation	1	150	13%	20%	2.5	35
All other uses	3	350	6.5%	13%	2.5	35

G. Minimum yard requirements. The following minimum yard requirements apply to each use in the LC District, subject to further applicable provisions of this chapter:

LC Principal Use	Front Yard* (feet)	Side Yards		Rear Yard (feet)
		One (feet)	Both (feet)	
All uses	50	50	100	50

* The depth at which the minimum lot width shall be measured.

H. Minimum floor area and dwelling unit widths. The following dimensional requirements apply to each residential use in the LC District:

LC Principal Use	Minimum Habitable Floor Area (square feet)	Minimum Dwelling Unit Width (feet)
All residential uses		18
Efficiency	500	
1-bedroom dwelling unit	600	
Each additional bedroom	120	

§ 200-14. Rural District (R).

A. Purpose. The purposes of this district are to maintain and promote agriculture in the Township, to maintain the rural character in the Township, to protect and preserve natural resources in the Township and to provide for the orderly development of the Township. The predominant land uses in the district are agricultural, other open space uses and rural

residential. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses and to control development which requires highways and public services in excess of those required by rural uses.

- B. Uses permitted by right. The following principal uses and their accessory uses are permitted by right in the R District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this chapter are satisfied:
- (1) Agricultural retail.
 - (2) Agriculture.
 - (3) Animal husbandry.
 - (4) Church/cemetery.
 - (5) Cultural center.
 - (6) Greenhouse/nursery.
 - (7) Mobile home.
 - (8) Modular home.
 - (9) Orchard.
 - (10) Park.
 - (11) Single-family detached dwelling.
 - (12) Forestry. (See § 200-31.1.) [**Added 2-5-2002 by Ord. No. 2002-1**]
- C. Special exception uses. The following principal uses and their accessory uses may be permitted in the R District by the Zoning Hearing Board in accordance with standards contained in § 200-18 of this chapter:
- (1) Animal hospital.
 - (2) Commercial crop storage.
 - (3) (Reserved)³
 - (4) Drive-in (outdoor) theater.
 - (5) Fraternal, civic or social club.
 - (6) Golf course.
 - (7) Government services and facilities.
 - (8) Gun club/target range.
 - (9) Kennel.
 - (10) Nursery school/day-care center.

³ Editor's Note: Former Subsection C(3), Commercial forestry, was repealed 2-5-2002 by Ord. No. 2002-1.

- (11) Nursing home.
- (12) Riding stable.
- (13) Slaughterhouse.
- (14) Swimming club.
- (15) Tennis club.
- (16) Utility substation.
- (17) Veterinarian office.

D. Conditional uses. The following principal uses and their accessory uses may be permitted in the R District when authorized by the Board of Supervisors in accordance with standards in § 200-19 of this chapter:

- (1) Airport.
- (2) College.
- (3) Fire station.
- (4) Hospital/hospice.
- (5) Mineral extraction.
- (6) Radio/television transmitter.
- (7) Sanitary landfill.
- (8) School.

E. Accessory uses.

- (1) Except as otherwise regulated in § 200-20, all accessory buildings, structures and uses shall comply with the minimum yard requirements for the principal uses.
- (2) The following accessory buildings, structures and uses shall be permitted in the R District only if such use complies with the relevant standards contained in § 200-20 of this chapter:
 - (a) Farm pond.
 - (b) Home gardening, nursery or greenhouse.
 - (c) Home occupation.
 - (d) Keeping animals or fowl.
 - (e) Noncommercial swimming pool.
 - (f) Recreation vehicle.
 - (g) Residential or agricultural accessory building, structure or use.
 - (h) Seasonal roadside produce market.
 - (i) Solar energy system.

- (j) Temporary building, structure or use.
- (k) Tennis court.
- (l) Windmill.
- (3) The following accessory uses are prohibited in the R District:
 - (a) Any use which violates a provision of Article IV or V.
 - (b) Commercial or industrial outdoor storage or display.
 - (c) Dump.

F. [Amended 7-6-1999 by Ord. No. 1999-1] Lot area, width, building coverage and height regulations. The following dimensional requirements apply to each use in the R District, subject to further applicable provisions of this chapter:

R Principal Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height	
			By Buildings	By Total Impervious Cover	(stories)	(feet)
Animal husbandry	3	350	6.5%	13%	2.5	35
All other uses	1	200	13%	20%	2.5	35

G. Minimum yard requirements. The following minimum yard requirements apply to each use in the R District, subject to further applicable provisions of this chapter:

R Principal Use	Front Yard* (feet)	Side Yards		
		One (feet)	Both (feet)	Rear Yard (feet)
All uses	50	30	60	40

* The depth at which the minimum lot width shall be measured.

H. Minimum floor area and dwelling unit widths. The following dimensional requirements apply to each residential use in the R District:

R Principal Use	Minimum Habitable Floor Area (square feet)	Minimum Dwelling Unit Width (feet)
All residential uses		18
Efficiency	500	
1-bedroom dwelling unit	600	
Each additional bedroom	120	

§ 200-15. Suburban Residential District (SR).

- A. Purpose. The purposes of this district are to provide for low- to moderate-density residential areas which are protected from incompatible land uses and are near the commercial uses and community facilities located in the Village Center District, so as to maintain these areas as attractive living environments and to promote the orderly development of the Township. Residential uses are the predominant land uses in the district. The regulations for this district are designed to protect the quality of these residential areas.
- B. Uses permitted by right. The following principal uses and their accessory uses are permitted by right in the SR District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this chapter are satisfied:
- (1) Agricultural retail.
 - (2) Agriculture.
 - (3) Animal husbandry.
 - (4) Church/cemetery.
 - (5) Library.
 - (6) Mobile home.
 - (7) Modular home.
 - (8) Park.
 - (9) School.
 - (10) Single-family detached cluster development.
 - (11) Single-family detached dwelling.
 - (12) Two-family dwelling.
 - (13) Forestry. (See § 200-31.1.) **[Added 2-5-2002 by Ord. No. 2002-1]**
- C. Special exception uses. The following principal uses and their accessory uses may be permitted in the SR District by the Zoning Hearing Board in accordance with standards contained in § 200-18 of this chapter:
- (1) Government services and facilities.
 - (2) Mobile home park.
 - (3) Nursery school/day-care center.
 - (4) Nursing home.
 - (5) Swimming club.
 - (6) Utility substation.

D. Conditional uses. The following principal uses and their accessory uses may be permitted in the SR District when authorized by the Board of Supervisors in accordance with standards in § 200-19 of this chapter:

- (1) Community center.
- (2) Fire station.
- (3) Post office.

E. Accessory Uses.

- (1) Except as otherwise regulated in § 200-20, all accessory buildings, structures and uses shall comply with the minimum yard requirements for the principal uses.
- (2) The following accessory buildings, structures and uses shall be permitted in the SR District only if such use complies with the relevant standards contained in § 200-20 of this chapter:
 - (a) Farm pond.
 - (b) Home gardening, nursery or greenhouse.
 - (c) Home occupation.
 - (d) Keeping animals or fowl.
 - (e) Noncommercial swimming pool.
 - (f) Recreation vehicle.
 - (g) Residential or agricultural accessory building, structure or use.
 - (h) Seasonal roadside produce market.
 - (i) Solar energy system.
 - (j) Temporary building, structure or use.
 - (k) Tennis court.
 - (l) Windmill.
- (3) The following accessory uses are prohibited in the SR District:
 - (a) Any use which violates a provision of Article IV or V.
 - (b) Commercial or industrial outdoor storage or display.
 - (c) Dump.

F. **[Amended 7-6-1999 by Ord. No. 1999-1]** Lot area, width, building coverage and height regulations. The following dimensional requirements apply to each use in the SR District, subject to further applicable provisions of this chapter:

SR Principal Use	Minimum Lot Area* (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height (stories)	Maximum Building Height (feet)
			By Buildings	By Total Impervious Cover		
Agriculture	43,560	150	27.5%	38.5%	2.5	35
Animal husbandry	130,680	350	5.5%	11%	2.5	35
2-family dwelling	32,670	200	27.5%	38.5%	2.5	35
All other uses						
With centralized sewer and centralized water	12,000	75	27.5%	38.5%	2.5	35
With centralized sewer and on-lot water	20,000	100	27.5%	38.5%	2.5	35
With on-lot sewer and centralized or on-lot water	43,560	150	27.5%	38.5%	2.5	35

* Per dwelling unit for residential uses.

G. Minimum yard requirements. The following minimum yard requirements apply to each use in the SR District, subject to further applicable provisions of this chapter:

SR Principal Use	Front Yard* (feet)	Side Yards		
		One (feet)	Both (feet)	Rear Yard (feet)
All uses	40	20	40	20

* The depth at which the minimum lot width shall be measured.

H. Minimum floor area and dwelling unit widths. The following dimensional requirements apply to each residential use in the SR District:

SR Principal Use	Minimum Habitable Floor Area (square feet)	Minimum Dwelling Unit Width (feet)
All residential uses but mobile home		18
Mobile home		12
Efficiency	500	
1-bedroom dwelling unit	600	
Each additional bedroom	120	

§ 200-16. Village Center District (VC).

- A. Purpose. The purposes of the Village Center District are to provide for the central location of commercial uses and community services, to provide for a variety of housing types at moderate to high densities and to provide for the orderly development of the Township. A variety of commercial, community and residential uses predominate in the district. The regulations for this district are designed to promote these uses.
- B. Uses permitted by right. The following principal uses and their accessory uses are permitted by right in the VC District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this chapter are satisfied:
 - (1) Agriculture.
 - (2) Auditorium.
 - (3) Auto/boat/recreation vehicle sales.
 - (4) Auto gas station.
 - (5) Auto service station.
 - (6) Bank/savings and loan.
 - (7) Bus station.
 - (8) Business machine sales and service.
 - (9) Business office.
 - (10) Church/cemetery.
 - (11) Commercial/industrial machine sales/service.
 - (12) Cultural center.
 - (13) Doctor/dentist office.
 - (14) Fast-food eating place.

- (15) Fire station.
- (16) Fraternal, civic or social club.
- (17) Funeral home.
- (18) Furniture, home furnishing and equipment sales/repair.
- (19) Garden apartment.
- (20) General merchandise store.
- (21) Gift shop.
- (22) Government services and facilities.
- (23) Grocery/supermarket.
- (24) Group home.
- (25) Hotel/motel.
- (26) Indoor recreation.
- (27) Indoor theater.
- (28) Laundry/laundromat.
- (29) Library.
- (30) Low-rise apartment.
- (31) Medical clinic.
- (32) Minimarket.
- (33) Mobile home.
- (34) Modular home.
- (35) Nonmedical professional office.
- (36) Nursery/day-care center.
- (37) Nursing home.
- (38) Park.
- (39) Personal service.
- (40) Planned residential development.
- (41) Post office.
- (42) Restaurant.
- (43) Retail store.
- (44) Rooming or boarding house.
- (45) School.

- (46) Shopping center.
- (47) Single-family detached cluster development.
- (48) Single-family detached dwelling.
- (49) Single-family to multifamily conversion.
- (50) Tavern.
- (51) Taxi terminal.
- (52) Townhouse.
- (53) Trade school.
- (54) Two-family house.
- (55) Forestry. (See § 200-31.1.) [Added 2-5-2002 by Ord. No. 2002-1]

C. Special exception uses. The following principal uses and their accessory uses may be permitted in the VC District by the Zoning Hearing Board in accordance with standards contained in § 200-18 of this chapter:

- (1) Adult bookstore.
- (2) Adult movie theater.
- (3) Animal husbandry.
- (4) Auto repair/body shop.
- (5) Bakery.
- (6) Car wash.
- (7) Construction company.
- (8) Lumberyard.
- (9) Swimming club.
- (10) Textile/garment industry.
- (11) Utility substation.
- (12) Veterinarian office.

D. Conditional uses. The following principal uses and their accessory uses may be permitted in the VC District when authorized by the Board of Supervisors in accordance with standards in § 200-19 of this chapter:

- (1) High-rise apartment.
- (2) Hospital/hospice.

E. Accessory uses.

- (1) Except as otherwise regulated in § 200-20, all accessory buildings, structures and uses shall comply with the minimum yard requirements for the principal uses.

- (2) The following accessory buildings, structures and uses shall be permitted in the VC District only if such use complies with the relevant standards contained in § 200-20 of this chapter:
 - (a) Commercial or industrial outdoor storage or display.
 - (b) Home gardening, nursery or greenhouse.
 - (c) Home occupation.
 - (d) Keeping animals or fowl.
 - (e) Noncommercial swimming pool.
 - (f) Recreation vehicle.
 - (g) Residential or agricultural accessory building, structure or display.
 - (h) Seasonal roadside produce market.
 - (i) Solar energy system.
 - (j) Temporary building, structure or use.
 - (k) Tennis court.
 - (l) Windmill.
- (3) The following accessory uses are prohibited in the VC District:
 - (a) Any use which violates a provision of Article IV or V.
 - (b) Dumps.
 - (c) Farm pond.

F. [Amended 7-6-1999 by Ord. No. 1999-1] Lot area, width, building coverage and height regulations. The following dimensional requirements apply to each use in the VC District, subject to further applicable provisions of this chapter:

VC Principal Use	Minimum Lot Area* (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height	
			By Buildings	By Total Impervious Cover	(stories)	(feet)
All uses						
With centralized sewer and centralized water	7,000	50	44%	55%	3	42

VC Principal Use	Minimum Lot Area* (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height (stories)	Maximum Building Height (feet)
			By Buildings	By Total Impervious Cover		
With centralized sewer and on-lot water	15,000	80	44%	55%	3	42
With on-lot sewer and centralized or on-lot water	43,560	150	44%	55%	3	42

* Per dwelling unit for residential uses.

- G. Minimum yard requirements. The following minimum yard requirements apply to each use in the VC District, subject to further applicable provisions of this chapter:

VC Principal Use	Front Yard* (feet)	Side Yards		
		One (feet)	Both (feet)	Rear Yard (feet)
All uses	20	15	30	20

* The depth at which the minimum lot width shall be measured.

- H. Minimum floor area and dwelling unit widths. The following dimensional requirements apply to each residential use in the VC District:

VC Principal Use	Minimum Habitable Floor Area (square feet)	Minimum Dwelling Unit Width (feet)
All residential uses except mobile homes		18
Mobile homes		12
Efficiency	500	
1-bedroom dwelling unit	600	
Each additional bedroom	120	

§ 200-17. Industrial District (I).

- A. Purpose. The purpose of this district is to provide areas which are suitable for light industrial and heavy commercial uses, so as to prevent conflicts between these uses and other land uses.
- B. Uses permitted by right. The following principal uses and their accessory uses are permitted by right in the I District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this chapter are satisfied:
- (1) Agriculture.
 - (2) Animal husbandry.
 - (3) Auto/boat/recreation vehicle sales.
 - (4) Auto repair/body shop.
 - (5) Bakery.
 - (6) Bank/savings and loan.
 - (7) Bottling industry.
 - (8) Business machine sales/service.
 - (9) Business office.
 - (10) Car wash.
 - (11) Ceramic products industry.
 - (12) Commercial/industrial machinery sales/service.
 - (13) Construction company.
 - (14) Fuel oil company.
 - (15) Hospital.
 - (16) Lumberyard.
 - (17) Metal fabrication.
 - (18) Mobile home.
 - (19) Modular home.
 - (20) Motor freight terminal.
 - (21) Printing.
 - (22) Research, engineering or testing laboratories.
 - (23) Scientific/electronic instruments.
 - (24) Single-family detached dwelling.
 - (25) Textile/garment industry.

- (26) Tennis club.
 - (27) Utility substation.
 - (28) Warehousing.
 - (29) Forestry. (See § 200-31.1.) **[Added 2-5-2002 by Ord. No. 2002-1]**
- C. **Special exception uses.** The following principal uses and their accessory uses may be permitted in the I District by the Zoning Hearing Board in accordance with standards contained in § 200-18 of this chapter:
- (1) Commercial crop storage.
 - (2) Doctor/dentist office.
 - (3) Grocery/supermarket.
 - (4) Junkyard.
 - (5) Medical clinic.
 - (6) Shopping center.
 - (7) Slaughterhouse.
 - (8) Trade school.
- D. **Conditional uses.** The following principal uses and their accessory uses may be permitted in the I District when authorized by the Board of Supervisors in accordance with standards in § 200-19 of this chapter:
- (1) Any industrial or commercial use not listed in Subsection B or C of this section.
 - (2) Fire station.
 - (3) Park.
- E. **Accessory uses.**
- (1) Except as otherwise regulated in § 200-20, all accessory buildings, structures and uses shall comply with the minimum yard requirements for the principal uses.
 - (2) The following accessory buildings, structures and uses shall be permitted in the I District only if such use complies with the relevant standards contained in § 200-20 of this chapter:
 - (a) Farm pond.
 - (b) Home gardening, nursery or greenhouse.
 - (c) Home occupation.
 - (d) Keeping animals or fowl.
 - (e) Noncommercial swimming pool.
 - (f) Outdoor storage or display.

- (g) Recreation vehicle.
- (h) Residential or agricultural accessory building, structure or use.
- (i) Seasonal roadside produce market.
- (j) Solar energy system.

(Cont'd on page 20041)

- (k) Temporary building, structure or use.
 - (l) Tennis court.
 - (m) Windmill.
- (3) The following accessory uses are prohibited in the I District.
- (a) Dump.
 - (b) Any use which violates a provision of Article IV or V.

F. [Amended 7-6-1999 by Ord. No. 1999-1] Lot area, width, building coverage and height regulations. The following dimensional requirements apply to each use in the I District, subject to further applicable provisions of this chapter:

I Principal Use	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Land Coverage		Maximum Building Height (stories)	Maximum Building Height (feet)
			By Buildings	By Total Impervious Cover		
All uses	2	200	44%	55%	3	42

G. Yard requirements. The following minimum yard requirements apply to each use in the I District, subject to further applicable provisions of this chapter:

I Principal Use	Front Yard* (feet)	Side Yards		
		One (feet)	Both (feet)	Rear Yard (feet)
All uses	60	50	100	50

* The depth at which the minimum lot width shall be measured.

H. Minimum floor area and dwelling unit widths. The following dimensional requirements apply to each residential use in the I District:

I Principal Use	Minimum Habitable Floor Area (square feet)	Minimum Dwelling Unit Width (feet)
All residential uses		18
Efficiency	500	
1-bedroom dwelling unit	600	
Each additional bedroom	120	

§ 200-18. Special exception uses.

- A. Purpose. Before any zoning permit is granted for the use of land or a building for a special exception use, a development plan shall be reviewed by the Planning Commission and approved by the Zoning Hearing Board. This procedure is provided because of the considerable impact that these land uses tend to have on a community.
- B. Procedure.
- (1) The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained.
 - (2) All applicants for a special exception use shall submit three sets of development plans to the Zoning Hearing Board when making application for a zoning permit.
 - (3) Development plans shall include a statement regarding the proposed use of the building or land and shall comply with all sketch plan requirements as provided in Section 3.3 of the Township Subdivision and Land Development Ordinance.
 - (4) The Zoning Hearing Board shall forward one copy of the development plan to the Zoning Officer and one copy to the Planning Commission within seven days of receiving the submission.
 - (5) The Zoning Officer shall, within 30 days of receiving the development plan, submit his written report to the Zoning Hearing Board.
 - (6) The Planning Commission shall review and submit a recommendation to the Zoning Hearing Board within 30 days of receipt of the development plan. The absence of action on the part of the Planning Commission within the specified time shall constitute approval by the Commission of the site plan, and the Board shall proceed on its review on the basis of such approval.
 - (7) The Board shall hear and decide such request for a special exception use under the procedures outlined in Article VIII within 60 days from the date an application has been properly submitted.
- C. Approval of special exception uses.
- (1) The Zoning Hearing Board shall approve any proposed special exception use if it finds adequate evidence that any proposed use will meet:
 - (a) All of the following general standards;
 - (b) Any specific standards and standards which may be listed;
 - (c) All other applicable provisions of this chapter and the Township Subdivision and Land Development Regulations; and
 - (d) All applicable state and federal regulations.
 - (2) In granting a special exception, the Board may require such reasonable conditions and safeguards in addition to those expressed in this chapter as it may deem necessary to implement the purposes of this chapter.

D. General standards. All special exception uses shall comply with the following general standards:

- (1) Be in accordance with the Township Comprehensive Plan and consistent with the spirit, purposes and intent of this chapter.
- (2) Be in the best interests of the township, the convenience of the community and the public welfare and shall not be detrimental to property in the immediate vicinity.
- (3) Be suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
- (4) Be in conformance with all applicable requirements of this chapter.
- (5) Be suitable in terms of permitting the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- (6) Be suitable in terms of effects on street traffic and safety, with vehicular access arrangements to protect major streets from undue congestion and hazard.

E. Specific standards. All special exception uses shall comply with the relevant specific standards which follow:

- (1) Adult bookstore; adult movie theater; massage parlor; cabaret.
 - (a) No such use shall be located within 500 linear feet of any school, church or residential district.
 - (b) No such use shall be located within 1,000 linear feet of any existing adult bookstore, adult movie theater or massage parlor.
 - (c) A twenty-foot buffer yard shall be provided along the side and rear lot lines.
 - (d) Petition required. The applicant for the special exception use shall present to the Board a petition which indicates approval of the proposed use by 51% of the persons owning, residing or doing business within a radius of 500 feet of the location of the proposed use. The applicant shall have attempted to contact all eligible locations within this radius and must supply a list of all addresses at which no contact was made. The circulator of the petition shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.
- (2) Animal hospital.
 - (a) A minimum lot size of at least two acres shall be required for those animal hospitals treating small animals (e.g., cats, birds or exotic animals). A minimum lot size of at least three acres shall be required for those animal hospitals treating large animals.

- (b) All buildings in which animals are housed or provided care shall be located at least 100 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
 - (c) Outdoor animal runs may be provided for small animals so long as a visual barrier at least four feet in height is provided between the runs and a double evergreen screen at least six feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m. No outdoor runs shall be permitted in the Village Center District.
- (3) Animal husbandry.
- (a) All feedlots shall be at least 200 feet from all lot lines.
 - (b) All pastures shall be at least 10 feet from all lot lines.
 - (c) All buildings used to shelter animals shall be at least 200 feet from all lot lines.
- (4) Auto repair/body shop.
- (a) All repair and paint work shall be performed within an enclosed building.
 - (b) All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
 - (c) Outdoor storage of autos and other vehicles shall not exceed three times the indoor repair area, shall only be back of the front setback line and shall be no closer than 20 feet to side and rear lot lines.
 - (d) Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicles shall be stored in excess of 45 days.
- (5) Bakery. No additional standards shall apply.
- (6) Campground. The applicant for the special exception use shall present to the Board a petition which indicates approval of the proposed use by 51% of the persons owning, residing or doing business within a radius of 500 feet of the location of the proposed use. The applicant shall have attempted to contact all eligible locations within this radius and must supply a list of all addresses at which no contact was made. The circulator of the petition shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.
- (7) Car wash.
- (a) Proposed traffic flow and ingress/egress shall not cause traffic hazards on adjacent streets.
 - (b) Access points shall be limited to two on each street abutting the lot.
 - (c) On-lot traffic circulation channels and parking areas shall be clearly marked.
 - (d) Signs and outdoor lighting shall be in accordance with this chapter.

- (e) Adequate provisions shall be made for the proper and convenient disposal of refuse.
- (8) Commercial crop storage. No additional standards shall apply.
- (9) (Reserved)⁴
- (10) Commercial outdoor recreation. No additional standards shall apply.
- (11) Construction company. Outdoor storage of equipment shall be back of the front setback line and shall be no closer than 20 feet to any lot line.
- (12) Doctor/dentist office. No additional standards shall apply.
- (13) Drive-in (outdoor) theater. No additional standards shall apply.
- (14) Fraternal, civic or social club. No additional standards shall apply.
- (15) Golf course.
 - (a) No fairway, green or other use area shall be located closer than 50 feet to a rear or side property line.
 - (b) All buildings shall be no less than 100 feet from any lot line.
- (16) Government services and facilities.
 - (a) The site must be adequate for proper building, drainage, water supply and sewage disposal. Site size and space requirements shall be in accordance with applicable state or federal standards and practice for the use proposed.
 - (b) Sufficient amounts of usable space are required for recreation areas, parking, loading, etc.
 - (c) The site shall be separated from excessive noise, odor, smoke, dirt, dust and traffic congestion.
 - (d) Pedestrian and vehicular circulation must be designed for safety and efficiency to achieve separation of vehicular and pedestrian traffic.
 - (e) The site shall be located and planned in such a manner that it can be used for both its intended function and general community functions, if appropriate, and shall be attractively landscaped.
- (17) Grocery; supermarkets. No additional standards shall apply.
- (18) Gun club/outdoor target range.
 - (a) All outdoor target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately provide for the public safety.
 - (b) The applicant for the special exception use shall present to the Board a petition which indicates approval of the proposed use by 51% of the persons owning, residing or doing business within a radius of 500 feet of the location of the

⁴ Editor's Note: Former Subsection E(9), Commercial forestry, was repealed 2-5-2002 by Ord. No. 2002-1.

proposed use. The applicant shall have attempted to contact all eligible locations within this radius and must supply a list of all addresses at which no contact was made. The circulator of the petition shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon.

(19) Junkyard.

- (a) Storage of organic material is prohibited.
- (b) The site shall be located a minimum of 200 feet from any adjoining district.
- (c) The site shall be located a minimum of 100 feet from any highway, Township road or street or access road.
- (d) The site shall contain one entrance and one exit, each of which is not less than 30 feet in width.
- (e) The site shall be completely enclosed by a sight-obscuring screen, masonry wall, wooden fence, compact evergreen hedge or chain link fence with evergreen vines at least eight feet in height.
- (f) Off-street parking shall be provided within the site enclosure.
- (g) The burning or incineration of vehicles shall be prohibited unless said burning is carried out in a completely enclosed incinerator approved by the Department of Environmental Resources.⁵

(20) Kennel.

- (a) All kennels shall provide the minimum area for kennels required by state regulations.
- (b) All buildings in which animals are housed and all runs shall be located at least 100 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- (c) Outdoor runs may be provided so long as a visual barrier at least four feet in height is provided between the runs and a double evergreen screen at least six feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m. No outdoor runs shall be permitted in the Village Center District.

⁵ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

- (d) A two-acre minimum lot size is required for any kennel in the Village Center District.
- (21) Lumberyard. No additional standards shall apply.
- (22) Medical clinic. No additional standards shall apply.
- (23) Mobile home park. Mobile home parks shall comply with the standards of the Subdivision and Land Development Ordinance.
- (24) Nursery school/day-care center (for other requirements, see also Appendix B).⁹
- (a) No outdoor play area shall be closer than 40 feet to any lot line.
- (b) The use shall comply with any applicable county, state and federal regulations.
- (25) Nursing home. No additional standards shall apply.
- (26) Riding stable. A minimum lot size of three acres plus ½ acre for each additional horse over six shall be required. All buildings used to shelter horses and all areas used to corral or pasture horses shall be at least 100 feet from all lot lines.
- (27) School. No additional standards shall apply.
- (28) Shopping center.
- (a) Parking, loading and service areas shall be located entirely within the confines of the lot, shall be physically separated from public streets by buffer strips against unchanneled motor vehicular ingress and egress and shall have no more than two accessways to any one public street.
- (b) All accessways to a public street shall be located not less than 75 feet from the intersection of any street line.
- (c) Along any residential district boundary line, a buffer strip shall be not less than 25 feet in width, measured from such lot line or street line where such line constitutes the district boundary lines. The exterior 25 feet of said buffer strip shall be planted with grass seed and sod in ground cover and shall be well-maintained. No storage of materials shall be permitted in said buffer yard.
- (d) No storage of materials, equipment or goods shall be permitted outside a building unless they are located within a permanently enclosed patio.
- (e) All parking, loading, access and service areas shall be adequately illuminated at night. Such lighting, including sign lighting, shall be arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind.
- (f) If the development of the center is to be carried out in progressive stages, each stage shall be so planned that the requirements of this section and the intent of this chapter shall be fully complied with at the completion of any stage.

⁹ Editor's Note: Appendix B is located at the end of this chapter.

- (29) Slaughterhouse. All slaughterhouses shall comply with all applicable state regulations.
- (30) Swimming club.
- (a) All pools shall be entirely enclosed with a good-quality chain link or preferably a wooden or other equivalent fence of not less than six feet in height.
 - (b) No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - (c) No lighting shall be permitted which will shine on adjacent property.
- (31) Tennis club.
- (a) No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property.
 - (b) No lighting shall be permitted which will shine on adjacent property.
- (32) Textile/garment industry. The gross floor area shall not exceed 20,000 square feet.
- (33) Trade school. No additional standards shall apply.
- (34) Utility substation. All equipment shall be enclosed in a building or by a sight-obscuring screen, masonry wall, wooden fence or chain link fence with evergreen vines at least eight feet in height.
- (35) Veterinarian office. The standards for animal hospital¹⁰ shall apply.

§ 200-19. Conditional uses.

- A. Purpose. Before any zoning permit is granted for the use of land or a building for a conditional use, a development plan shall be reviewed by the Planning Commission and approved by the Township Supervisors. This procedure is provided because of the considerable impact that these land uses tend to have on a community.
- B. Procedure.
- (1) The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Township Supervisors is obtained.
 - (2) All applicants for a conditional use shall submit three sets of development plans to the Board of Supervisors when making application for a zoning permit.
 - (3) Development plans shall include a statement regarding the proposed use of the building or land and shall comply with all sketch plan requirements as provided in Section 3.3 of the Township Subdivision and Land Development Ordinance.
 - (4) The Board of Supervisors shall forward one copy of the development plan to the Zoning Officer and one copy to the Planning Commission within seven days of receiving the submission.

¹⁰ Editor's Note: See Subsection E(2).

- (5) The Zoning Officer shall, within 30 days of receiving the development plan, submit his written report to the Board of Supervisors.
- (6) The Planning Commission shall, within 45 days of receipt of the development plan, review it and submit a recommendation to the Township Supervisors. The absence of action on the part of the Planning Commission within the specified time shall constitute approval of the development plan and the Township Supervisors shall proceed on its review on the basis of such approval.
- (7) The Board of Supervisors shall convene a public hearing pursuant to public notice to consider the conditional use application. The Board of Supervisors shall make a decision regarding the conditional use application based on the express standards and criteria set forth in this chapter. The Board of Supervisors shall consider the reports issued by the Zoning Officer and the Planning Commission. The Board of Supervisors, in granting a conditional use, may attach such reasonable conditions and safeguards, in addition to those contained in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code¹¹ and this chapter.
- (8) If disapproved, the reasons for disapproval shall be clearly stated on one copy of the submission and returned to the applicant.

C. General standards.

- (1) All conditional uses shall comply with the following general standards:
 - (a) Be in accordance with the Township Comprehensive Plan and consistent with the spirit, purposes and intent of this chapter.
 - (b) Be in the best interests of the township, the convenience of the community and the public welfare and shall not be detrimental to property in the immediate vicinity.
 - (c) Be suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 - (d) Be in conformance with all applicable requirements of this chapter.
 - (e) Be suitable in terms of permitting the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
 - (f) Be suitable in terms of effects on street traffic and safety, with vehicular access arrangements to protect major streets from undue congestion and hazard.
- (2) The Township Supervisors may impose whatever conditions regarding layout, circulation and performance it deems necessary to ensure that any proposed development will substantially secure the objectives of this chapter.

¹¹ Editor's Note: See 53 P.S. § 10101 et seq.

- D. Specific standards for conditional uses. All conditional uses shall comply with the relevant specific standards which follow:
- (1) Airport.
 - (a) A minimum lot size of 20 acres shall be required.
 - (b) Runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.
 - (2) College. No additional standards shall apply.
 - (3) Community center.
 - (a) A twenty-foot buffer yard shall be provided along the side and rear lot lines.
 - (b) No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the zoning district.
 - (4) Fire station. No additional standards shall apply.
 - (5) High-rise apartment. The building height shall not exceed six stories or 84 feet.
 - (6) Hospital/hospice.
 - (a) More than one access road of at least 20 feet in width shall be provided.
 - (b) More than one fire exit shall be provided.
 - (c) All facilities shall be located on the ground floor, unless an elevator sufficient to accommodate rolling beds or litters provides access to other than ground floor levels.
 - (7) Industrial/commercial uses not permitted by right in the Industrial District. No additional standards shall apply.
 - (8) Mineral extraction.
 - (a) The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent properties or the well-being of the surrounding area and its residents.
 - (b) The site shall be reclaimed to a nonhazardous state permitting some reasonable future use and so that the extracting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.
 - (c) All activities of these land uses shall be effectively screened from adjacent properties and set back from adjacent properties by a minimum distance of 50 feet and from residential structures by a minimum distance of 200 feet or such greater distance as may be required by site conditions to protect adjacent properties as determined necessary by the municipal review bodies.
 - (d) Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and/or mining activities.

- (9) Park. No additional standards shall apply.
- (10) Post office. No additional standards shall apply.
- (11) Radio/television transmitter. An eight-foot visual screen shall be provided around all buildings or structures other than an actual transmission tower.
- (12) Sanitary landfill.
 - (a) Sanitary landfills shall comply with all state requirements.
 - (b) No landfilling operations may be conducted closer than 300 feet to any lot line.
- (13) School. No additional standards shall apply.

§ 200-20. Accessory uses.

- A. In general. All accessory buildings, structures and uses on the same lot and customarily incidental to a permitted principal use are permitted by right, subject to the requirements of this chapter.
- B. General yard requirements. No accessory building, structure or use shall occupy a front yard, side yard or rear yard for any applicable district except as specifically permitted in this section or elsewhere in this chapter.
 - (1) Access driveways crossing the front property line shall be allowed in the front yard.
 - (2) Residential driveways and residential off-street parking areas shall be allowed in side and rear yards, but no closer to a property line than five feet or a buffer yard dimension (if required), whichever is more restrictive.
 - (3) Residential and agricultural lampposts and walkways and mailboxes shall be allowed in front yards.
 - (4) Residential fences and walls six feet or less in height shall be allowed within front, side and rear yards, but no closer than one foot to a property line, easement line or future right-of-way.
 - (5) Residential accessory buildings less than 12 feet by 12 feet in size and less than 15 feet high shall be allowed within side and rear yards, but no closer than five feet to a property line (e.g., storage shed).
 - (6) Nonresidential and nonagricultural land uses. Off-street parking accessory signs, mailboxes, sight lighting, walkways, fire hydrants and other similar miscellaneous structures may be allowed in front yards, side yards and rear yards, subject to the following conditions:
 - (a) Traffic visibility requirements of § 200-24K are met.
 - (b) Buffer yard requirements are met, if applicable.
 - (c) The proposed structure does not encroach into a proposed public road right-of-way.

- (d) The special off-street parking lot requirement for separation from public roads is met.
 - (e) The structure is at least five feet from the side lot line and 10 feet from the rear lot line.
 - (f) The structure is approved by the township as part of a site plan or land development plan approval.
- C. Special standards. The following accessory buildings, structures and uses shall comply with the following relevant standards:
- (1) Agricultural accessory buildings. Accessory buildings used for agricultural purposes on a lot with the principal use of agriculture shall not be limited as to size or height.
 - (2) Agricultural/animal husbandry fences. Fences used to confine animals may be located in front, side and rear yards, but shall be at least three feet from any lot line and shall not obstruct sight visibility requirements of § 200-24K.
 - (3) Commercial or industrial accessory buildings. No commercial or industrial accessory building shall be larger than 1,000 square feet of ground coverage nor higher than 20 feet, except in the Industrial District such building size shall not exceed 2,000 square feet of ground coverage nor be higher than 30 feet.
 - (4) Commercial or industrial outdoor storage and display.
 - (a) Location. Outside storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, no required parking areas and no part of the required front, side or rear yard.
 - (b) Size. Outside storage and display areas shall occupy an area of less than ½ the existing building coverage. Uses requiring more land area for storage or display may apply for a special exception by the Zoning Hearing Board. In no case shall more than 25% of the lot area be used in outdoor storage or display.
 - (c) Shielded from view. Outside storage areas shall be shielded from view from the public streets.
 - (5) Farm pond.
 - (a) The developer of any farm pond shall obtain all required state and federal permits.
 - (b) No farm pond shall be of such a size or character as to create any dangerous, noxious or objectionable condition.
 - (6) Home gardening, nurseries and greenhouses. No outdoor storage of equipment shall be permitted.
 - (7) Home occupation.
 - (a) Workers. Nonfamily members shall not exceed one person.
 - (b) Size. The use shall not exceed ½ the area of one floor, an entire basement or a legally existing accessory building meeting all applicable building codes.

- (c) Signs. A sign indicating products made or services rendered shall not exceed six square feet in all districts. Only one on-premises sign is permitted.
 - (d) Parking and loading. Adequate space for off-street parking and loading shall be provided.
 - (e) Building appearance. There shall be no outdoor storage or display and no change in the existing outside appearance of the building or premises or other visible evidence of the conduct of such home occupation or home professional office other than a sign.
 - (f) Nuisances prohibited. No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the subject property.
- (8) Keeping animals or fowl.
- (a) Number. No more than six customary household pets or domestic animals (e.g., dogs, cats, canaries, etc.) and no more than 14 fowl (e.g., chickens, turkeys, etc.) may be kept.
 - (b) Four or more adult dogs shall constitute a kennel.
 - (c) Commercial use. Commercial breeding or use of these pets shall not be permitted under this use.
 - (d) Large animals and fowl. Large animals (such as cattle, horses, goats and pigs) and fowl (such as chickens and turkeys) shall be stabled or housed in buildings at least 100 feet from any lot line. Large grazing animals may be kept only on lots 1½ acres per animal in size.
- (9) Noncommercial swimming pool. A noncommercial swimming pool designated to contain a water depth of 24 inches or more shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:
- (a) Permit. A zoning permit shall be required to locate, construct or maintain a noncommercial swimming pool.
 - (b) Location. Such pool may be permitted in a rear or side yard, but in no case shall an above- or in-ground pool be located within 15 feet of a side or rear lot line or under any electrical lines or over any on-lot sewage disposal field or system.
 - (c) Fence. Every in-ground noncommercial swimming pool shall be entirely enclosed with a good quality chain link or wooden or other equivalent fence of not less than four feet in height. Aboveground pools on any lot shall not require a fence.
 - (d) Access. A means of egress and a removable means of ingress shall be provided.
 - (e) Water. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system. If the water for such pool

is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.

- (f) **Drainage.** The draining of all pools shall comply with §§ 200-31 and 200-35 of this chapter.
 - (g) **Noise.** No loudspeaker or amplifying device shall be permitted which will project sound beyond the boundaries of the property or lot where such pool is located.
 - (h) **Lighting.** No lighting or spotlight shall be permitted which will shine directly upon or beyond the bounds of the property or lot where such pool is located.
- (10) **Recreation vehicle.** All recreation vehicles or units shall be stored on a lot in the rear or side of the principal building, in a garage or in a roofed structure. In no case shall the recreation vehicles or unit be located within five feet of the side yard line or 10 feet of a rear yard line.
- (11) **Residential accessory buildings. [Amended 7-6-1999 by Ord. No. 1999-1]**
- (a) No residential accessory building located on a lot containing 87,120 square feet or less shall be larger than 1,500 square feet of ground coverage nor higher than 20 feet.
 - (b) No residential accessory building located on a lot of 87,121 to 130,679 square feet or less shall be larger than 1,800 square feet of ground coverage nor higher than 20 feet.
 - (c) No residential accessory building located on a lot consisting 130,680 square feet or more shall be larger than 2,000 square feet of ground coverage nor higher than 20 feet.
 - (d) Removable elder cottage housing units may be permitted by special permit if all the requirements of Appendix C of this chapter are met.¹
- (12) **Seasonal roadside produce market.** Roadside produce markets for the sale of dairy, farm, greenhouse or nursery products are permitted with the following restrictions:
- (a) **Size.** The stand shall not exceed 800 square feet of gross floor area.
 - (b) **Location.** The stand shall not be nearer than 50 feet to an intersection and shall be at least 20 feet from the edge of the existing cartway.
 - (c) **Removal in off-season.** The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale.
 - (d) **Parking.** Parking for vehicles shall be provided off the existing and future street right-of-way and in compliance with the provisions of Article VII.
 - (e) Fifty percent of the products sold shall be grown or produced in the township.

¹ Editor's Note: Appendix C is located at the end of this chapter.

- (13) Solar energy system. No solar energy system shall deny solar access of adjacent lots.
- (14) Temporary building, structure or use. A temporary permit may be issued by the Zoning Officer for buildings, structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:
- (a) Duration. The life of such permit shall not exceed one year and may be renewed annually for an aggregate period of not more than three years.
 - (b) Removal. Such building, structure or use shall be removed completely upon expiration of the permit without cost to the township.

(Cont'd on page 20055)

(15) Tennis court.

- (a) A tennis court shall be located in either a rear or side yard and shall not be closer to a property line than 20 feet. Tennis court fences shall be permitted, but they shall not be closer than 10 feet to a property line.
- (b) No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.

(16) Windmill.

- (a) All windmills shall be enclosed by a fence at least four feet in height which is located at least five feet from the base of such windmill.
- (b) No windmill shall be permitted the design of which permits any vane, sail or rotor blade to pass within 10 feet of the ground.
- (c) All electrical wiring leading from a windmill shall be located underground.

**ARTICLE IV
General Regulations**

§ 200-21. Limitation of principal uses.

No more than one principal use shall be permitted on a lot unless specifically permitted by this chapter.

§ 200-22. Principal buildings.

- A. Conformance with chapter. Two or more principal buildings on a lot shall conform to all requirements of this chapter which would apply to each building if each were on a separate lot and the standards and improvements required for a land development by the Subdivision and Land Development Ordinance.
- B. Street frontage required. Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet township standards or for which such improvements have been insured by the posting of a performance guaranty pursuant to the Subdivision and Land Development Ordinance.

§ 200-23. Maximum height of buildings.

No building shall exceed the maximum height of buildings specified in this chapter, except that regulations shall not apply to farm structures, silos, water towers, church spires, belfries, solar energy collectors and equipment used for the mounting or operation of such collectors, windmills, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, these structures should not significantly impair solar access of buildings or solar collector locations.

§ 200-24. Lot and yard requirements.

- A. Lot area and yard requirements. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this chapter. No required lot area or yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this chapter, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.
- B. Minimum lot area and lot area per dwelling unit. Where a minimum lot area is specified, no principal building or use shall be erected or established on any lot of lesser area, except as may be permitted in Subsection D.
- C. Minimum lot width. Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width of less than is specified in the subsections entitled "Lot area, width, building coverage and height regulations" for the appropriate zoning district¹³ except as may be permitted by Subsection D.
- D. Exceptions to minimum lot areas, lot widths and yards.
- (1) Nonconforming lots. A building may be constructed on a nonconforming lot, provided that the yard requirements are observed. Contiguous nonconforming lots under common ownership shall be considered one lot. Required yard areas may only be reduced for isolated vacant, existing lots of record in built-up areas after review and approval by the Zoning Hearing Board that the reduction is the minimum reduction consistent with adjacent existing development for a distance of 200 feet in any direction.
 - (2) Irregularly shaped lots. In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear line of the minimum required front yard, except for flag lots meeting the requirements of the Moore Township Subdivision and Land Development Ordinance. For flag lots, the minimum lot width specified in the district shall be measured at the rear line of the minimum required front yard, taken from the body of the lot which excludes the access lane. On the bulbs of culs-de-sac the minimum lot width may be reduced to no less than 76% of the minimum otherwise required as measured along the minimum front yard setback line.¹⁴
- E. Spacing of nonresidential buildings on the same lot. Where two or more nonresidential principal buildings are proposed to be built on a lot in one ownership, each such building shall be separated from another such building by at least twice the minimum side yard requirement for each respective building in the zoning district.
- F. Through lots. In the case of through lots, unless the prevailing front yard pattern on the adjoining lots indicates otherwise, front yards shall be provided on all frontages.

¹³ Editor's Note: Said provisions for the BMC, LC, R, SR, VC and I Districts may be found at §§ 200-12F, 200-13F, 200-14F, 200-15F, 200-16F and 200-17F, respectively.

¹⁴ Editor's Note: See Diagram 3, Irregularly Shaped Lots, included at the end of this chapter.

- G. Front and side yards of corner lots. On a corner lot, the yard adjoining a side street shall equal the required front yard for lots facing that street.
- H. Front yard regulations. Where a minimum depth of front yard is specified in a district, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as may be permitted elsewhere in this chapter.
- I. Exception to required front yard for certain accessory uses. Subject to Subsection K, the district's front yard requirements shall not apply to accessory signs, light posts, driveways, walkways and off-street parking facilities.
- J. Side and rear yard requirements. Where a minimum width of side yard or depth of rear yard is specified, no building, structure or tennis court shall be erected within the specified distance from either side lot line or rear lot line, except when permitted elsewhere in this chapter.
- K. Traffic visibility across corners.
- (1) Sight lines at public street intersections. At an intersection, a triangle area shall be graded and sight obstructions shall be removed so that vision between a height of two feet to 10 feet above the center-line grades of the intersecting streets is not obscured. Furthermore, by deed restriction, by lease restriction or by plan amendment, whichever method is applicable, vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of two feet to 10 feet above the center-line grades of the intersecting streets. Such triangular area shall be determined by the intersecting street center lines and a diagonal connecting two points, one at each center line (as shown in Diagram 4¹⁵) each of which point is:
- (a) One hundred fifty feet from the intersection of such street center lines, if either street is an arterial street.
- (b) One hundred feet from the intersection of such street center lines if either street is a collector street.
- (c) Seventy-five feet from the intersection of such street center lines, if both streets are minor or local access streets.
- (2) Sight lines at private accessway and public street intersections.¹⁶ At each point where a private accessway intersects a public street or road, a clear sight triangle of 30 feet (determined by the intersecting street and accessway center lines and a diagonal connecting the point) shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two feet above the center-line grade.
- L. Buffer yards. Buffer yards are required around the perimeter of a mobile home park and along the property line of a commercial or industrial lot adjacent to a residential lot or

¹⁵ Editor's Note: Diagram 4, Sight Lines at Public Street Intersections, is included at the end of this chapter.

¹⁶ Editor's Note: See Diagram 5, Sight Lines at Private Accessway and Public Street Intersections, included at the end of this chapter.

planned residential lot and in some cases along the right-of-way of an arterial or collector street per the SALDO Section 9.2k(7) and around sewage treatment facilities.

- (1) The buffer yard shall be measured from the property line or future street right-of-way or as specified in the Moore Township General Construction Standards for Sewage Treatment Facilities. Buffer yards may not be part of a street right-of-way, but shall be in addition to that right-of-way.
- (2) A twenty-foot buffer yard shall be required unless otherwise indicated in this chapter.
- (3) The buffer yard may be as part of the required side or rear yards, and in case of conflict, the larger yard requirements shall apply.
- (4) In all buffer yards, the exterior width beyond the planting screen shall be planted with grass seed, sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall (no more than 12 inches) grass.
- (5) The buffer yard shall be a landscaped area free of buildings or structures, manufacturing or processing activity, materials and vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- (6) Screens.
 - (a) All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise. Such screen planting shall be in accordance with the following requirements:
 - [1] Plant materials used in the screen planting shall be in accordance with the Moore Township General Construction Standards, as amended.
 - [2] The screen planting shall be permanently maintained by the landowner, and any plant material which does not live shall be replaced.
 - [3] The screen plantings shall be placed in accordance with the Moore Township General Construction Standards, as amended.
 - [4] The screen planting or fence shall be broken only at points of vehicular or pedestrian access.
 - (b) In circumstances where it is impractical for a screen to meet all the requirements of this section or would create an undue hardship, the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

§ 200-25. General performance standards.

- A. Nuisances prohibited. No land or structure in any zoning district shall be used or occupied in any manner that creates any dangerous, injurious, noxious or otherwise objectionable condition; fire, explosive or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, electromagnetic or other radiation; or other condition in such

manner or in such amount as to affect adversely the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

B. Performance standard procedure.

- (1) With the exception of residential uses, the applicant for a zoning permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards specified herein and applicable to such use and affirming his agreement to conduct or operate such use at all times in conformance with such standards.
- (2) Where there is reason to believe that the nature of the proposed use would make it difficult to comply with the applicable standards, the Zoning Officer may require the applicant to submit plans of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this section; provided, however, that no applicant shall be required to reveal the secret details of industrial or trade data and may specify that the plans or other information submitted pursuant to this section shall be treated as confidential matter.
- (3) Regardless of whether or not a use is required to comply with the procedure specified in this Subsection B, every use shall comply with the performance standards themselves.

C. Noise control.

- (1) No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any fifteen-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use.

Continuous Sound Levels by Receiving Land Use

Receiving Land Use Category	Time	Sound Level Limit
Residential, public space, open space, agricultural or institutional	7:00 a.m. to 10:00 p.m.	60 dBA
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	50 dBA
Commercial or business	7:00 a.m. to 10:00 p.m.	65 dBA
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

- (2) For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen-second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the fast meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.
 - (3) The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:
 - (a) The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - (b) Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
 - (c) Domestic power tools, between the hours of 8:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays or Sundays.
 - (d) Explosives and construction operations.
 - (e) Agriculture.
 - (f) Motor vehicle operations.
 - (g) Public celebrations specifically authorized by the township.
 - (h) Surface carriers engaged in commerce by railroad.
 - (i) The unamplified human voice.
- D. Vibration control. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, "vibration perception threshold" means the minimum ground- or structure-borne vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- E. Outdoor storage control.
- (1) No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground except for tanks or drums of less than 600 gallons of fuel directly connected to energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel.
 - (2) All outdoor storage facilities for fuel, raw materials and products stored outdoors, including those permitted in Subsection E(1) above, shall be enclosed by a fence of a type, construction and size as shall be adequate to protect and conceal the facilities from any adjacent properties. Fencing shall not only encompass the question of safety

but also of screening, and the screening shall preferably be evergreens. All national Occupational Safety and Health Administration (OSHA) regulations shall be met.

- (3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall any substance which can contaminate groundwater or surface water or otherwise render groundwater or surface water undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any groundwater or surface water. Applicable Department of Environmental Resources¹⁷ regulations shall apply.
 - (4) All materials or 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. Applicable Department of Environmental Resources¹⁸ and national OSHA regulations shall apply.
- F. Sewage waste treatment and disposal control. All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Resources¹⁹ and in accordance with the sewage plan for the township. The standards of such regulations or the following, whichever is more restrictive, shall apply.
- (1) There shall be no discharge of any toxic substance, gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas, any liquid having a temperature higher than 150° F. or any matter containing any ashes, cinders, sand, mud, straw shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any solid or viscous substance capable of causing obstructions or other interference with the proper operation of a sewage treatment plant or any liquid having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel or material which would be harmful to the treatment of sewage.
 - (2) Acidity and alkalinity of wastes shall be neutralized with a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of pH of 5.0 to 9.0.
 - (3) Wastes shall contain no cyanides and no halogens and shall not contain more than 10 parts per million of the following gases: hydrogen sulfide, sulfur dioxide and nitrogen dioxide.
 - (4) Wastes shall not contain any insoluble substances in excess of 10,000 parts per million or exceed a daily average of 500 parts per million or fail to pass a No. 8 sieve or have a dimension greater than 0.25 inch.
 - (5) Wastes shall not have:

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- (a) A chlorine demand in excess of 15 parts per million.
 - (b) Phenol in excess of 0.0005 parts per million.
 - (c) Grease, fats or oils or any oily substance in excess of 100 parts per million or exceeding a daily average of 25 parts per million.
- G. Dust, dirt, smoke, vapors, gases, odors, glare and heat control.
- (1) The air pollution control regulations promulgated by the State Air Pollution Control Act of January 8, 1960, Public Law 2119, as amended,²⁰ shall be used to control the emissions of dust, dirt, smoke, vapors, gases, odors, glare and heat in the township.
 - (2) These regulations are part of Title 25, Rules and Regulations, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Article III, Air Resources.²¹
 - (3) Tests to determine compliance with the State Air Pollution Control Act shall be required.
- H. Light, glare and heat control. All uses shall minimize the production of light, heat or glare that is perceptible beyond the property line of the lot on which the operation is situated.
- I. Electric, diesel, gas or other power. Every use requiring power shall be so operated that any service lines, substation, etc., shall conform to the highest applicable safety requirements, shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed by evergreen planting.
- J. Control of radioactivity or electrical emissions or electrical disturbances. Activities which may emit radioactivity beyond enclosed areas shall comply with the codes of the Pennsylvania Department of Environmental Resources Division of Radiology.²² The Federal Nuclear Regulatory Commission shall also regulate the control of radioactive material associated with any activity in the township. No electrical disturbances (except from domestic household appliances) shall be permitted to adversely affect any equipment at any time other than the equipment creating the disturbance.

§ 200-26. Establishment of future right-of-way widths for roads.

- A. Minimum widths established. Minimum right-of-way widths are established for roads where the existing right-of-way is less than that indicated below for the particular class of road. The future right-of-way shall be measured from the center line of the existing road. All front yards and other appropriate yards shall be measured from the future right-of-way

²⁰ Editor's Note: See 35 P.S. § 4001 et seq.

²¹ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

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line. The specific classification of each road is shown on the Official Street Classification Map which is hereby incorporated into and made a part of this chapter.²³

B. Street classifications. Streets are classified as follows:

- (1) Arterial highway. Designed for medium to heavy traffic volumes at moderately high speeds to collect traffic primarily from collector streets, and restricts access to abutting properties.
- (2) Collector street. Designed to carry a moderate volume of traffic between local streets and arterial highways and to provide only limited access to abutting properties.
- (3) Local street. Designed to provide access to the abutting properties and a route to collector streets.

C. Minimum widths. Minimum future rights-of-way are as follows:

Street Classification	Minimum Future Right-of-Way (feet)
Arterial highway	80
Collector street	60
Local street	50
Local street fronting along single-family attached housing	60

§ 200-27. Frontage development along arterial and collector streets.

In order to encourage the sound development of frontage along arterial and collector streets and to minimize traffic congestion and hazard, the following special provisions shall apply:

- A. Off-street parking and loading. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out onto the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent backup of vehicles on a public street while awaiting entry to the lot.
- B. Access. Each use with less than 100 feet of frontage on an arterial or collector street shall have not more than one accessway to each such street, and no business or other use with 100 feet or more of frontage on an arterial or collector street shall have more than two accessways to any one street for each 300 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.

²³ Editor's Note: The Official Street Classification Map is located in the Township Building.

- C. Large developments. In the case of a shopping center, office complex, group of multiple-family dwellings or similar grouping of buildings on a lot and in any other case where practicable:
- (1) All buildings shall front upon a marginal access street, service road, common parking lot or similar area and not directly upon a public street;
 - (2) All points of vehicular access to and from a public street shall not be located less than 200 feet from the intersection of any public street lines with each other; provided, however, that such a point of vehicular access which, in effect, converts a T-intersection into an intersection of two streets which cross one another, shall be permitted;
 - (3) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to or interference with normal traffic flow within the township; and
 - (4) All streets and accessways shall conform to the specifications determined by the Township Engineer and the requirements of the Township Subdivision and Land Development Ordinance. Provisions shall be made for adequate signalization, turn, standby and deceleration lanes and similar facilities where desirable.
- D. Nighttime illumination. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the township.
- E. Reverse frontage encouraged. Direct vehicular access shall be strongly discouraged onto any collector or arterial highway and reverse frontage encouraged.

§ 200-28. Nonconformities.

- A. Registration of nonconforming buildings, lots, structures and uses. The Zoning Officer shall identify and register nonconforming buildings, lots, structures and uses together with the reasons why the Zoning Officer identified them as nonconformities, upon the written request of the owner.
- B. Continuation. Any nonconforming building, lot, structure or use may be continued, maintained, improved and repaired, provided that it conforms to the remainder of this section.
- C. Alteration or extension.
- (1) Nonconforming buildings or structures. Nonconforming buildings or structures may be altered, reconstructed or expanded, provided that such alteration, reconstruction or expansion does not increase the floor area of the nonconformity by more than 50% of the building or structure existing on the effective date of this chapter. In the case of a nonconforming building or structure which is used as a nonconforming use, such alteration, expansion or enlargement shall also meet the requirements of Subsection C(3) of this section.

- (2) Nonconforming lots. A building or structure may be constructed on a nonconforming lot, provided that the yard requirements of this chapter are observed. Contiguous nonconforming lots under common ownership shall be considered one lot.
- (3) Nonconforming uses. Nonconforming uses shall not be altered, reconstructed, expanded or enlarged, except in accordance with the following provisions:
 - (a) Such alteration, reconstruction, expansion or enlargement shall be permitted only by special exception under the provisions of §§ 200-65 and 200-18.
 - (b) Such alteration, reconstruction, expansion or enlargement shall be only upon the same lot as in existence at the date the use became nonconforming.
 - (c) A nonconforming use may be expanded upon the same lot occupied by the nonconforming use, provided that the expansion of the use shall not exceed 50% of the land area occupied by the nonconforming use on the date the use became nonconforming. In computing the land area occupied by any nonconforming use, only the portion of the land area, if any, of the lot upon which the nonconforming use exists shall be considered.
 - (d) Any building or structure lawfully conforming or lawfully nonconforming which houses a lawful nonconforming use may be expanded upon the same lot occupied by such building or structure, provided that the floor area of such building or structure shall not be increased by more than 50% of the building or structure existing on the date the use became nonconforming. Such expansion or alteration shall comply with all other provisions of this chapter pertaining to lot area, size, width, height, coverage and yard requirements.
- D. Restoration. A nonconforming building or structure or any building or structure containing a nonconforming use destroyed by 75% or less by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned and shall be completed within one year of the date commenced.
- E. Ownership. Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner. However, the new owner shall reregister the nonconforming use with the Zoning Office within 60 days after final settlement.
- F. Abandonment. If a nonconforming use of a building, structure or land is discontinued, razed, removed or abandoned for 12 consecutive months, subsequent use of such building, structure or land shall conform to the regulations of the district in which it is located, unless another nonconforming use is approved by the Zoning Hearing Board in accordance with § 200-28G and that such approved use be initiated within 30 days after the end of the twelve-month period.
- G. Changes. Once changed to a conforming use, no building, structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board and subject to the following conditions:

- (1) The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.
 - (2) The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use, with respect to or more appropriate than the existing nonconforming use with regard to:
 - (a) Traffic generation and congestion, including truck, passenger car, bicycle and pedestrian traffic.
 - (b) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - (c) Storage and waste disposal.
 - (d) Appearance.
- H. District changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming buildings, structures or uses existing in the district to which the area was transferred.

§ 200-29. Temporary buildings, structures and uses.

A temporary permit may be issued by the Zoning Officer for buildings, structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

- A. The life of such permit shall not exceed one year.
- B. Such building, structure or use shall be removed completely upon expiration of the permit without cost to the Township.

§ 200-30. Density improvements required.

Proposed developments with densities greater than one dwelling unit per acre shall require the following improvements: curbs, sidewalks, fire hydrants, streetlights and Type III B street construction per the current Moore Township General Construction Standards.

**ARTICLE V
Environmental Protection**

§ 200-31. Environmental preservation required.

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

§ 200-31.1. Forestry regulations. [Added 2-5-2002 by Ord. No. 2002-1]

The requirements contained in this § 200-31.1 are required for any forestry operation where the value of the trees, logs, or other timber products removed exceeds \$1,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.

A. Definitions. As used in Subsections A through F, the following terms shall have the meanings given them in this section:

FELLING — The act of cutting or standing tree so that it falls to the ground.

LANDING — A place where logs, pulpwood, or firewood is assembled for transportation to processing facilities.

LANDOWNER — An individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

LITTER — Discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.

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

OPERATOR — An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT — A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

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

SLASH — Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND — Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STREAM — Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

TIMBER HARVESTING, TREE HARVESTING, or LOGGING — The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP — The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

WETLAND — Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

B. Permit required; preparation of a logging plan.

- (1) For all timber harvesting operations, the landowner shall obtain a permit from the Township Zoning Officer. No timber harvesting shall occur until the permit has been issued. The permit application shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.
- (2) **Logging plan.** Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this section. No timber harvesting shall occur until the plan has been prepared and a permit issued. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request.
- (3) **Responsibility for compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

C. Contents of the logging plan.

- (1) **Minimum requirements.** As a minimum, the logging plan shall include the following:
 - (a) Location, design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, and skid trails;
 - (b) Location, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 - (c) Location, design, construction, and maintenance of stream and wetland crossings; and
 - (d) The location of the proposed operation in relation to municipal and state highways, including any accesses to those highways;
 - (e) Location, construction, and maintenance of any landing areas;
 - (f) The proposed silvicultural harvesting method narrative, with specific attention to the following:
 - [1] Regeneration method.
 - [2] Estimates of the type and quantities of timber to be harvested.
 - [3] Reforestation period.
 - [4] Site work required for closure following all harvesting operations.
 - [5] Proposed hours of operation.
 - [6] Duration of forestry operation.

- (2) Map. Each logging plan shall include a site map containing the following information:
 - (a) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - (b) Topographic features of at least U.S.G.S. level and an evaluation of potential environmental problems;
 - (c) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
 - (d) Location of all crossings of waters of the commonwealth: and
 - (e) The location of the proposed operation to municipal and state highways, including any accesses to those highways.
 - (3) Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state laws and regulations, including, but not limited to, the following. Required permits shall be obtained and submitted with the Township permit application:
 - (a) Erosion and sedimentation control regulations contained in 25 Pa. Code, Ch. 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq.). The owner or operator shall submit his or her erosion control plan to the Northampton County Conservation District and must receive a letter of adequacy for the plan;
 - (b) Stream crossing and wetlands protection regulations contained in 25 Pa. Code, Ch. 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.); and
 - (c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. § 680.1 et seq.).
 - (4) Relationship of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pa. Code Ch. 102 shall also satisfy the minimum requirements for the logging plan and associated map specified in Subsection C(1) and (2) of this section, provided that all information required by these subsections, including the letter of adequacy from the County Conservation District, is included or attached.
- D. Forest practices. The following requirements shall apply to all timber harvesting operations in the Township:
- (1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 - (2) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining property line.

- (3) All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to adjoining property or within 50 feet of adjoining property shall be lopped to a maximum height of four feet above the surface of the ground.
 - (4) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - (5) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- E. Road access: responsibility for road maintenance and repair; road bonding.
- (1) The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. Pursuant to 67 Pa. Code Ch. 189, the landowner or operator shall furnish a bond to guarantee the repair of such damages.
 - (2) If the forestry operation proposes access to a Township roadway, a driveway permit is required.
- F. Enforcement.
- (1) Inspections. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to:
 - (a) Review the logging plan or any other required documents for compliance with Subsections A through F; and/or
 - (b) Inspect the operation for compliance with the logging plan and other on-site requirements of these regulations; and/or
 - (c) Inspect the post-forestry site for compliance with the closing operation.
 - (2) Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of this section, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation following the procedures of this section. Penalties for violation are as prescribed in this section.

§ 200-32. Filling, excavation and grading.

- A. Permit required. All activities which require the moving of earth or the filling or excavation of an area shall obtain a zoning permit issued by the Zoning Officer. Finish grading or incidental grading of a lot and minor earthmoving from one place to another on a lot for landscaping or agricultural purposes shall not require a zoning permit.
- B. Grading. The existing grade shall not be raised more than three feet above the side of the nearest road or so that unstable slopes are created. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure. Slopes created by filling or excavation shall not be steeper than three feet horizontal to every one foot vertical.

- C. Prohibition. The deposit of soils, detritus or other debris which would be unsightly or detrimental to surrounding properties, streets, sewers and natural waterways as a result of site preparation, grading or excavating is hereby prohibited.

§ 200-33. Steep slopes.

- A. Residential development. Each lot or area plotted for residential use shall have, inside of the required yards, a contiguous area for the location of each dwelling, containing not less than 5,000 square feet for each dwelling unit. Such area shall have an average slope no greater than 15% and a maximum driveway grade of 4% within the right-of-way or 15 feet of the cartway (whichever is greater). In the case of lots utilizing an on-site sewage disposal system, in addition to such area there shall be sufficient area for the primary sewage disposal field and secondary field in accordance with the Department of Environmental Resources Regulations.⁶
- B. Nonresidential development. Each lot plotted for industrial, commercial or other nonresidential use shall provide, inside of the required yards, an area at least equal to the projected horizontal area of the proposed building, plus the additional area required for parking in conformance with this chapter. This area shall have an average slope no greater than 10% and shall be accessible from the existing or proposed street by means of adequately and properly designed service drives having a maximum grade of 12% and a maximum grade of 4% within the right-of-way or 25 feet of the cartway (whichever is greater). In the case of lots utilizing an on-site sewage disposal system, in addition to such area there shall be sufficient area for the sewage disposal field and sufficient area for a replacement field in accordance with the Department of Environmental Resources Regulations.⁷
- C. Development plans required. Building, grading and landscaping plans shall be required for proposed developments located in areas which have a slope in excess of 15%. The plans should contain methods to minimize rainfall runoff and to prevent erosion.
- D. Slopes in excess of 25%. Any existing land with a slope in excess of 25% shall remain as open space.
- E. Blue Mountain Conservation District. Section 200-12 contains additional regulations governing the use of land, buildings and structures in the Blue Mountain Conservation District.

§ 200-34. Flood-prone area regulations.

- A. Flood-prone area restrictions.

(1) Purpose. The purposes of the flood-prone area regulations are to:

⁶ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

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- (a) Promote the general health, welfare and safety of the community.
 - (b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - (c) Minimize danger to public health by protecting water supply and natural drainage.
 - (d) Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- (2) Administration.
- (a) As required elsewhere in this chapter, no person shall erect, alter or convert any structure or building nor alter the use of any land, building or structure until the Zoning Officer issues a zoning permit to the person for said change or construction. If any proposed construction is located within or adjacent to any flood-prone area or in any streamside setback area, applicants for zoning permits shall also provide the following specific information:
 - [1] A plan which accurately locates the use or a construction proposal with respect to the flood-prone area boundaries, stream channel, streamside setbacks and existing flood-prone developments. Included shall be all plans for proposed subdivision and/or land development to assure that:
 - [a] All such proposals are consistent with the need to minimize flood damage;
 - [b] All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage; and
 - [c] Adequate drainage is provided so as to reduce exposure to flood hazards.
 - [2] Such plans shall include existing and proposed contours, the exact size and location of the proposed construction or land use as well as any existing buildings or structures or land use, proposed lowest floor and basement elevations in relation to mean sea level based on the National Geodetic Vertical Datum of 1929, information concerning flood elevation and limits, velocities and other applicable information such as pressures, impact and uplift forces associated with the one-hundred-year flood, size of buildings or structures, location and elevations of streets, water supply and sanitary sewage facilities, storage areas, soil types and floodproofing measures.
 - [3] A document certified by a registered professional engineer or architect, which states that the proposed construction or land use has been adequately designed to withstand the one-hundred-year-flood elevation, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one-hundred-year flood. Such a statement shall include a description of the type and extent of floodproofing

measures which have been incorporated into the design of the structure or land use, if any.

- (b) Review by County Conservation District. A copy of all applications and plans for construction in any flood-prone area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a zoning permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.
 - (c) Review of application by others. A copy of all plans and applications for construction in any flood-prone area to be considered for approval may be submitted by the Zoning Officer to any appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.
 - (d) Other permit issuance requirements. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by state and federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act;⁸ the Pennsylvania Dam Safety and Waterway Management Act;⁹ and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. § 1334. No permit shall be issued until this determination has been made.
 - (e) Changes. After the issuance of a zoning permit by the Zoning Officer, 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 Zoning Officer.
- (3) Identification of flood-prone areas and streamside setback areas.
- (a) Identification of flood-prone areas.
 - [1] For the purpose of this chapter, the areas considered to be flood-prone within the township shall be those areas identified as being subject to the one-hundred-year flood in the Flood Insurance Study prepared for the township by the Federal Insurance Administration (FIA).
 - [2] A map showing all areas considered to be flood-prone is available for inspection at the Township Building. For the purposes of this chapter, the following nomenclature is used in referring to the various kinds of floodprone areas:
 - [a] FW (Floodway Area). The areas identified as “Floodway” in the Flood Insurance Study prepared by the FIA.
 - [b] FF (Flood-Fringe Area). The areas identified as “Floodway Fringe” in the Flood Insurance Study prepared by the FIA.

⁸ Editor's Note: See 35 P.S. § 750.1 et seq.

⁹ Editor's Note: The Dam Safety and Encroachments Act can be found at 32 P.S. § 693.1 et seq.

- [c] FA (General Floodplain Area). The areas identified as “Approximate One-Hundred-Year Floodplain” in the Flood Insurance Study prepared by the FIA. To determine the one-hundred-year-flood elevation for these areas, the elevation at a given point on the boundary of the identified flood-prone areas which is nearest the construction site in question will be used.
- [3] The township makes no claim or certification that the areas specified in township ordinances are the only areas in the township which flood. Prospective builders and land users are warned that they should make an independent evaluation of flooding problems for their particular site, whether or not the site falls within a flood-prone area as identified by township ordinance.
- (b) Changes in identification of flood-prone areas. The areas considered to be floodprone may be revised or modified by the Supervisors where studies or information provided by a qualified agency or person documents the need or possibility for such revision. No modification or revision of any area identified as flood-prone in the Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administrator.
- (c) Boundary disputes. Should a dispute arise concerning the boundary of any flood-prone area, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision may appeal to the Supervisors. The burden of proof shall be on the appellant.
- (d) Identification of streamside setback areas. “Streamside setback area” means those areas within 100 feet of each side of a year-round or intermittent stream as measured by field survey from the top of bank of the defined water flow channel. Year-round or intermittent streams are those identified by United States Geological Survey (USGS) 7.5 Minute Quadrangle Sheets for the township and those streams identified as major and minor streams on the Official Township Zoning Map.¹⁰
- (4) Technical provisions.
- (a) General.
- [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 and until all required permits or approvals have been first obtained from the commonwealth.
- [2] In addition, the Federal Insurance Administration and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

¹⁰ Editor’s Note: See also definition of “streamside setback area” in Subsection A(7).

- [3] Where a flood-prone area has been identified, no construction, development, use, activity or encroachment of any kind shall be allowed, except for roads, driveways, bridges and culverts and utilities within the areas identified as floodway (FW) or as Flood-Fringe (FF) or as Floodplain (FA). Within the floodway no development shall be allowed which would cause any increase in the one-hundred-year-flood level.
- (b) Design and construction standards. The following minimum standards shall apply for all construction proposed to be undertaken within any identified floodprone area:
- [1] Fill. If fill is used, it shall:
 - [a] Extend laterally at least 15 feet beyond the structure line from all points.
 - [b] Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - [c] Be compacted to provide the necessary permeability and resistance to erosion, securing or settling.
 - [d] Be no steeper than one vertical to two horizontal unless substantiated data justifying steeper slopes are submitted to and approved by the Board of Supervisors.
 - [e] Be used to the extent to which it does not adversely affect adjacent properties.
 - [2] Drainage facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points 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.
 - [3] Public sanitary sewer facilities. All new and replacement public sanitary sewer facilities (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
 - [4] Water facilities. All new and replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and located and constructed to minimize or eliminate flood damage.
 - [5] Streets. The finished elevation of proposed new streets shall be at or above a level 0.5 foot above the one-hundred-year-flood elevation.
 - [6] Utilities. All utilities such as gas lines and electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

- [7] Storage. No materials that are buoyant, flammable or explosive or, in times of flooding, could be injurious to human, animal or plant life shall be stored at a level less than 1 1/2 feet above the one-hundred-year-flood elevation. No new or substantially improved structure or land area which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of any supply of any of the following materials or substances on the premises shall be permitted within a designated floodplain, flood-prone area or a streamside setback area.
- [a] Acetone.
 - [b] Ammonia.
 - [c] Benzene.
 - [d] Calcium carbide.
 - [e] Carbon disulfide.
 - [f] Celluloid.
 - [g] Chlorine.
 - [h] Hydrochloric acid.
 - [i] Hydrocyanic acid.
 - [j] Magnesium.
 - [k] Nitric acid and oxides of nitrogen.
 - [l] Petroleum products (gasoline, fuel oil, etc.). Except however, a maximum of 550 gallons of petroleum products may be stored in aboveground containers that are not permanently fixed to the ground, in all areas except floodway areas.
 - [m] Phosphorus.
 - [n] Potassium.
 - [o] Sodium.
 - [p] Sulphur and sulphur products.
 - [q] Pesticides (including insecticides, fungicides and rodenticides).
 - [r] Radioactive substances, insofar as such substances are not otherwise regulated.
- [8] Placement of buildings or structures. All buildings or 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 minimum effect upon the flow and height of floodwater. In addition, no new building, structure, transportable dwelling or mobile home or any portion thereof shall be erected within the boundaries of a designated floodplain, flood-prone area or

streamside setback area, except required roads, driveways, bridges, culverts and utilities.

[9] Water and sewer systems.

[a] No part of any on-site sewage disposal system shall be located within any identified flood-prone area.

[b] Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.

[10] Notwithstanding any of the above, however, all buildings or structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the one-hundred-year flood.

(5) Variances.

(a) If compliance with the elevation or floodproofing requirements of this chapter would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirement.

(b) Requests for variances shall be considered by the Zoning Hearing Board of Appeals in accordance with the following procedures:

[1] No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.

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

[3] In granting any variance, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this section.

[4] Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

[a] The granting of the variance may result in increased premium rates for flood insurance.

[b] Such variance may increase the risks to life and property.

[5] In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

[a] That there is good and sufficient cause.

[b] That failure to grant the variance would result in exceptional hardship to the applicant.

- [c] That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense or create nuisances, cause fraud on or victimization of the public or conflict with any other applicable local or state ordinances or regulations.
 - [6] A complete record of all variances and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report of the Federal Insurance Administration.
 - [7] Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the one-hundred-year flood.
 - [8] If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (60.3 a through d), including the requirements for elevation, floodproofing and anchoring. The applicant must also comply with any other requirements considered necessary by the township.
- (6) Existing buildings or structures in flood-prone areas. Buildings or structures existing in any identified flood-prone area prior to the enactment of this chapter but which are not in compliance with these provisions may continue to remain subject to the following:
- (a) Such buildings or structures are nonconforming buildings or structures, according to this chapter, and as such are subject to all restrictions on nonconforming buildings or structures found elsewhere in this chapter, as well as the following.
 - (b) Existing buildings or structures located in any designated floodway area shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
 - (c) Any such mobile home in a mobile home park or a mobile home subdivision or on an individual lot shall not be modified, altered or reconstructed or replaced with a replacement mobile home unless such mobile home is anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; all components of the anchoring system be capable of carrying a force of 4,800 pounds; and any additions to the mobile home be similarly anchored. And unless such mobile home stand or lot is elevated on compacted fill or on pilings so that the lowest

floor of the mobile home will be at or above the base flood level, adequate surface drainage and access for a hauler are provided and, in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for piers more than six feet above ground level; and unless such mobile home is outside any adopted or calculated floodway.

- (d) Any such mobile, home park and mobile home subdivision improvements or affected portion thereof shall not be modified, altered or reconstructed or replaced unless such improvement work is minor in nature. Where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, stands or lots must be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level and adequate surface drainage and access for a hauler must be provided and, in the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than 10 feet apart and reinforcement must be provided for pilings more than six feet above the ground level.
- (7) Specific terms relating to flood-prone area regulations. As used in this section, the following terms shall have the meanings indicated:

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes and subdivision of land.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

FLOOD — A temporary inundation of normal dry land areas.

FLOOD-FRIDGE AREA — The portion of the floodplain outside of the floodway area.

FLOODPLAIN — See “flood-prone area.”

FLOOD-PRONE 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 buildings or structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, buildings, structures and their contents.

FLOODWAY AREA — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year-flood magnitude.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

STREAMSIDE SETBACK AREA — Those areas within 100 feet of each side of a year-round or intermittent stream as measured by field survey from the top of bank of the defined water flow channel. Year-round or intermittent streams are those defined by USGS 7.5 Minute Quadrangle Sheets for the township and those streams identified as major and minor streams on the Official township Zoning Map.¹¹

B. Alluvial soil floodplain regulations.

- (1) Purposes. In addition to the flood-prone area regulations, there are areas of known alluvial soils lying outside the designated flood-prone area, and the intent of this subsection is:
 - (a) To regulate development in areas of the township in which alluvial soils lying adjacent to streams are known to possess characteristics indicative of flooding and/or chronic wetness which could pose hazards to the public health, safety and welfare due to flooding and pollution if indiscriminately developed.
 - (b) To reduce the financial burden imposed on the township and individuals by floods and overflows on lands.
 - (c) To permit certain uses which can be appropriately located in such areas and which will not impede the flow of floodwaters or otherwise cause danger to life and property at, above or below their locations along the flooding.
 - (d) To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.
 - (e) To permit and encourage the retention of open land uses which will be so located and designed as to constitute an appropriate part of the physical development of the township as provided for in the Comprehensive Plan.
- (2) Alluvial soil floodplain areas.

¹¹ Editor's Note: See similar provision in Subsection A(3)(d).

- (a) Areas designated as “alluvial soils” on the Official Zoning Map are based on the soil map prepared by the Soil Conservation Service, United States Department of Agriculture, and published in the Soil Survey: Northampton County, Pennsylvania. These areas contain one or more of the soil types which are identified by the Soil Survey: Northampton County as “soils of floodplains that are subject to overflow.”
 - (b) The areas delineated as “alluvial soils” on the Official Zoning Map shall be used only to determine where the provisions of the approval procedure in the following subsection shall apply. It shall not be considered an exact delineation for the purposes of applying specific regulations of the regulation section.¹²
- (3) Approval procedure.
- (a) The approval procedure of Subsection B(3)(b) shall be required for all plans for development of all uses which lie within the alluvial soils areas, uses requiring or involving buildings, structures and facilities such as septic systems and wells which will be located in or within a distance of 100 feet from areas designated as containing alluvial soils on the Official Zoning Map and recreational or utility uses within or adjacent to alluvial soils.
 - (b) The Zoning Officer shall require that a detailed on-site survey be made to determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness or pollution in such areas. Such on-site survey may be made by a qualified engineer, soil scientist or qualified sanitarian approved by the Board of Supervisors in accordance with accepted on-site survey techniques.
- (4) Alluvial soil floodplain regulations. On any site or portion of a site which is found, based upon detailed investigation pursuant to the provisions of the approval procedure as indicated above, to contain potential hazards due to flooding, chronic wetness or pollution, the use regulations of the district in which the site is located shall apply, except that the following uses shall be prohibited:
- (a) All permanent residential dwellings and permanent commercial or industrial buildings or structures.
 - (b) The filling of marshlands, removal of topsoil or damming or relocation of any watercourse except with the approval of the Commonwealth of Pennsylvania, Department of Environmental Resources.¹³
 - (c) Sanitary landfill, dump, junkyard, outdoor storage of vehicles and/or materials, including manure.
 - (d) On-site sewage disposal systems.

¹² Editor's Note: See Subsection B(4).

¹³ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

§ 200-35. Outdoor storage control.

No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall any substance which can contaminate groundwater or surface water or otherwise render groundwater or surface water undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any groundwater or surface water. Applicable Department of Environmental Resources regulations shall apply.¹⁴

§ 200-36. Areas with high-water table.

Any proposed land use located in an area which has a year-round or seasonal high-water table which comes to within four feet of a ground surface and which may directly by means of effluent discharge into the ground or indirectly through the leaching of stored materials result in the pollution of the groundwater shall be prohibited from developing in such areas. The determination of such hazards shall be made by the appropriate state agency and/or by a qualified sanitary engineer, geologist or soil scientist approved by the Board of Supervisors.

§ 200-37. On-lot community sanitary sewage system or sanitary sewage treatment facility.

- A. General requirements. Centralized sewage disposal systems and on-lot community sanitary sewage systems and/or sanitary sewage treatment facilities may be allowed to be constructed and privately owned for nonresidential land uses and mobile home parks in accordance with all state regulations and Township ordinances and regulations and this section of this chapter. Other development of a residential nature, either single-family, two-family or multifamily, shall be served by individual on-lot sanitary sewage disposal systems and/or connected to a publicly owned (or authority-owned) centralized sewage facility. If such single-family, two-family or multifamily developments utilize on-lot

(Cont'd on page 20079)

¹⁴ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

sewage disposal then such dwelling unit shall be provided with its own individual on-lot sewage system.

B. Setbacks.

- (1) All treatment, holding tanks, aeration tanks, filters, contact tanks, lagoons or other facilities where untreated or partially treated wastewater is exposed to the weather shall be no closer than 250 feet to any existing residential building, no closer than 250 feet to the nearest building restriction line (delineating minimum front, side or rear yards required by this chapter) on an adjoining property or proposed lot and no closer than 150 feet to any property line.
 - (a) The above setbacks are minimum requirements designed to provide protection for existing and future dwellings. Where a condition exists on an adjoining property (such as a floodplain or transmission line right-of-way) that would preclude any residential construction in a certain area, the required 250 feet setback may be measured from the nearest line where such a building could be built.
 - (b) In addition to providing the required setbacks for the proposed facilities, the site shall also include an area of at least a size equal to the area needed for the proposed facilities, which would be reserved to accommodate possible future use. This future use area shall also meet the setback requirements listed above. The design engineer shall delineate such future use area on the plans of the proposed treatment facility. At least 30 feet shall be provided between the proposed facilities and the future use area.
- (2) All equipment, buildings, housing or other facilities required for the wastewater treatment facility, with the exception of fencing and landscaping, that project above grade or above ground or any part of a community sewage system shall be no closer than 150 feet to a property line.
- (3) All noise-producing equipment shall be no closer than 150 feet to any property line, except that subsurface lift station equipment shall be no closer than 20 feet to the property line along a publicly owned street or a street proposed for dedication to the township.

C. Screening and landscaping.

- (1) All aboveground sewage facilities, including but not limited to buildings, tanks, power panels and lift station superstructures, and all exposed water surfaces, including but not limited to aeration tanks and lagoons, shall be enclosed with a protective fence of chain link galvanized mesh or fence of similar quality and durability. The fence shall be at least six feet high. The fence shall be set no closer than 40 feet to any property line. The fence shall be fitted with a locked gate of the same material as the fence which shall be provided at a location and width suitable for maintenance equipment.
- (2) The protective fence shall be landscaped on the exterior of the fence with shrubs or a hedge of bushes.

- (3) The shrubs or hedge of bushes shall consist of shrubs or hedge bushes 36 inches apart and a minimum of 30 inches high all around the perimeter of the fenced-in area except at the gate. The shrubs or bushes shall be of a tall-growing variety, such as forsythia or autumn olive.
 - (4) Shade trees shall be planted around the perimeter of the fence at least 20 feet from the fence and at an average spacing of 75 feet between trees with a maximum spacing not to exceed 90 feet center to center. Such trees shall be at least two-inch-caliper shade trees of nursery quality of a species suitable to Moore Township.
 - (5) Ground cover inside and outside the fence shall be grass or other suitable vegetative cover approved by the township, except in areas of structures or access drives and paths.
- D. **Bonding.** Bonding will be required for all proposed on-lot community sewage systems or sanitary sewage treatment facilities in any amount equal to the replacement cost of such facility in 20 years or at the end of the anticipated life span of such facility.
- E. **Discharge.** No community sewage system or sanitary sewage treatment plant shall discharge sanitary sewage effluent into any water bodies or streams located in Moore Township.
- F. **Termination of land use.** Any land use relying on a nonpublic centralized or nonpublic community sanitary sewer facility or sanitary sewer treatment facility shall terminate its land use and utilization of these facilities upon notice from the Township Zoning Officer if it has been determined by the township that the centralized or community sanitary sewage system or sanitary sewage treatment facility is malfunctioning and if, after notice as required by this chapter and/or other ordinances, such malfunction is not corrected. Termination of use does not, however, eliminate other remedies the township may have to enforce penalties or fines or abatement of pollution as may be provided for by township and/or state regulations and laws.

§ 200-38. Centralized water supply system bonding.

Bonding will be required for all proposed centralized water supply systems in an amount equal to the replacement cost of such facility in 20 years or at the end of the anticipated life span of such system.

§ 200-39. On-lot sanitary sewage disposal.

- A. **Secondary absorption area.** All proposed development utilizing on-lot sanitary sewage disposal shall provide for a secondary absorption area. The secondary absorption area shall be tested and found acceptable for permitted use in accordance with the current Department of Environmental Resources Rules and Regulations, as amended.³³ The secondary area shall remain undisturbed and reserved for future on-lot sanitary sewage disposal requirements.

³³ **Editor's Note:** Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

- B. Plan representation. The secondary absorption area shall be plotted on proposed subdivision and development plans and building permit applications for proposed buildings or structures utilizing on-lot sewage disposal. The secondary area shall be labeled regarding intent.
- C. Exceptions.
- (1) Residential building lots in excess of 10 acres will be exempt from § 200-39A and B.
 - (2) Residential building lots on an approved plan of record prior to the enactment of this chapter shall be exempt from Subsections A and B.
 - (3) Residential building lots shown on a proposed subdivision, land development or planned residential development plan received for review by the Moore Township Planning Commission prior to the enactment of this chapter shall be exempt from Subsections A and B.
 - (4) Lots and developments using spray irrigation systems in conformance with Pennsylvania Department of Environmental Protection Rules and Regulations shall be exempt from Subsections A and B.

ARTICLE VI Signs³⁴

§ 200-40. Scope and applicability.

- A. Permit required. A zoning permit is required for all permanent signs except official governmental, name and address and trespass signs. No permit is required for temporary signs or signs which require a mere change of copy on a sign, the customary use of which involves frequent and periodic changes of copy. All signs shall comply with the standards of this chapter, whether or not a permit is required.
- B. Nonconforming signs. Signs existing at the date of enactment of this chapter and which do not conform to the requirements of this chapter shall be considered nonconforming signs. After three years of the date of enactment of this chapter, nonconforming signs may, after notification, be removed by the township at the expense of the owner or lessee of the property on which the nonconforming sign is located. Once a nonconforming sign is destroyed or removed, it may be replaced only with conforming signs. Nonconforming signs may be repainted or repaired (including lighting), provided that such repainted or repaired sign does not exceed the dimensions of the existing sign; wording may also be changed.

§ 200-41. Construction.

Every sign permitted in this article shall be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated may, after

³⁴ Editor's Note: See also Table 1, Summary of Sign Area Regulations, included at the end of this chapter.

notification, be removed by the township at the expense of the owner or lessee of the property on which it is located.

§ 200-42. Location.

- A. No signs (except those of a duly constituted government body, including traffic signs and similar regulatory notices) shall be allowed within right-of-way lines unless specifically authorized by other ordinances and regulations of the township and in compliance with the Commonwealth of Pennsylvania regulations.
- B. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reason of color, location, shape or other characteristic) or through any other means.

§ 200-43. Height.

No sign structure that is not part of or supported by a building shall be more than 18 feet above the average ground level at the base of such sign.

§ 200-44. Number permitted.

- A. On-premises. Each use shall be limited to two of the following signs along each street on which the use is located: one parallel or projecting sign, one window sign and one freestanding sign. The sign area for each street may be computed separately.
- B. Off-premises.
 - (1) No more than six off-premises directional signs shall be permitted in the township for any use or development.
 - (2) In addition to the number of off-premises directional signs, no more than one off-premises sign for any other purpose shall be permitted in the township for any use or land development.

§ 200-45. Illuminated signs.

- A. Shielding. Signs may be illuminated by direct lighting, provided that such lighting is shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets.
- B. Prohibited in residential districts. Illuminated signs shall be prohibited from the BMC, LC, R and SR Districts.

§ 200-46. Removal.

On-site signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed shall be replaced only by signs in conformance with this chapter.

§ 200-47. Temporary signs.

- A. Real estate. Temporary signs may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which they are located, provided that they shall be maintained and removed within seven days after consummation of the lease or sale transaction.
- B. Construction sites. Nonilluminated temporary signs (developer/contractor signs or mechanic/subcontractor/other artisan signs) may be permitted on new construction sites, provided that they shall be removed within seven days after completion of the construction work and no more than one sign shall be placed on each street frontage of the construction site.
- C. Public events. Temporary signs may be permitted announcing a political, public, educational, charitable, civic, religious or similar campaign or event for a total period not to exceed 30 days in any calendar year, provided that they are removed within seven days after the conclusion of the campaign or event.

§ 200-48. Group commercial developments.

- A. Shopping centers. In the case of a shopping center, one freestanding sign indicating the name of the center or similar use may be erected. No portion of a shopping center freestanding sign shall be less than 20 or more than 40 feet above the ground. The area of any one side of such sign shall not exceed 100 square feet. The location and orientation of such sign shall be shown on the development plan.
- B. Others. In the case of a group of business uses other than a shopping center on a lot held in single and separate ownership, a single freestanding sign, including individual signs identifying different establishments, may be erected on a common backing, provided that the total area of one side of the sign does not exceed 30 square feet and that any individual sign does not exceed four square feet. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the outside edge of the backing. No portion of any such backing shall be less than five feet or more than twelve feet above the ground.
- C. Sign area. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store or similar use. Only parallel signs shall be permitted for individual establishments.

§ 200-49. Promotional devices.

Floor lights, promotional or advertising flags, banners, twirling, A-type, sandwich-type, sidewalk or curb signs and balloons or devices shall only be permitted for a new business and an existing business for special occasions not more than four times a year in the Village Center or Industrial Districts for a period of not more than a total of 15 days. At no other time shall such device be permitted.

§ 200-50. Vehicles, buildings or structures.

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle, building or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such be subject to the provisions regarding freestanding signs in the district in which such vehicle, building or structure is located.

§ 200-51. Farm products.

Signs advertising the sale of farm products on premises are permitted, provided that the size of any such sign is not in excess of six square feet, not more than two signs are used and the signs shall only be displayed when such products are on sale. Signs shall not be illuminated.

§ 200-52. Silos, smokestacks and towers.

All sign provisions of this chapter shall apply to the use of silos, smokestacks, water towers and other similar structures as signs.

§ 200-53. Signs prohibited in all districts.

The following signs shall be prohibited in all districts:

- A. Banners, spinners, flags, pennants or any moving object used for commercial advertising purposes, whether containing a message or not, except as stated in § 200-49.
- B. Flashing, blinking, twinkling, animated or moving signs of any type, except those portions of signs which indicate time and temperature changes.
- C. Signs placed, inscribed or supported upon the roof or upon any building or structure which extends above the eaves of the roof of any building.
- D. Signs on mobile stands which can be moved from place to place.
- E. Signs which emit smoke, visible vapors or particles, sound or odor.

**ARTICLE VII
Off-Street Parking and Loading**

§ 200-54. Required off-street parking space.

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use which, after the effective date of this chapter, is established, erected, enlarged or altered for any of the following purposes or uses in any district. (For uses not specifically listed, the requirements for the most similar use listed shall be followed. The following provisions apply only to new uses and to any enlargement portions of existing uses.)

Use	1 Off-Street Parking Space Required for Each	1 Off-Street Parking Space Required for Each
RESIDENTIAL USES		
Single-family, two-family and multifamily dwellings	0.5 dwelling unit (2 spaces per dwelling unit)	—
Conversions, rooming and boarding houses	1 dwelling unit	—
Home occupations	0.5 dwelling unit; Nonresident employee working during an 8-hour period	Customer during any 1-hour period of maximum use
Housing for the elderly	4 dwelling units	—
Mobile home parks	0.5 rental space	—
PUBLIC OR PRIVATE RESIDENTIAL USES		
Commercial swimming pools	4 persons of total capacity	Full-time employee
Private or membership clubs or lodges	6 members or 6 persons of total capacity	Full-time employee
Golf courses, driving ranges and miniature golf	3 persons of total capacity	Full-time employee

Use	1 Off-Street Parking Space Required for Each	1 Off-Street Parking Space Required for Each
Bowling alleys	0.25 lane (4 spaces per lane)	2 full-time employees
Theaters, auditoriums, libraries, skating rinks and stadiums	6 seats (bench capacity computed at 1 for each 20 inches)	2 full-time employees

INSTITUTIONAL AND EDUCATIONAL USES

Churches or other places of worship	4 seats; 100 square feet of meeting room area	2 employees
Nursing home space	3 patient beds	Staff and visiting doctors, plus 1 space for each 2 employees on the shift of highest employment
Medical or dental offices and clinics	0.25 practitioner (4 spaces per practitioner)	Full-time employee
Meeting or assembly halls for fraternal or civic organizations	50 square feet of floor area	2 full-time employees
Schools	0.8 faculty and other full-time employees (1.25 spaces per employee)	8 students aged 16 years or older

RETAIL AND COMMERCIAL SERVICE USES

Automobile servicing and repair	1/3 service bay (3 spaces per bay)	Full-time employee
Automobile, truck, furniture or appliance	300 square feet of sales floor area	Full-time employee
Business services such as banks or credit unions	100 square feet of floor area used for serving customers	Full-time employee

Use	1 Off-Street Parking Space Required for Each	1 Off-Street Parking Space Required for Each
Professional offices such as real estate or insurance consultants	200 square feet of gross floor area	Full-time employee
Retail stores and businesses	150 square feet of area used for serving customers	2 full-time employees
Funeral homes	4 seats for patron use or 50 square feet of gross floor area	Full-time nonresident employee
Hotels and motels	Rental room or suite	Full-time employee
Personal service businesses such as barbershops, photo shops and appliance repair	100 square feet of floor area used for serving customers	2 full-time employees
Restaurants and taverns	3 seats for customers	2 full-time employees
Drive-in restaurants	100 square feet of gross floor area	Table or booth, plus 1 space for each 2 counter stools, plus 1 space for each 2 employees
Self-service laundromats	3 washing or dry- cleaning machines	2 full-time employees
Shopping centers	220 square feet of retail sales area (4.5 spaces per 1,000 square feet)	—

MANUFACTURING AND INDUSTRIAL USES

Wholesaling and warehousing	200 square feet of office and customer service floor area	1.5 full-time employees
Manufacturing and industrial uses	2 employees on the largest shift	Company vehicle based at the plant

§ 200-55. General regulations applying to required off-street parking facilities.

- A. Existing parking. Buildings, structures and uses in existence at the effective date of this chapter shall not be subject to the requirements of this article so long as the kind or extent of use is not changed, provided that any parking facility now serving such buildings, structures or uses shall not in the future be reduced to an amount less than that required by this chapter.
- B. Fractional spaces. Where the computation of required parking spaces results in a fractional number, the fraction of $\frac{1}{4}$ or more shall be counted as one.
- C. Changes in use. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of § 200-54 for an increase of 10% or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.
- D. Conflict with other uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.
- E. Continuing character of obligation. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this article in conjunction with a change in the nature of the use.
- F. Joint use.
 - (1) Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in Subsection F(2).
 - (2) Up to 50% of the parking spaces for theaters, auditoriums, bowling alleys or private clubs and up to 100% of the parking spaces required for churches or meeting halls may be provided collectively and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed above; provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the Township Solicitor and filed with the application for the zoning permit.
- G. Mixed uses. Where a permitted use contains or includes more than one of the types of uses identified in § 200-54, the number of parking spaces required shall be computed according to the most restrictive parking requirements.
- H. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served or, where this requirement cannot be met, within 400 feet walking distance of the principal use.
- I. Parking of commercial vehicles. Only one commercial motor vehicle may park on a residential lot within the BMC, LC, R and SR Districts, provided that it is parked in a visually screened area.

§ 200-56. Design standards for off-street parking facilities.

- A. **Applicability.** The design standards specified in this section shall be mandatory for all new off-street parking facilities with a capacity of four or more vehicles.
- B. **General requirement.** Such facilities shall be designed so that their use shall not constitute a nuisance or hazard or unreasonable impediment to traffic.
- C. **Space dimensions.** All parking spaces shall have a stall width of no less than 10 feet and a total area of no less than 200 square feet.
- D. **Accessibility.** Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- E. **Entrance and exit drives.** The width of entrance and exit drives shall be a minimum of 12 feet and a maximum of 15 feet at curblines for one-way use only and a minimum of 20 feet and a maximum of 30 feet at the curblines for two-way use. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry.
- F. **Access points.** At least 40 feet shall be provided between access points and no access point shall be closer than 30 feet to any street intersection.
- G. **Design.** Parking areas shall be arranged and marked for orderly, safe movement. No parking areas shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space.
- H. **Grading; surface; drainage.** Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.
- I. **Nighttime illumination.** Parking areas shall be adequately illuminated if designed for use by more than three cars after dusk. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.
- J. **Separated from street.** Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall be not less than 10 feet in depth. This ten-foot planting strip shall be parallel to the right-of-way line and shall be measured from the right-of-way line.
- K. **Screening.** All spaces not within a building or any parking or off-street loading area of five or more spaces which abuts or is across a street from any lot in a residential district shall be provided with a suitable fence, wall or evergreen planting at least four feet in height designed to screen visibility and headlight glare from such residential lot.

§ 200-57. Off-street loading.

- A. **General requirement.** Off-street loading sufficient to accommodate the maximum demand generated by the use of the lot and with proper access from the street or alley as

determined by the Zoning Officer or another applicable review agent for the township shall be provided on any lot on which a building for business or industry is hereafter erected. All off-street loading and unloading spaces shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Township Engineer to the extent necessary to protect adjoining property.

- B. Minimum size. Each off-street loading and unloading space shall be a minimum of 14 feet by 75 feet and, in addition, have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.
- C. Driveways. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 35 feet; the minimum width shall be 20 feet.
- D. Setbacks from property lines. Off-street loading areas shall not be located in the minimum required front, side or rear yards.

ARTICLE VIII Administration and Enforcement

§ 200-58. General procedure.

- A. Persons desiring to undertake any new construction, structural or site alteration or changes in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by filling out the appropriate application form and by submitting the required fee.
- B. The Zoning Officer shall either issue the zoning permit or shall refuse the permit, indicating in writing the reason for refusal. Certain construction, alterations or uses require approval of the Zoning Hearing Board and/or approval of the Board of Supervisors.
- C. If refused a permit by the Zoning Officer, the applicant may appeal to the Board for further consideration.
- D. After the zoning permit has been received by the applicant, he may proceed to obtain other necessary permits and undertake the action permitted by the zoning permit and the other necessary permits.
- E. Upon completion of such action, the applicant shall apply to the Zoning Officer for an occupancy permit where such a permit is required.
- F. If the Zoning Officer finds that the action of the applicant is in accordance with the zoning and any other required permits, he shall then issue an occupancy permit allowing the premises to be occupied.

§ 200-58.1. Site plan review. [Added 11-9-1998 by Ord. No. 1998-9]

- A. It is the purpose of this procedure to enable the Township Planning Commission and Township Board of Supervisors to review the site plans of an applicant to assure that they meet the stated objectives and standards of these regulations, conform to the stated objectives of other agencies, provide for the safety and convenience of the general public,

as well as those using the subject site, and preserve important site features and landscaping where desirable.

B. Procedure.

- (1) In all cases where these regulations require approval of a site plan, a zoning permit shall not be issued until after the Planning Commission and Township Board of Supervisors have reviewed the site plan in accordance with the procedures set forth in this chapter and until the Township Board of Supervisors has approved the site plan. Permits shall be issued only in conformity with the approved site plan.
- (2) The Zoning Officer shall submit the site plan and supporting documents to the Township Planning Commission and other required review agencies within 10 days of the receipt of the site plan.
- (3) The Planning Commission may refer applications for site plan review to other appropriate agencies and authorities for review and recommendations.
- (4) The Planning Commission and Township Board of Supervisors shall have a total of 90 days from the date of the first regular Planning Commission meeting after the submission of the application, according to the same time requirements allowed for subdivision and land development plan submissions and reviews under the Pennsylvania Municipalities Planning Code, Act 247, as amended (53 PS. § 10101 et seq.), unless an extension of time is granted by the applicant.

C. Application requirements.

- (1) Application for site plan review shall be submitted to the Zoning Officer, Fifteen copies of all plans certified by a registered architect, engineer or surveyor shall be submitted, along with the site plan review fee, as established by resolution of Township Board of Supervisors, to cover the additional expense of reviewing said site plan. Any request for a waiver from any provision of this site plan requirement shall be made to the Board of Supervisors, along with a fee for such request as established by resolution.
- (2) The site plan shall include, as a minimum, all the following information, except that these requirements may be modified by the Planning Commission to reflect the information needed to review adequately the plans for the intended use:
 - (a) Location of the site, drawn to a scale of not less than one inch equals 50 feet, showing abutting streets, nearest cross streets, driveways to adjacent lots, structures on adjacent lots which are less than 100 feet from the property line, dimensions and size of the lot.
 - (b) Streets and property lines, curbs, pavement sidewalks, easements and rights-of-way.
 - (c) Locations and dimensions of all existing and proposed buildings, structures, walls, fences, utility buildings, existing trees of eight-inch caliper or more at four feet above the ground and other significant landscape elements.
 - (d) Existing and proposed contours, at maximum two-foot intervals, and limit of earth disturbance.

- (e) Location of all existing watercourses, wetlands, drainageways, floodplain limits and rock outcroppings, cliffs, quarries and woodlands. Also, the location of any carbonate geology features that might pertain to the site.
- (f) Zoning data for all proposed buildings, structures or uses, including height, number of stories, yards, building coverage, number of parking spaces, number of dwelling units, total building area and proposed uses. Also, zoning calculations of slope, woodland cover, floodplain, wetlands, rock outcrop, cliff and quarry areas with associated calculations of required adjusted lot size development density or cover requirements.
- (g) The title of the development, date, revision dates, North arrow, scale, name and address of owner, name and address of equitable owner (if applicable) and name and address of applicant, if different from owner or equitable owner, and signature of the applicant and the owner with a statement indicating their approval of the plan.
- (h) Location and dimensions and proposed surfacing of existing and proposed off-street parking and loading spaces, traffic access, circulation drives and pedestrian walks and projected volumes of vehicle and pedestrian traffic using the site.
- (i) Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
- (j) Location, type, design, shielding and hours of operation of all existing and proposed exterior, parking lot and garage lighting.
- (k) Description and elevation view of all proposed structures.
- (l) Location, type, size, design, color and illumination of all signs.
- (m) Location and description of water supply, fire protection system, sewage facilities and stormwater management facilities and supporting calculations.
- (n) Location of building or structure listed in or eligible for the National Register of Historic Sites and estimated date of construction of all existing buildings and structures.
- (o) A project narrative providing the following information:
 - [1] Proposed use.
 - [2] Hours of use.
 - [3] Description of product produced, services provided or goods sold and process or methods used in providing these services.
 - [4] Number and job classifications of employees.
 - [5] A plan for providing emergency services, including police, health and fire.
 - [6] A list of chemicals to be used or stored on the property in any quantity in excess of 20 cubic feet in volume, except:

- [a] Chemicals, such as heating oil or propane, which may be required for the normal heating and cooling of a building or fire-suppression chemicals.
 - [b] Printing supplies, photographic developing chemicals and janitorial chemicals and lawn and agricultural fertilizers in a quantity not to exceed 40 cubic feet.
 - [c] Aboveground tanks for storage of fuel oil for use by the property owner for:
 - [i] Farm-related equipment;
 - [ii] Trucks or automobiles; and/or
 - [iii] Emergency equipment or vehicles.
 - [7] The results of test borings which denote ground stability.
 - (p) Certification that utilities to be provided are adequate for the intended use.
 - (q) The copy of all required permits and supporting documents required by federal, state and local government agencies.
 - (r) In the case of on-lot sewage disposal, the locations and elevations of all passing and failing soil test trenches and percolation tests and proposed primary and replacement drainfield areas and all soil test results.
 - (s) Location, type and design of proposed soil erosion and sedimentation control devices, with appropriate narrative, and approval from the Soil and Water Conservation District of said plan.
 - (t) A traffic impact study for all proposed land uses expecting to generate 250 vehicles per day of traffic. Ingress is one count and egress is one count.
- E. Standards for review. In reviewing site plans, the Planning Commission and Township Board of Supervisors shall take into consideration the purposes of these regulations, including the purposes of the applicable zoning district and the safety and convenience of the general public. Site plans may be modified and conditions put on approvals when deemed necessary to meet the following objectives:
- (1) Safe, adequate and convenient vehicular and pedestrian traffic both within and without the site. The Planning Commission and Township Board of Supervisors shall take into consideration the following features:
 - (a) Number, location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways and lighting.
 - (b) Visibility, in both directions, at exit points.
 - (c) Location, arrangement and screening of off-street parking spaces and waste storage areas.
 - (d) Location, arrangement, size and adequacy of landscaping provided for screening of parking areas, buildings, utilities, outdoor storage and buffering.

- (2) The protection of environmental quality, landscaping of open space and harmony with existing development. The Planning Commission and Township Board of Supervisors shall take into consideration the following features:
- (a) Arrangement, location, size and architectural features of proposed buildings and structures on the site in relation to development on adjoining properties, open space, topography and existing vegetation.
 - (b) The shielding of light, noise, odors, airborne particles or other disturbances which could interfere with the use and enjoyment of neighboring properties.
 - (c) The collection and disposal of stormwater runoff from the site.
 - (d) The adequacy of the water supply, fire protection system and proposed sewage facilities.
 - (e) The adequacy of protection of floodplain and wetland areas.
 - (f) The adequacy of protection against hazards of developing or using land in carbonate geology areas.
 - (g) The adequacy of protection provided for woodlands, steep slopes, rock outcrops, cliffs and quarries.
- (3) The protection and preservation and reuse of buildings or structures built more than 50 years prior to the date of application. The Planning Commission shall take into consideration the following features:
- (a) If such buildings and structures are nonconforming as to location, size or use, that such nonconformities are permitted to continue.
 - (b) The adequacy of the proposed protection, renovation and reuse.

§ 200-59. Zoning Officer.

- A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors and shall not hold any elective office in the municipality. The Zoning Officer shall serve the municipality until such time as the Board of Supervisors declares otherwise. The Board of Supervisors may appoint an alternate or assistant Zoning Officer when and if the Board deems it is necessary.

(Cont'd on page 20091)

B. Duties and powers.

- (1) The Zoning Officer shall:
 - (a) Administer this chapter in accordance with its literal terms.
 - (b) Identify and register nonconforming buildings, structures and uses.
 - (c) Receive and examine all applications required under the terms of this chapter.
 - (d) Issue or refuse permits within 30 days of the receipt of the application.
 - (e) Receive complaints of violation of this chapter.
 - (f) Issue a written notice of violation to any person, firm, partnership or corporation violating any provisions of this chapter.
 - (g) Keep records of applications, permits and certificates issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered and of notice or orders issued.
 - (h) Make all required inspections and perform all other duties as called for in this chapter.
 - (i) Identify and register nonconforming uses, structures and lots in accordance with the provisions of § 200-28A.
- (2) The Zoning Officer shall not have the power to permit any construction, use or change of use which does not conform to this chapter.

§ 200-60. Permits and certificates.**A. Applications.**

- (1) Zoning Officer.
 - (a) All applications for zoning permits for permitted uses, for building and occupancy permits and for certificates of nonconforming buildings, structures or uses shall be made directly to the Zoning Officer.
 - (b) Prior to the issuance of any zoning permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by state and federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act;³⁵ the Water Obstruction Act of 1913;³⁶ and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. § 1334. No permit shall be issued until this determination has been made.

³⁵ Editor's Note: See 35 P.S. § 750.1 et seq.

³⁶ Editor's Note: Said Act was repealed 10-13-1979 by P.L. 204, No. 70; see now 32 P.S. § 693.1 et seq.

- (c) The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment.
 - (d) After the issuance of a zoning permit by the Zoning Officer, 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 Zoning Officer.
 - (e) Work on the proposed construction shall begin within 12 months after the date of issuance of the zoning permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading or filling or excavation for basement, footings, piers or foundations or erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes or electrical or other service lines from the street.
 - (f) During the construction period, the Zoning Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable township laws and ordinances. In the event that the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws or ordinances or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit.
- (2) All applications for special exception uses and variances and for interpretation of any part or provision of this chapter shall be made to the Zoning Hearing Board on forms which may be obtained from the Zoning Officer.
 - (3) All applications for conditional uses shall be made to the Board of Supervisors on forms which may be obtained from the Zoning Officer.
 - (4) All applications for all permits shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Officer or the Zoning Hearing Board may require any additional information which he or it deems necessary to properly evaluate the application for the purpose of determining its conformity with this chapter.
- B. Appeals to Zoning Hearing Board.**
- (1) All appeals which allege that the Zoning Officer has made an error shall be filed with the Secretary of the Zoning Hearing Board within 60 days of the Zoning Officer's decision.

- (2) Such appeals shall be in writing and shall explain fully the facts and parties in the case and shall clearly state the reasons or provisions of the ordinance on which the appeal is based.

§ 200-61. Zoning permits.

No person shall erect, alter or convert any structure or building nor alter the use of any land or structure until the Zoning Officer issues a zoning permit to the person for said change or construction. No zoning permit is required for normal maintenance and repairs. Zoning permits shall be issued in at least triplicate. One copy shall be kept conspicuously on the premises, and no person shall perform building operations of any kind unless a zoning permit is being displayed as required by this chapter.

- A. Permitted uses. A zoning permit for a permitted use may be issued by the Zoning Officer.
- B. Special exceptions. A zoning permit for a special exception may be issued by the Zoning Officer only upon the order of the Board after a hearing following a review by the Planning Commission.
- C. Conditional uses. A zoning permit for a conditional use may be issued by the Zoning Officer only upon the order of the Board of Supervisors following a review by the Planning Commission.

§ 200-62. Occupancy permits.

- A. Prior to the use, occupancy or reoccupancy of any land or building or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be secured from the Zoning Officer.
- B. All applications for occupancy permits shall be in writing on forms to be furnished by the Zoning Officer.
- C. The Zoning Officer shall grant or refuse such an application within 15 days after being notified of the completion of authorized construction or alteration or (where no construction or alteration is involved) within 15 days after receipt of such application.
- D. A copy of the occupancy permit shall be kept upon the premises and shall be displayed upon request made by any officer of the municipality.

§ 200-63. Other permits.

The municipality may require additional permits specified in other related ordinances and laws.

§ 200-64. Zoning Hearing Board.

- A. Appointment. The Zoning Hearing Board shall continue to consist of three residents of the township, appointed by resolution by the Board of Supervisors. Board members shall serve terms of three years, so fixed that the term of office for one member shall expire each year.

Members of the Board shall hold no other office in the township. The Board shall promptly notify the Board of Supervisors of any vacancy that may occur. Appointments to fill vacancies shall only be for the unexpired portion of the term.

- B. Alternate members of the Board. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Subsection D(2), an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member pursuant to Subsection D(2).
- C. Removal. Any Board member may be removed for just cause by a majority vote of the Board of Supervisors if the member has received 15 days' notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- D. Organization.
- (1) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in § 200-66.
 - (2) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
 - (3) The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the township and laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the township, and shall submit report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
 - (4) The fees for all proceedings, hearings and actions by the Board shall be paid by the applicant.

§ 200-65. Zoning Hearing Board functions.

The Zoning Hearing Board shall serve the following functions:

- A. Substantive validity challenges. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.³⁷
- B. Ordinance enactment challenges. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- C. Appeals from determinations by the Zoning Officer. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals relating to floodplain ordinance administration decisions. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Variances.
 - (1) Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance.
 - (2) The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - (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 this chapter 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 this chapter 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

³⁷ Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2), respectively.

permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code³⁸ and this chapter.
- F. Special exception applications. Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance. Where the Board of Supervisors, in this chapter, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter.
- G. Appeals from preliminary opinion decisions. Appeals from the Zoning Officer's determination under § 200-72.
- H. Appeals from certain sedimentation and erosion control and stormwater management decisions. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications pursuant to the Moore Township Subdivision and Land Development Ordinance or the planned residential development provisions of this chapter.³⁹
- I. Performance density provision decisions. Appeals from the determination of any officer or agency charged with the administration of performance density provisions of this chapter.

§ 200-66. Procedures and hearings.

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

- A. Notice of hearings.
 - (1) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by

³⁸ Editor's Note: See 53 P.S. § 10101 et seq.

³⁹ Editor's Note: See Appendix A, Single-Family Cluster Developments and Planned Residential Developments, located at the end of this chapter.

ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Zoning Hearing Board shall also mail a copy of the hearing notice to all property owners within 500 feet of the appellant's property boundary. This copy shall be provided by first-class mail to the property owner's last known address (based on township tax records). Such copy shall be mailed no less than seven days prior to the hearing.

- (2) Lack of this complete property owner mailing and/or lack of receipt of this mailing by some or all property owners shall not constitute a notice defect.
- B. Fees. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. Hearing scheduling. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. Decisions. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- E. Parties. The parties to the hearing shall be the township, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. Oaths and subpoenas. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. Representation by counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. Record. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event

the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

- J. Ex parte communications. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. Decisions/findings. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code⁴⁰ or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection L of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. Notice of decision. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- M. Referral to Planning Commission. The Board shall refer to the Planning Commission:
- (1) All applications for special exceptions; and

⁴⁰ Editor's Note: See 53 P.S. § 10101 et seq.

- (2) Any other application or appeal which in the opinion of the Board requires review by the Commission. In its review of a special exception, the Commission shall determine compliance with the standards and criteria set forth in this chapter. In all cases, the Commission shall report in writing its findings and recommendations to the Board within 30 days of its receiving the request for review. The Board and Commission shall establish mutually acceptable procedures to assure that the review is accomplished in time to permit the Board to make its required decision.
- N. Parties appellant before Board. Appeals under § 200-65A, B, C, D, G, H and I may be filed with the Board in writing by the landowner affected, any officer or agency of the township or any person aggrieved. Requests for variances under § 200-65E may be filed with the Board by any landowner or any tenant with the permission of such landowner.
- O. Time limitations; persons aggrieved. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Appendix A⁴¹ or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to § 200-65 shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.
- P. Stay of proceedings.
- (1) Upon filing of any proceeding referred to in § 200-65 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
- (2) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that

⁴¹ Editor's Note: Appendix A is located at the end of this chapter.

the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

- (3) The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
 - (4) If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.
- Q. Required information. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
- (1) The name and address of the applicant or appellant.
 - (2) The name and address of the owner of the property to be affected by such proposed change or appeal.
 - (3) A brief description and location of the property to be affected by such proposed change or appeal.
 - (4) A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.
 - (5) A statement of the section of this chapter under which the appeal is made and reasons why it should be granted, or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.
 - (6) A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size, material and general construction of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description.
- R. Expiration of appeal or request. Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning permit or comply with the conditions of said authorized permit within six months from the date of authorization thereof.
- S. Return from Court of Common Pleas. In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law and shall promptly notify the Township Solicitor of such appeal and furnish him with a copy of the return, including the transcript of testimony. Any decision of the Board not appealed within 30 days after notice thereof shall be final.

- T. Expenditures for services. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to § 200-64B, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.
- U. Employees. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel as the need arises. The legal counsel shall be an attorney other than the Township Solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Board of Supervisors for this use.

§ 200-67. Amendments.

- A. Power to amend. The Township may, on its own motion or by petition, amend, supplement, change, modify or repeal this chapter.
- B. Public hearing. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- C. Referral to Planning Commission. In the case of an amendment other than that prepared by the planning agency, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- D. Changes to amendment. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. Referrals to Joint Planning Commission. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Joint Planning Commission for recommendations.
- F. Transmission of ordinance to Joint Planning Commission. Within 30 days after enactment, a certified copy of the amendment to this chapter shall be forwarded to the Joint Planning Commission.

§ 200-68. Curative amendments.

- A. Procedure. A landowner who desires to challenge on substantive grounds the validity of this chapter or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code.¹⁵ The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The curative amendment and challenge shall be referred to the Planning Commission as provided in Section 609 of the Municipalities Planning Code,¹⁶ and notice of the hearing thereon shall be given as provided in Section 610 and in Section 916.1 of the Pennsylvania Municipalities Planning Code.¹⁷
- B. Hearing. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning Code,¹⁸ and all references therein to the Zoning Hearing Board shall, for purposes of this section, be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. Factors for consideration of curative amendment. If the Board of Supervisors finds that a validity challenge had merit, it may accept a landowner's curative amendment, with or without revisions, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provision of the ordinance or map;
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are

¹⁵ Editor's Note: See 53 P.S. § 10916.1.

¹⁶ Editor's Note: See 53 P.S. § 10609.

¹⁷ Editor's Note: See 53 P.S. §§ 10610 and 10916.1, respectively.

¹⁸ Editor's Note: See 53 P.S. § 10908.

protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

- (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

D. Required submission materials.

- (1) The application to the Board of Supervisors shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide a reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof.
- (2) The request shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

E. Township legal counsel. The Township Solicitor shall represent and advise the Board of Supervisors at the public hearings. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present its witnesses on its behalf.

F. Decisions. The Board of Supervisors shall render its decision within 45 days after conclusion of the last hearing. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in this subsection, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

G. Post-decision time limitations. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for the subdivision of land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code¹⁹ shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these

¹⁹ Editor's Note: See 53 P.S. § 10508(4).

protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

- H. Procedures for municipal curative amendments. If Moore Township determines that this chapter or any portion thereof is substantially invalid, it shall institute the procedures for a municipal curative amendment as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code.²⁰

§ 200-69. Time limit after zoning change.

Whenever the Board of Supervisors changes the zoning classification of any parcel of ground within the municipality, one year is permitted within which to obtain a zoning permit and to commence actual construction. Should the construction fail to commence within the stipulated period, the Board of Supervisors shall have the right to change the zoning classification of the parcel back to the classification which existed before the rezoning was executed. This provision shall apply to curative amendments as well as to other types of zoning changes.

§ 200-70. Filing fees and costs.

The Board of Supervisors has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this chapter. No application shall be considered filed until all fees are paid.

§ 200-71. Enforcement.

- A. Enforcement notice. If it appears to the Township that a violation of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
- B. Contents of enforcement notice. An enforcement notice shall state at least the following:
- (1) The name of the owner of record and any other person against whom the Township intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

²⁰ Editor's Note: See 53 P.S. § 10609.2.

- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- C. Cause of action. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance or with the approval of the Board of Supervisors, an officer of the township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.
- D. Jurisdiction. District Justices shall have initial jurisdiction over proceedings brought under this section.
- E. Enforcement remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the township, shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fourth day following the date of the determination of violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the township. The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- F. Enforcement rights. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the township the right to commence any action for enforcement pursuant to this section.

§ 200-72. Procedure to obtain preliminary opinion.

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposes to build is free from challenge, and recognizing that

the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under Section 914.1 of the Pennsylvania Municipalities Planning Code⁴⁸ by the following procedure: The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 914.1 of the Pennsylvania Municipalities Planning Code and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

⁴⁸ Editor's Note: See 53 P.S. § 10914.1.

Appendix A
Single-Family Cluster Developments and
Planned Residential Developments

1. Single-family planned cluster development.

A. Purpose. The purpose of this section is to permit, subject to final approval by the Board of Supervisors, a high quality of lot layout, planning and landscaping design for single-family detached residential subdivisions in the VC and SR Districts. Area and dimensional specifications are reduced under this section only as a means for residential developers to improve the feasibility of creating attractive and usable open space, preserving desirable natural features and providing attractive and practical designs in lot layout, street alignment and building orientation. This section shall not be used to permit a higher overall density than would be permitted using conventional minimum lot sizes.

B. Special provisions. In the case of a plan for cluster residential development which involves a tract of land not less than 10 acres in size, the Board of Supervisors, following review and recommendation by the Planning Commission and subject to the additional requirements of this section, may:

- (1) Authorize a reduction of the minimum lot area in the districts to not less than the following minimum lot size and setting aside the following minimum open space area:

District	Minimum Conventional Lot Size (sq. ft.)	Minimum Cluster Lot Size (sq. ft.)	Minimum Open Space Per Lot (sq. ft.)
SR	12,000	10,000	2,000
SR	20,000	16,000	4,000
SR	43,560	25,000	18,500
VC	7,000	6,000	1,000
VC	15,000	12,000	3,000
VC	43,560	25,000	18,500

- (2) Permit modification of the yard and other area requirements of the district, provided that in no case shall a building be located less than 25 feet from a street line or less than 20 feet from another building.

C. Additional provisions. In addition to the above requirements, the following special regulations shall apply in any case where a plan for development is approved in accordance with the requirements of this section:

- (1) The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed within the time scheduled by the developer and mutually agreed upon between the developer and the Board of Supervisors.
- (2) Areas for open space may be dedicated to the township if the dedication is acceptable to the township. The township shall have the final option to accept or reject dedication. If the areas for open space are not dedicated to the township, they may be

reserved as open space in which case there shall be assurance of adequate provision for perpetual maintenance of said open space by inclusion of covenants running with the land in the deeds or other instrument of conveyance, delineating such open area in accordance with the following:

- (a) Obligating purchasers to participate in the proper operation and maintenance of all open spaces and community facilities shall be secured by an appropriate organization with legal responsibility for the same. If the dwellings are sold, the organization may be a condominium, cooperative, a homes association, trust or other appropriate nonprofit organization of the dwelling unit owners organized in a manner found by the township to be legally effective and able to carry out its maintenance and operating responsibilities. It is the intention of this chapter to authorize the remedies provided in Section 705(f)(2) and (3) of the Municipalities Planning Code, 53 P.S. § 10705(f)(2) and (3), and the same are hereby incorporated by reference.
 - (b) Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Northampton County Recorder of Deeds Office of a declaration providing for adequate perpetual maintenance of the open areas as prescribed hereinabove and identifying the tract and lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
- (3) All buildings and drives shall be shown for each lot.
 - (4) The tract of land shall comply with the applicable Township Subdivision and Land Development Ordinance.
 - (5) The tract of land shall be served by a centralized sewage disposal system and a centralized water supply system if required by the Board of Supervisors.
 - (6) There shall be no direct individual access onto a collector or arterial highway.

2. Planned residential development.

A. Purpose. This section has seven major purposes:

- (1) To ensure that the provisions of this chapter which are concerned in part with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of this chapter.
- (2) To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety and maximum choice in the type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.

- (3) To provide, through the above innovations, greater opportunities for better housing and recreation for existing and potential residents of the township.
 - (4) To encourage a more efficient use of land and services and to reflect changes in the technology of land development so that the economies secured may ensure to the benefit of those who need homes.
 - (5) To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas and areas of unusual beauty or importance to the natural environment.
 - (6) To encourage a creative use of land and related physical development which allows an orderly transition of land from rural to urban uses and provides an environment of stable character in harmony with surrounding development.
 - (7) In aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.
- B. Eligibility. No application for tentative approval of a planned residential development shall be considered unless the PRD site is located in the Village Center District and the following conditions are met:
- (1) The proposed planned residential development consists of one or more contiguous parcels of land under one ownership containing a minimum of 10 acres.
 - (2) The proposed planned residential development has at least two access points, one of which is located along an existing or proposed arterial or collector road.
- C. Land use and land use density requirements.
- (1) Land use requirements:
 - (a) Residential uses. It is the objective of this section to encourage the utilization of a variety of housing types in planned residential developments. A mix of housing types appropriate to the site, subject to the approval of the Township Supervisors, may include the following residential uses:
 - [1] Single-family detached dwellings.
 - [2] Two-family dwellings.
 - [3] Multifamily dwellings.
 - (b) Nonresidential uses. The following nonresidential uses may be permitted in a planned residential development to the extent that they are designed and intended primarily to serve residents of the planned residential development and are compatible and harmoniously incorporated into the unitary design of the planned residential development:

- [1] Commercial uses such as retail shops or stores, service businesses and restaurants.
 - [2] Professional or business office uses, including branch banks.
 - [3] Institutional uses such as public or private schools, nursery schools and day-care centers, churches, community activity centers, nursing homes and retirement homes.
- (2) Land use density requirements. The following density requirements are general standards which may be modified by the Township Supervisors where it is the opinion of the Township Supervisors that the findings of the site analysis (Subsection D) justify a modification. This section shall not be used to permit a higher overall density than would be permitted using conventional minimum lot sizes.
- (a) The minimum lot sizes and the minimum open space areas shall be required.

District	Minimum Conventional Lot Size (sq. ft.)	Minimum PRD Lot Size (sq. ft.)	Minimum Open Space Per Lot (sq. ft.)
VC	43,560	25,000	18,500
VC	15,000	12,000	3,000
VC	7,000	6,000	1,000

- (b) The percentage of the total planned residential development site to be devoted to nonresidential uses shall not exceed 20%.

D. Site analysis and site design standards.

- (1) Site analysis.
- (a) Natural features analysis. In order to determine which specific areas of the total PRD are best suited for high-density development, which areas are best suited for lower-density development and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site will be required. The following subject categories must be included in this analysis:
- [1] Hydrology. Analysis of natural drainage patterns and water resources, including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent high-water table areas and seasonal high-water table areas throughout the site.
 - [2] Geology. Analysis of characteristics of rock formations underlying the site, including defining aquifers (particularly those locally subject to pollution), shallow bedrock areas and areas in which rock formations are unstable.
 - [3] Soils. Analysis of types of soils present in the site area, including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion and soils suitable for urban

development. The analysis of soils will be based on the County Soils Survey of the United States Soil Conservation Service.

- [4] Topography. Analysis of terrain of the site, including mapping of elevation and delineation of slope areas over 25%, between 15% and 25% and under 15%.
 - [5] Vegetation. Analysis of tree and plant cover of the site, emphasizing the location of woodland and meadowland areas. Dominant tree and plant species should be identified and the characteristics of each understood.
- (b) Community impact analysis. In order to determine the impact of the planned residential development upon the municipality, an analysis of the potential affects of the PRD upon public facilities, utilities and roadway systems will be required. A comparison of the costs to the municipality versus the revenues to the municipality produced by the PRD will be included in the analysis. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed PRD site shall also be presented.
- (2) Site design requirements.
- (a) Residential uses.
 - [1] The natural features of the PRD site shall be a major factor in determining the siting of dwelling unit structures. The results of the natural features analysis shall be considered in the siting of all dwelling unit structures.
 - [2] Conventional siting practices such as building setbacks from streets and minimum distances between buildings may be varied in order to produce attractive and interesting arrangement of buildings. Whenever possible, no structure shall be erected within a distance less than its height from any other structure.
 - [3] Dwelling unit structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible.
 - [4] Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD. High-rise structures shall be located within the development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent low-rise structures.
 - [5] Dwelling unit and other structures located within 200 feet of the perimeter of a planned residential development must be set back by a distance sufficient to protect the privacy of adjacent existing uses. In no event shall a structure be located less than 50 feet from the property line.
 - [6] No structure shall be located within 40 feet of the right-of-way of arterial streets, 30 feet of the right-of-way of collector streets nor within 25 feet of the right-of-way of local streets.
 - (b) Commercial uses.

- [1] All commercial uses shall be located in not more than two areas of the planned residential development.
 - [2] All commercial uses shall be located with direct access to either a collector or arterial street. If the total parking requirements for such uses is 100 parking spaces or more, the uses must be located on a collector street.
 - [3] Signs for commercial uses are permitted subject to the following restrictions:
 - [a] A single sign for a commercial center is permitted. Such signs shall be limited to a height of six feet with a total area of 30 square feet.
 - [b] Signs for individual uses shall be permitted on the structure. Roof signs or freestanding signs for individual uses are prohibited. Such signs shall be limited to the store name and shall be no more than 30 square feet in extent and shall be mounted flush on the structure.
 - [c] Signs may be illuminated by shielded floodlights, provided that such lighting is designed and located so as to direct light away from adjacent residences. Lights shall be illuminated only during times when nonresidential uses are open to the public.
 - [d] No sign shall have a flashing, moving, rotating, oscillating, shuttered or similar device or shall be made of material designed to provide reflections.
- (c) Common open space.
- [1] The location, shape, size and character of the common open space shall be provided in a manner consistent with the objectives set forth for PRD in this chapter concerning the conservation of natural resources and the creative use of land to obtain a living environment of stable character, with natural feature constraints determined through the natural features analysis.
 - [2] The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed.
 - [3] Whenever possible, common open space shall be designed as a contiguous area interspersed with residential areas with pedestrian and visual access available to all residents of the PRD.
 - [4] Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible. However, no less than 25% of the total common open space area shall be suitable for intensive use as an active recreation area.
 - [5] Development of the PRD must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

(d) Streets.

- [1] The street system of the planned residential development shall be designed so as to relate harmoniously with land uses within and adjacent to the PRD through the establishment of a hierarchy of roadway functions which includes collector and local streets; to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas and pedestrian walkways; to create efficient and safe connections with the existing road system of the municipality in order to ensure proper ingress and egress to and from the PRD; and to minimize through traffic in residential areas.
- [2] Collector streets and local streets in the planned residential development shall be so designated and shall comply with § 200-26. Where the results of the community impact analysis indicate a need for greater or lesser right-of-way and cartway widths, the modifications may be authorized by the Board of Supervisors.
- [3] Cul-de-sac streets shall not exceed 1,200 feet in length nor service more than 25 dwelling units. Cul-de-sac streets shall have a turning circle with a minimum right-of-way radius of 50 feet and shall be paved to a radius of not less than 40 feet.
- [4] In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways will be provided wherever feasible.
- [5] Curbs and sidewalks shall be required adjacent to streets in PRD's only as deemed necessary by the Board of Supervisors.
- [6] The design and construction of streets must conform to the standards set forth in the Township Subdivision and Land Development Ordinance relative to paving specifications, cartway design, horizontal and vertical alignment and sight distances.

(e) Parking.

- [1] There shall be two off-street parking spaces, measuring 10 feet by 20 feet each, for each dwelling unit. Where off-street parking spaces are grouped in lots, aisles at least 20 feet in width shall be provided. On-street parking shall only be on one side of street, such side to be designated on the plan.
- [2] There shall be 300 square feet of off-street parking space, in ten-foot-by-twenty-foot spaces, for each 100 square feet of commercial space exclusive of storage areas. In addition, paved truck loading areas shall be provided such that all loading, unloading and maneuvering can be accommodated within the commercial area.
- [3] Parking areas shall be screened from adjacent buildings or structures, access roads and traffic arteries by hedges, dense planting, earth berms or changes in grade or walls. All parking areas shall be a minimum of 20 feet from all buildings or structures, access roads and traffic arterials.

- [4] Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - [5] No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping approved by the official review agency.
 - [6] No more than 60 parking spaces shall be accommodated in any single parking area.
 - [7] The construction of off-street parking areas must be in conformance with construction standards set forth in the Township Subdivision Regulations.
- (f) Lighting.
- [1] All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.
 - [2] Adequate lighting (as determined by the Township Supervisors) shall be provided after dark. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and signs. Such lighting shall be designed and located so as to direct light away from adjacent residences.
- (g) Sewer and water utilities.
- [1] Planned residential developments shall be provided with public sanitary sewer service connected to a public sewer system and meeting all the requirements of the owner of such sewer system. Where connection to a public sewer system cannot be made, PRD's shall not be allowed.
 - [2] Planned residential developments shall be provided with a water supply system through one of the following methods:
 - [a] Connection to a public water system shall be required where a public water system can feasibly be provided to the PRD site and where the capacity of the public system can adequately fulfill the water supply demands of the PRD.
 - [b] Provision of a centralized water supply system by the developer which serves the entire PRD. Centralized water supply systems shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future. The design and construction of a centralized water supply system shall conform to the current applicable standards of the State Department of Environmental Resources⁴⁹ and, where applicable, the Pennsylvania Utilities Commission.
- (h) Soil erosion control and storm drainage.

⁴⁹ Editor's Note: Pursuant to the restructuring by Act 18 of 1995, the Department of Environmental Resources is now the Department of Environmental Protection.

- [1] The PRD shall be designed and constructed so as to minimize site clearance and earthmoving. The results of the natural features analysis shall be taken into account in determining areas suitable for site clearance and earthmoving.
- [2] Where site clearance and earthmoving are necessary, erosion control measures shall be undertaken in accordance with standards set forth in Appendix C of the Erosion and Sediment Control Handbook of the County Soil and Water Conservation District.
- [3] Storm drainage. The storm drainage system for a planned residential development shall be designed and constructed so as to minimize erosion and flooding using, as necessary, drainage easements, swales, catchment basins, silt traps and the design of cartways so as to minimize runoff. The determinations of the site analysis of natural features shall be taken into account in designing and constructing the storm drainage system . The design and construction of the system shall be consistent with the design and improvement standards for storm drainage set forth in the Township Subdivision and Land Development Ordinance.

(i) Tree conservation and landscaping.

- [1] Existing trees shall be preserved wherever possible. The protection of trees six inches or more in diameter (measured at a height four feet above the original grade) shall be a factor in determining the location of open space, buildings, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
- [2] Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be regarded as an essential feature of the PRD. In these cases, extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units.
- [3] Street trees shall be provided along all arterial and collector streets. No fewer than two two-inch-caliper trees shall be provided for each fifty-foot increment of street at a depth sufficient to avoid future problems of grading and buildings.

E. Other site design provisions.

- (1) Telephone, electric and cable television utilities shall be installed underground.
- (2) Trash receptacles to serve residential, recreational and commercial areas shall be designed with suitable screening and located so as to be convenient for trash removal and not offensive to nearby residential areas.
- (3) With the exception of standards explicitly set forth in this PRD section of this chapter, site design and site improvements shall conform to standards set forth in the Township Subdivision and Land Development Ordinance.

F. Ownership, maintenance and preservation of common open space.

- (1) The developer shall make provisions which ensure that the common open space land shall continue as such and be properly maintained. The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 - (a) The organization shall be established by the developer before the sale or rent of dwelling units in the PRD.
 - (b) The form, financial capability, rules of membership and methods of cost assessment of the organization shall be devised so as to ensure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
 - (c) The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.
 - (d) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
 - (e) In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the township may serve written notice upon such organization or upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the township, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said common open space nor vest in the public any rights to use the same. Before the expiration of said year, the township, upon its initiative or upon the request of the organization theretofor responsible for the maintenance of the common open space, shall call a public hearing upon notice to such organization or to the residents and owners of the planned residential development, to be held by the township, at which hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the township shall not, at the option of the township, continue for a succeeding year. If the township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the township may,

in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the township shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals by this chapter.

- (f) The cost of such maintenance by the township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a lien on said properties. The township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the county upon the properties affected by the lien within the planned residential development.
 - (2) Public dedication of common open space. An offer of dedication of common open space made by the developer in the development plan and the establishment of an organization responsible for open space areas and accepted by the township shall constitute a fulfillment of responsibility for providing and maintaining common open space areas. Under any other circumstances, provision for dedication must be made subject to Subsection F(1).
- G. Development in stages. A developer may construct a planned residential development in stages if the following criteria are met:
- (1) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this chapter.
 - (2) At least 15% of the dwelling units in the plan given tentative approval are included in the first stage.
 - (3) At least 33% of the dwelling units in any stage are constructed and rented or sold before any commercial development shown in that stage shall be completed.
 - (4) The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than 15% of the dwelling units receiving tentative approval.
 - (5) To encourage flexibility of housing density, design and type in accord with the purposes of this chapter, gross residential density may be varied from stage to stage. A gross residential density in one stage which exceeds the permitted average gross residential density for the entire planned residential development must be offset by a gross residential density less than the permitted average gross residential density for the entire development in any completed prior stage, or there must be an appropriate reservation of common open space on the remaining land by a grant of easement or covenant in favor of the township which specifies the amount and, if necessary, the location of the common open space.
- H. Procedural requirements.
- (1) Feasibility review.

- (a) Prior to application for tentative approval, the findings of the natural features analysis and the community impact analysis of the site explained in Subsection D(1)(a) and (b) will be presented to the Township Planning Commission. The review will not affect the application procedures of the applicant but is intended to thoroughly familiarize both the applicant and the Planning Commission with the potential of the site for planned residential development.
 - (b) Materials illustrating the following information will be presented at the review:
 - [1] A site map or maps at one inch equals 100 feet illustrating the hydrology, geology, soils, topography and vegetation of the site as explained in Subsection D(1)(a). The combined impact of the natural features upon the development potential of each specific area of the site will be clearly illustrated on the map.
 - [2] Materials indicating the impact of the completed planned residential development upon public facilities, utilities and roadway systems. Projections as to the number of schoolchildren in the PRD and the vehicular traffic generated by the PRD shall be included. Where connection to public water supply and sewer systems is contemplated, projections as to the required water supply capacity and wastewater volumes generated by the PRD shall also be included.
- (2) Application for tentative approval.
- (a) The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Zoning Officer. An initial deposit in the amount of \$1,000 shall be paid upon filing of the application to be applied against such expenses, and additional deposits shall be made from time to time as requested by the township to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the township.
 - (b) The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development in Subsections C, D, E and F.
 - (c) Required documentation shall include but not be limited to materials illustrating the following information:
 - [1] The location, size and topography of the area involved and adjoining areas and the nature of the landowner's interest in the planned residential development.
 - [2] The proposed land use areas, distinguishing between types of residential, nonresidential and open space uses and the average gross residential density for the development.
 - [3] The location, function, size, ownership and manner of maintenance of the common open space.
 - [4] The use and the approximate height, bulk and location of buildings and other structures.

- [5] Information showing the feasibility of proposals for central sewerage and stormwater disposition.
 - [6] Utility systems.
 - [7] The substance of covenants, grants of easement or other restrictions to be imposed upon the use of land, buildings and structures, including proposed grants and/or easements for public utilities.
 - [8] The provision for parking of vehicles and location, rights-of-way and cartway widths of proposed streets and public ways.
 - [9] In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the planned residential development are intended to be filed and the approximate number of dwelling units, types of dwelling units and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.
- (d) Application for tentative approval shall include but not be limited to the following plans illustrating the information indicated above:
- [1] A site plan, at one inch equals 100 feet, illustrating the following information:
 - [a] Types and approximate locations of buildings, roads and parking areas.
 - [b] Delineation of common open space areas, indicating size, nature of facilities, structures, if any, and uses.
 - [c] Delineation of approximate locations, street types and right-of-way and cartway widths of roadways.
 - [2] A site plan illustrating phasing, including a time schedule for all on-site and off-site improvements to be dedicated for public use, which may be modified from time to time by the township.
 - [3] A plan illustrating connection to public utilities, streets and rights-of-way accompanied by documentation as to the impact of the proposed development on said public utilities, streets and right-of-way.
 - [4] A plan illustrating the relation of the proposed planned residential development to the surrounding area and existing development.
 - [5] A written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the township's Comprehensive Plan.
- (e) One copy of every application for tentative approval received by the Zoning Officer shall be promptly forwarded to the Joint Planning Commission for study and recommendation as required by the Pennsylvania Municipalities Planning

Code.⁵⁰ The Joint Planning Commission shall review and report upon the application to the township within 30 days of such referral. One copy of the report of the Joint Planning Commission shall be furnished to the landowner not less than five days before the appointed time of the public hearing.

(3) Public hearings.

- (a) Within 60 days after the filing of a complete application for tentative approval of a planned residential development pursuant to this chapter, a public hearing pursuant to public notice on said application shall be held by the Township Supervisors in the manner prescribed in Article VIII for the enactment of an amendment. The Chairman or, in his absence, the Acting Chairman of the Township Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath, and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- (b) A verbatim record of the hearing shall be caused to be made by the Township Supervisors whenever such records are requested by any party to the proceedings, but the cost of making and transcribing such a record shall be borne by the party requesting it, and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

(4) Findings.

- (a) Township Supervisors, within 60 days following the conclusion of the public hearing provided for in this article, shall, by official written communication to the landowner, either:
 - [1] Grant tentative approval of the development plan as submitted;
 - [2] Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - [3] Deny tentative approval to the development plan.
- (b) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Township Supervisors, notify such agency of his refusal to accept all said conditions, in which case the Township Supervisors shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Township Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

⁵⁰ Editor's Note: See 53 P.S. § 10101 et seq.

- (c) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:
- [1] Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the municipality.
 - [2] The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - [3] The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - [4] The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.
 - [5] The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
 - [6] In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- (d) In the event that a development plan is granted tentative approval with or without conditions, the Township Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the period of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and application for final approval shall not be less than three months, and in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.
- (5) Status of plan after tentative approval.
- (a) The official written communication provided for in Subsection H(4) of this Appendix A shall be certified by the Township Secretary and shall be filed in his

office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

- (b) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval) shall not be modified nor revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval without the consent of the landowner, provided that an application for final approval is filed, or in the case of development over a period of years, provided that applications are filed within the periods of time specified in the official written communication granting tentative approval.
 - (c) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the official review agency in writing or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Township Secretary.
- (6) Application for final approval.
- (a) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Township Secretary and within the time or times specified by the official written communication granting tentative approval.
 - (b) If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
 - (c) The application for final approval shall include a final plan at a scale of 100 feet to the inch. If the final plan is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet. The final plan shall show the following:
 - [1] The name of the planned residential development and the municipality or municipalities in which it is located.
 - [2] The name and address of the landowner and developer.
 - [3] The North point, graphic scale and date.
 - [4] The source of title to the land of the development as shown by the books of the Recorder of Deeds.

- [5] A location map, at a minimum scale of 800 feet to the inch, showing the relationship of the property to adjoining properties and to all streets and municipal boundaries existing within 1,000 feet of any part of the property in the planned residential development.
 - [6] Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one foot in 10,000 feet.
 - [7] The total number of lots, lot lines and lot numbers, where applicable, within the development, with distances accurate to the nearest hundredth of a foot.
 - [8] The total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density and gross residential density in each section, where applicable.
 - [9] Building coverage lines accurately locating all types of dwelling units and nonresidential structures, giving dimensions of the structures, distances between the structures and distances to street rights-of-way and parking areas, with distances accurate to the nearest hundredth of a foot.
 - [10] Accurate dimensions of common open space, specifically delineating those areas to be dedicated to the municipality from those areas which will be maintained by a homeowners' association or the developer, and also indicating those areas which are to be developed as active recreation areas.
 - [11] The names, locations, cartways, rights-of-way and other dimensions of existing and proposed streets, including center-line courses and curve data.
 - [12] The locations and dimensions of parking areas and pedestrian walkways.
 - [13] The location and material of all permanent monuments and lot markers.
 - [14] The location and dimensions of easements for utilities and any limitations on such easements.
 - [15] The following certificates:
 - [a] Certification, with seal, by a registered engineer or land surveyor to the effect that the survey and plan are correct.
 - [b] A certificate for approval by the Township Supervisors.
 - [c] A certificate of dedication of streets, public facility sites or open space areas when such dedication is proposed.
- (d) In the case of a planned residential development proposed to be developed over a period of years, final plan requirements [Subsection H(6)(c)[1] through [14] above] will apply only to the section for which final approval is being sought. However, the final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution

systems and street systems presented for the entire development in the application for tentative approval.

- (e) The final plan shall be accompanied by the following materials:
- [1] Final profiles and cross-sections for street, sanitary and storm sewer system and water distribution system improvements. Improvements to different systems will be illustrated on one or more separate sheets.
 - [2] Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.
 - [3] All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the Municipal Solicitor as to their legal sufficiency.
 - [4] Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.
 - [5] Such certificates of approval by authorities as have been required in this chapter, including certificates approving the water supply system and the central sewer system.
- (f) In order to guarantee the improvements listed above, the final plan will be accompanied by one of the following:
- [1] A certificate from the applicant, signed by the township, that all improvements and installations in the development required by these regulations have been made or installed in accordance with specifications;
 - [2] A certificate from the applicant, signed by the township, that a bond, certified check or other security satisfactory to the official review agency has been filed with the municipality; or
 - [3] A bond, certified check or other security satisfactory to the Township Supervisors.
 - [a] Said bond, certified check or other security satisfactory to the Township Supervisors shall:
 - [i] Run or be made payable to the township.
 - [ii] Be in an amount determined by the official review agency to be sufficient to complete the improvements and installation in compliance with these regulations.
 - [iii] In the case of a bond, shall also be with surety satisfactory to the Township Supervisors; be in form, sufficiency and execution acceptable to the Township Supervisors;
 - [b] The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Township Supervisors. When the improvements

have been completed and approved by the township, the guaranty shall be released and returned. As the required improvements progress and are approved by the Township Supervisors, a portion of the bond, moneys or other security commensurate with the cost of the improvement may be released and returned;

- [c] In the event that cash or its equivalent is deposited as an improvement guaranty, it shall be held in an escrow fund.
- (g) In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by this chapter and the official written communication of tentative approval, the Township Supervisors shall, within 30 days of such filing, grant such development plan final approval.
- (h) In the event that the development plan as submitted contains variations from the development plan given tentative approval, the Township Secretary may refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may, within any time which he shall be entitled to apply for final approval or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance:
- [1] Refile his application for final approval without the variations objected to; or
 - [2] File a written request with the Township Supervisors that it hold a public hearing on his application for final approval. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this chapter for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Township Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval. In the event that the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
- (i) The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this chapter.
- (j) A development plan or any part thereof which has been given final approval shall be so certified without delay by the Township Supervisors and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion

within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan or part thereof, as finally approved, shall be made except with the consent of the landowner.

- (k) In the event that a development plan or a section thereof is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved and shall so notify the Township Supervisors in writing or in the event the landowner shall fail to commence and carry out the planned residential development within one year after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and reclassified by enactment of an amendment to this chapter.

Appendix B
Definitions and Regulations for Day Care and Day-Care Centers

1. Legislative intent.

It is the intent of this Appendix B to this chapter to promote the following goals:

- A. To encourage the establishment of a sufficient number and a variety of child day-care arrangements in safe and convenient locations throughout the municipality in order to accommodate the growing demand of residents and workers for such services, while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare, hereinafter referred to as the DPW.
- B. To permit family and group day-care homes to be located in residential surroundings so as to offer children a home environment conducive to healthy and safe development, while adhering to standards designed to preserve the residential character of neighborhoods in which such child day-care homes may be situated.

2. Definitions.

The following definitions are hereby adopted and become part of this chapter and the Moore Township Zoning Ordinance.

CHILD DAY-CARE FACILITY — Any dwelling, building or portion in which child day-care services are provided, including any on-site outdoor play area. Child day-care facilities shall be further differentiated by the following three classifications:

- A. **FAMILY DAY-CARE HOME** — Any premises or dwelling unit other than the child's own home where the child-care areas are also 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.
- B. **GROUP DAY-CARE HOME** — A facility in which care is provided for more than six but fewer than 12 children at any one time, where the child-care areas are also used as a family residence.
- C. **DAY-CARE CENTER** — A facility which is licensed to provide care for seven or more children at any one time, where the child-care areas are not used as a family residence. Any facility which is licensed to provide care for children and is not used as a family residence shall be considered a day-care center.

3. General provisions.

The following general provisions apply to each of the three defined types of child day-care facilities. In addition, each type of child day-care facility shall comply with the specific individual regulations for each type of facility.

- A. **Categories included.** The provisions of this section pertain to day-care service for children by caregivers in family day-care homes, group day-care homes and day-care centers, subject to Chapter II, Sections 8A, 8B and 8C of DPW Social Services Manual Regulations. Day-care service for children shall include out-of-home child day-care service

for part of a twenty-four-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. Day-care service for children shall not include baby-sitting or day care furnished in places of worship during religious services.

- B. Registration and licensing. Family day-care homes, as defined in this chapter, must hold an approved and currently valid DPW registration certificate. Group day-care homes and day-care centers, as defined in this chapter, must hold an approved and currently valid DPW license. In addition, all child day-care facilities shall comply with all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes. Additionally, all child day-care facilities must hold a valid DPW registration certificate.
- C. Municipal notification. Each operator of a newly established child day-care facility shall notify the municipality in writing at least 60 days prior to the initiation of such use for the purpose of allowing the municipality to establish a record of the new land use. Already existing licensed or registered facilities shall be required to notify the municipality of their operations in writing at least 60 days after the enactment of this chapter. In addition, the operator of any facility must certify compliance with all aspects of this chapter and all other applicable municipal requirements.
- (1) Family day-care homes must provide proof of an approved DPW registration certificate at the time of initial notification to the municipality and must provide proof of the registration renewal yearly. At such time that a family day-care home wishes to expand its operation to the level of a group day-care home, the operator of the facility shall notify the municipality in writing at least 60 days prior to the expansion of the use and provide proof that all requirements for licensure by DPW have been met. The operator must also satisfactorily demonstrate that the facility meets the standards for group day-care homes established by this chapter.
 - (2) Group day-care homes and day-care centers must provide proof of an approved and currently valid DPW license at the time of initial notification to the municipality and must provide proof of annual license renewal.
- D. Inspection. The operator of a family day-care home, group day-care home or day-care center will allow appropriate representatives of the municipality to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable municipal and state ordinances.
- E. General safety. No portion of a child-care facility shall be located within a three-hundred-foot distance from any potentially hazardous land use, activity or natural condition of land, water or any other element which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to, gasoline service stations, heavy industrial operations, storage of flammable or high-pressure materials, flammable or high-pressure underground pipelines, truck or rail loading areas, etc. Said determination of a hazardous land use shall be that of the Zoning Officer. All child-care facilities shall provide adequate fencing to contain all children upon the property, as approved by the township.

- F. Hours of outside play. Outside play shall be limited to the hours between 8:00 a.m. and sunset as determined by the National Weather Service station at Allentown-Bethlehem-Easton Airport.
- G. Outdoor play area. An outdoor play area, as required by DPW regulations, shall be provided for any proposed child day-care facility.
- (1) On-site outdoor play area. An on-site outdoor structured play area or areas of high outdoor activity shall be located in yard areas which provide adequate separation, safety and protection from adjoining uses, properties and roadways. Whenever possible, the on-site outdoor play area shall not be located in the front yard. The outdoor play area should be located immediately adjacent to the child-care facility.
 - (2) Off-site outdoor play area. In accordance with DPW standards, a child day-care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within a one-half-mile distance of the facility, measured from the property line of the facility. When the use of an off-site play area is proposed, the applicant shall inform the municipality about the means of transportation that will be used to access the off-site play area. Said means of transportation shall be approved by the Zoning Officer. For reasons of safety, when children will be walked to an off-site play area, the route to the off-site play area shall not involve the crossing of arterial or major collector streets.
- H. Altering exterior of residential buildings or structures. Any addition or improvement to an existing residential building, structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height and roof pitch of any addition and the building materials used shall be compatible with the existing building or structure. Any improvements to the building or structure shall be in compliance with all other applicable municipal regulations relating to building and/or zoning permits.
- I. Traffic impact study.
- (1) Any proposed child day-care facility which may reasonably be expected to generate 100 or more trips during the morning or evening peak hour shall be required to conduct a traffic impact study. The traffic impact study shall be prepared in compliance with this section.
 - (2) The purpose of the traffic impact study is to provide the local Planning Commission and governing body with adequate information and data to properly assess:
 - (a) The impact of the proposed facility on the surrounding road and street network, as well as on streets and roads providing immediate access to the proposed development.
 - (b) The need for capital improvements to the existing transportation network which will be needed to accommodate the additional traffic generated by the proposed facility.
 - (c) Traffic and/or pedestrian safety issues which may arise from the proposed facility.

- (3) The Board of Supervisors may, in its sole discretion, reject said application for a day-care center in the event that the traffic impact study proves unacceptable.
- J. On-lot sewage disposal. For properties utilizing an on-lot sewage disposal system, the applicant must obtain approval from the Township Sewage Enforcement Officer that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day-care facility.
- K. Minimum lot area. The minimum lot area for any proposed child day-care facility shall comply with the minimum lot area requirements of the zoning district in which the proposed facility is located.

4. Family day-care homes.

Any proposed family day-care home shall comply with the following standards in addition to the general provisions for all types of child day-care facilities provided for in Section 3 of this Appendix B.

A. Where allowed.

- (1) Special exception: family day-care homes may be located by special exception in any zoning district that allows the following types of dwelling units, subject to the standards of the zoning district in which the unit is located and the following development standards in this section, whichever are more restrictive.
 - (a) Single-family detached dwelling units.
 - (2) Special exception: townhouse or row house dwelling units.
- B. Development standards. The following standards shall apply to all proposed family day-care homes.

- (1) Dropoff area. One on-site dropoff space for clients shall be provided. An existing driveway or common parking lot space may be used as the dropoff 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. If a driveway is used for the dropoff area and the proposed use fronts an arterial or major collector street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a dropoff area, an on-site dropoff space shall be provided. The dropoff area shall conform to the municipal dimensional standards for residential parking spaces.
 - (a) In cases where the dropoff area cannot be accommodated on the site, the applicant shall demonstrate that there is on-street parking or some other available parking area located within 250 feet of the property line of the proposed facility.
 - (b) The required dropoff area may be waived by the municipality if the applicant can demonstrate that the clients of the family day-care home will walk to the facility, thereby eliminating the need for the additional parking space.
- (2) Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near to an outdoor play area, there shall be fencing to restrict

children from these areas. Natural or physical barriers, such as hedgerows, walls or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.

- C. Special exception standards. The following special exception standards shall apply only to family day-care homes which are permitted in Section 4A(1) of this Appendix B as special exceptions.
- (1) The applicant shall demonstrate that the children in the family day-care home can safely, quickly and easily vacate the premises in case of emergency.
 - (2) The normal hours of operation shall be set by the Board of Supervisors.
 - (3) The applicant shall demonstrate that the current lease or homeowner's covenants and/or deed restrictions for special exception contain no clauses which prohibit the proposed use.
 - (4) The applicant shall provide the names and addresses of adjacent apartment dwellers or homeowners within 500 feet to allow the municipality to notify such individuals of the proposed use.

5. Group day-care homes.

Any proposed group day-care home shall comply with the following standards in addition to the general provisions for all types of child day-care facilities provided for in Section 3 of this Appendix B.

- A. Where allowed. Group day-care homes may be located as a special exception in any zoning district that allows single-family homes, subject to the standards of the zoning district in which the unit is located and the following additional special exception standards in this section, whichever are more restrictive.
- (1) Single-family detached dwelling units.
- B. Special exception standards. The municipal governing body shall consider the following when reviewing a special exception application for a proposed group day-care home. The Zoning Hearing Board may impose any other conditions necessary to mitigate any potential adverse impact on users of the site and/or the surrounding area.
- (1) Minimum distance between facilities.
 - (a) Residential zoning districts. In order to avoid a concentration of individual group day-care homes in residential neighborhoods, group day-care homes shall be located a minimum of 300 feet from each other as measured from the respective property lines. This dispersion requirement shall not apply in cases where a proposed group day-care home is located within 300 feet of a school facility or church which provides child-care services. The above requirement may be waived if the applicant provides a petition signed by $\frac{2}{3}$ of the residents within 300 feet of the proposed facility, stating that the residents do not object to the proposed use.

- (2) On-site parking. There shall be one additional on-site parking space provided for a nonresident employee above that required for the residential use. The parking space shall conform to the municipal dimensional standards for residential parking spaces.
- (3) Dropoff area. A dropoff area shall be provided with sufficient area to allow the temporary parking of two vehicles. An existing driveway or common parking lot spaces may be used for the dropoff 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 two parked vehicles. If a driveway is used for the dropoff area and the proposed use fronts an arterial or major collector street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a dropoff area, two new on-site dropoff spaces shall be provided. The dropoff area shall conform to the municipal dimensional standards for residential parking spaces. In cases where the on-site dropoff area cannot be accommodated, the applicant shall demonstrate that there is on-street parking or some other available parking area located within 250 feet of the property line of the proposed facility which provides a safe ingress and egress from the proposed site.
- (4) Fencing of outdoor play area. In order to physically contain the activity of children in the outdoor play area, a minimum four-foot-high fence shall be erected along the perimeter of the outdoor play area. When applicable, the fence shall be located along property lines. Fencing may be substituted by natural barriers, such as hedgerows, walls, dense vegetation, etc., if it can be demonstrated that such barriers can effectively contain the activity of the children.
- (5) Signs.
 - (a) Residential zoning districts. Signs shall comply with standards governing signs for home occupations. (See Article VI.)
- (6) Group day-care homes in attached structures. Group day-care homes shall not be permitted in attached structures.

6. Day-care centers.

Any proposed day-care center shall comply with the following standards in addition to the general provisions for all types of child day-care facilities provided for in Section 3 of this Appendix B.

A. Where allowed.

- (1) Special exception. Child day-care centers are permitted by special exception in any industrial or residential zoning district, subject to the regulations of the zoning district in which the proposed use is located and both the development standards and the special exception standards in this section, whichever are more restrictive.

B. Development standards. The following standards shall apply to all proposed day-care centers.

- (1) Minimum distance between facilities.

- (a) Residential zoning districts. In order to avoid a concentration of individual day-care centers in residential neighborhoods, child day-care centers shall be located a minimum of 300 feet from each other as measured from their respective property lines. This dispersion requirement shall not apply in cases where a proposed day-care center is located within 300 feet of a school facility or church which provides child-care services. The above requirement may be waived if the applicant provides a petition signed by $\frac{2}{3}$ of the residents within 300 feet of the proposed facility, stating that the residents do not object to the proposed use, provided that all abutting property owners do not object.
- (2) On-site parking for employees and clients. A minimum of one on-site parking space shall be provided for each 300 square feet of floor area dedicated to child care.
- (3) Dropoff area.
 - (a) Number of dropoff spaces. A minimum of one safe dropoff space shall be provided for each five children that the facility is licensed to accommodate.
 - (b) Dropoff area location and design. Whenever possible, the dropoff area shall be located immediately adjacent to the facility. The dropoff area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The dropoff area may be designed either as a part of the on-site parking area or the required dropoff spaces may be designed as a part of a driveway providing direct access to the day-care facility. When the dropoff area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as dropoff spaces. When the dropoff area is incorporated into a driveway, the dropoff spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).
- (4) Landscaping. Landscaping shall be provided in order to create a vegetative buffer from adjacent uses, as well as to create an aesthetically pleasing environment.
 - (a) Buffer standards for lots on which a proposed day-care center is located.
 - [1] Vegetative buffers. A vegetative screen buffer may be required when deemed necessary by the municipal governing body to meet the intent and goals of this chapter. Criteria to be considered will include but not be limited to the nature and type of adjacent uses, lot size of the subject property as well as the adjacent properties and the distance to adjacent buildings. The following standards shall apply to buffers when required by the municipality.
 - [a] Buffers shall contain combinations of evergreen and deciduous vegetation. The planted buffer shall be a minimum of 10 feet in width and six feet in height at the time of installation. Earthen berms may be provided in combination with vegetative material. Earthen berms shall not exceed four feet in height nor exceed a maximum slope of 3 to 1.
 - [b] Continued maintenance of vegetative buffers shall be the responsibility of the operator of the facility.

- [c] Opaque fences or walls used to meet the following requirement for fencing of outdoor play areas may be used in place of part of the required vegetative buffer material.
 - (b) Landscaping in outdoor activity areas. Existing or proposed planting material shall be suitable for use in and around areas used by children. No thorny, poisonous or other hazardous plants shall be allowed in areas used by children.
 - (5) Fencing of outdoor play area. In order to physically contain the activity of children in the outside play area, a minimum four-foot-high fence shall be erected along the perimeter of the outside play area. When applicable, the fence may be located along property lines. Natural barriers, such as hedgerows, walls, dense vegetation, etc., may be substituted for fencing if it can be demonstrated that such barriers can effectively contain the activity of the children.
 - (6) Play equipment setback. Play equipment in a designated on-site play area shall be located within the building setback lines, as defined by this chapter, from an abutting property line.
 - (7) Signs.
 - (a) Residential zoning districts. Day-care center signs shall comply with standards governing signs for schools, churches or similar institutional uses. (See Article VI.)
 - (8) Lighting. All pedestrian pathways shall be adequately lit for safety and security if utilized during nondaylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks used in nondaylight hours, dropoff areas, merchandise delivery areas and all parking lots.
 - (9) Entrance/exit accessibility. When located in a multi-use building complex, day-care center entrances/exits shall provide direct access to the child-care center so that walking through other significant portions of the building is avoided.
 - (10) Soundproofing. When the child-care center is located in any building also employing noisy operations, the municipal governing body may require soundproofing of the child-care center to protect the children.
- C. Special exception standards. The Zoning Hearing Board shall consider the following when reviewing a special exception application for a proposed day-care center in residential and industrial zoning districts. The Zoning Hearing Board may impose any other conditions necessary to mitigate any potential adverse impact on users of the site and/or the surrounding area.
- (1) Day-care centers in residential zoning districts.
 - (a) The proposed day-care center shall not be detrimental to the use, development, peaceful enjoyment and economic value of the surrounding properties or the neighborhood.
 - (b) The proposed day-care center shall be compatible with the existing character of the neighborhood with consideration to the population density, scale, bulk,

design and external appearance of new structures; intensity and character of activity; traffic; and parking.

- (2) Day-care centers in industrial zoning districts.
 - (a) Safety. There shall be no land use or activity within the vicinity of the proposed day-care center which would pose a threat to the health, safety and welfare of the users of the facility. Specifically, there shall be no objectionable or unsafe levels of noise, vibration, fumes, odors, dust, glare, heat, toxic gases, electric or electronic interference, liquid wastes or sewage, vehicular loading and unloading activities and any other physical activity on sites within the vicinity of the proposed day-care center.
 - (b) Choice of access streets. When streets of different classifications are involved, the driveway shall provide access to the street of lesser functional classification.

**Appendix C
ECHO Units**

1. Statement of intent.

- A. This Appendix C authorizes, upon issuance of a special permit, the temporary installation of small removable homes to be known as “elder cottage housing opportunity units” (hereinafter referred to as “ECHO units”), on the same lots with existing single-family homes.
- B. Purposes of this Appendix C. The purposes of this Appendix C shall be:
- (1) To permit adult children to provide small temporary residences for their aging parents who are in need of support, while maintaining as much of the independence of the two generations as possible;
 - (2) To permit families to provide security and support for nonelderly relatives with serious health problems or physical or developmental disabilities;
 - (3) To reduce the degree to which frail elderly homeowners have to choose between increased isolation in their own homes and institutionalization in nursing homes;
 - (4) To develop housing types that are appropriate for households at a variety of stages in the life cycle; and
 - (5) To permit ECHO housing in a manner that will protect property values by ensuring that the units are compatible with the neighborhood and are easily removed.

2. Permit requirements.

A permit shall be issued for a temporary ECHO unit to lot owners of record, provided that the following requirements are satisfied:

- A. A site plan will be presented to the Planning Commission which sets forth a minimum floor area of 280 square feet for one occupant and 400 square feet for two occupants for each ECHO unit. Said unit will not exceed a floor area of 750 square feet nor a height of 16 feet. All ECHO units shall be one story only. Only one ECHO unit may be placed on each lot.
- B. An ECHO unit shall only be placed upon a lot that is conforming to the requirements of its respective zoning district.
- C. Maximum lot coverage. The placing of the ECHO unit shall be in conformity with the maximum lot coverage for buildings and for total impervious cover for the respective district. The total areas of all buildings, including the ECHO unit, the main house and all the other outbuildings, shall be used to determine lot coverage capacity for the respective zoning district.
- D. The ECHO unit must be located within the legal yard setbacks required by this chapter for the respective zoning district. No ECHO unit shall be placed in any front yard. The ECHO unit shall be located so as to allow clear access to equipment to place and remove it. Its location shall address aesthetic and community character concerns, especially those of adjoining neighbors.

- E. Adequate parking shall be provided for any ECHO unit vehicles. The number of spaces that are required will be determined by the Planning Commission.
- F. Access must be provided to the unit separate from that of the primary residence. Walkways from parking areas and the principal residence to the ECHO unit shall be suitable for wheelchair and stretcher access as determined by the Planning Commission. The ECHO unit shall be planned for future installation of a wheelchair ramp.
- G. Safety and security.
 - (1) It is recommended that all ECHO units which are manufactured/modular or stick-built follow the Recommended Construction and Installation Standards published by the American Association of Retired Persons.
 - (2) All ECHO units shall have at least two exit doors.
 - (3) The applicant shall certify that each ECHO unit shall, at a minimum, meet the requirements of Subpart Fire Safety Department of the Department of Housing and Urban Development's Manufactured Home Construction Safety Standards, 24 CFR 3280; CABO One and Two Family Dwelling Code; or other local code.
- H. The exterior of the ECHO unit shall be compatible with the principal residence with respect to color, siding, roof pitch, window detailing, roofing materials or skirting appearance as determined by the Planning Commission.
- I. Water and sewage.
 - (1) Adequate sewage disposal and potable water supply must be provided by utilization of the existing facilities servicing the principal residence or installation of separate systems. If existing on-lot facilities are to be used, the applicant shall certify that they will be adequate for both dwellings.
 - (2) The Sewage Enforcement Officer shall inspect and report his findings on the sewage system for the ECHO unit to the Board of Supervisors, with a copy to the Planning Commission. However, said Sewage Enforcement Officer shall not be required to approve or certify the same. The lot area and sewage system must be sufficient to satisfy the sewer requirements for new residential construction.
 - (3) Before an occupancy permit is issued, the owner shall cause a coliform lab test of the water system to be performed. The test results shall be provided to the Planning Commission for informational purposes. If the owner has not cleaned the septic tank within the previous 24 months, he shall do so before an occupancy permit is issued.
- J. Occupancy.
 - (1) The record owner(s) of the principal residence and lot must live in one of the dwelling units on said lot.
 - (2) At least one occupant of the principal residence and at least one occupant of the ECHO unit must be related by blood, marriage or adoption.
 - (3) In no case shall there be more than two occupants of an ECHO unit.

- (4) At least one occupant of the ECHO unit must be over 62 or unable to live independently because of mental or physical illness or disability. Confirmation of mental or physical illness or disability shall be provided by a certified statement by a licensed, practicing physician.

K. Removability.

- (1) The ECHO unit's foundation should be of easily removable materials so that the lot may be restored to its original use after removal, with as little expense as possible.
- (2) No permanent fencing, walls or other structures shall be installed that will hinder removal of the ECHO unit.
- (3) A performance bond of \$5,000 or equivalent financial security as approved by the Board of Supervisors shall be posted by the lot owner with the township to assure ultimate removal. All applicants, record property owners and all occupants of said tract will be required to execute any and all documents in a form and content satisfactory to the Township Solicitor that will allow the township to enter upon the property, remove said unit and provide for its disposal.
- (4) In the event that there is sewage failure and there is no repair within 30 days after notice by the township, the use of the ECHO unit will be discontinued immediately until corrected, and the township may revoke said permit and proceed with removal without any liability.

- L. General. Other appropriate or more stringent conditions may be added where deemed necessary by the Planning Commission or Township Supervisors to protect public health, safety and welfare and the single-family character of the neighborhood. Documents other than those provisions mentioned that will ensure that the intent and policy of this chapter is fulfilled may be required.

3. Application procedures.

- A. Submission of application. Property owner(s) who want to install an ECHO unit on the same lot with their principal residence must submit a written application with an attached sketch plan to the Planning Commission which addresses the requirements for issuance of a special permit and includes the following information with adequate proof thereof:
- (1) The names and addresses of all owners of record and proposed occupants of the ECHO unit.
 - (2) The relationship of the proposed occupant(s) to owner(s) and an agreement that occupant(s) will meet the eligibility standards of Section 2J of this Appendix C.
 - (3) A sketch plan of the lot (to scale) showing:
 - (a) The location and dimensions of all structures.
 - (b) The location of parking for all vehicles.
 - (c) The square footage of the ECHO unit and principal residence.
 - (d) The location of on-lot water and sewage systems.

- (e) The Tax Map parcel number.
 - (f) The property description of the lot, including total acreage.
 - (4) The floor plan for the ECHO unit (which may be the manufacturer's or builder's plan).
 - (5) The architectural or manufacturer's sketch or written description of the exterior of the ECHO unit, having specific features showing the compatibility of the unit with that of the principal residence.
- B. Agreement to special conditions. Also included in the application will be notarized written agreement by the property owner(s):**
- (1) To adhere to the terms and conditions of this Appendix C and any other conditions required by the Planning Commission or the Board of Supervisors and to execute any and all documents that may be required to ensure that the terms and conditions imposed are fulfilled and that the intent and policy of this chapter is fulfilled.
 - (2) To renew the special permit, if granted, on an annual basis until the ECHO unit is removed.
 - (3) To acknowledge that when the ECHO unit is no longer a legally permitted use, the owner(s) will be responsible for its removal from the lot and for restoration of the property to its original condition within 90 days.
 - (4) That if the owner(s) should not remove the ECHO unit within 6 months after it is no longer a permitted use, the township may remove the unit, using the \$5,000 performance bond money or equivalent financial security as approved by the Board of Supervisors, and salvage it to defray any additional costs incurred.
 - (5) That only the original occupant(s) will remain in the ECHO unit, and in the event that there is any change in the occupant(s), then a new application will be submitted. [See following Subsection B(6).]
 - (6) To remove the ECHO unit from the premises upon the death of the occupant(s) for whom permitted, unless one occupant remains and the resident in the principal dwelling specifically requests from the Planning Board a continuation of the permit or upon a permanent change of residence, defined as absence from ECHO unit for 90 days, of said occupant or occupants. Removal shall be completed within 90 days of such event. The site shall be restored so that no visible evidence of the unit remains.
 - (7) That in the event of a sewage or water malfunction, the residents of the premises and record property owner(s) shall repair the same within 30 days after notice by the township.
- C. Petition for variance to the Zoning Hearing Board. Should the landowner(s) be unable to meet the conditions of this Appendix C and feel that a petition for an exception is justified, such petition may be made to the Zoning Hearing Board in accordance with normal procedures.**
- D. Application sequence. The application sequence shall be as follows:**
- (1) Submission of application. [See Subsection A(1) through (5).]

- (2) Agreement to special conditions [See Subsection B(1) through (7).]
 - (3) Planning Commission recommendation of approval (or disapproval) (subject to Sewage Enforcement Officer report).
 - (4) Board of Supervisors approval (or disapproval) (subject to posting of performance bond or security of \$5,000).
 - (5) Special permit issued (if approved by Board of Supervisors).
- E. Upon issuance of the special permit, the owner of record will record the permit and ECHO unit agreement with the Office of the Recorder of Deeds. The permit will not be valid and a building permit not granted until such recording takes place and is certified to the Township Secretary.

4. Enforcement.

The Zoning Officer shall enforce all conditions and provisions set forth in this Appendix C.

Appendix D
Communications Towers and Antenna Use
[Added 5-5-1998 by Ord. No. 1998-5]

1. Definitions.

CELLULAR TELEPHONE — A system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a “wireless telephone.”

COMMERCIAL COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private-residence-mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

COMMERCIAL COMMUNICATIONS TOWER — A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communications antennas.

FALL ZONE — The area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which a potential hazard from falling debris or the collapsing of the commercial communications tower may occur. The fall zone shall be determined by the applicant’s engineer and reviewed by the Municipal Engineer.

HEIGHT OF TOWER — The overall height of the tower from the base of the tower to the highest point of the tower, including but not limited to antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

PUBLIC UTILITY TRANSMISSION TOWER — A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

2. District requirements.

- A. Commercial communication towers shall not be permitted in any residential zoning district.
- B. Commercial communication towers shall be allowed as principal or accessory uses as follows:
 - (1) Special exception use in the Blue Mountain Conservation (BMC) and Rural (R) Districts.
 - (2) Permitted by right in the Industrial (I) Zoning District.

- C. Commercial communications antennas shall be a permitted-by-right use in all zoning districts if placed on an existing commercial communications tower, public utility transmission tower or placed on any structure other than a single-family detached dwelling, duplex dwelling, townhouse dwelling or any residential accessory structure. A structure shall not include, for these purposes, concrete or macadam pavement and/or a concrete slab.

3. Specific use and special exception requirements.

- A. **[Amended 10-6-1998 by Ord. No. 1998-6]** Site plan. A site plan shall be prepared and submitted for any proposed commercial communications tower pursuant to the applicable Zoning and Subdivision and Land Development Ordinance requirements regarding preparation of a site plan. In the event a commercial communications antenna is to be collocated on an existing commercial communications tower or other structure, the following subsections shall also apply:
- (1) A communications antenna which is collocated on an existing commercial communications tower or other structure, together with its accessory building, cabinets or structure, shall be exempt from § 200-21 of the Moore Township Zoning Ordinance regarding the number of principal uses permitted on a lot.
 - (2) A commercial communications antenna and accessory structure which is collocated on an existing communications tower or other structure shall be exempt from any acreage requirements under the Moore Township Zoning Ordinance.
 - (3) A commercial communications antenna which is collocated on an existing communications tower or other structure, together with its accessory building, cabinets or structure, shall not be considered a second principal use on that property.
 - (4) A commercial communications antenna and accessory structure which increases the impervious cover on the premises by 2% or less shall be exempt from any and all impervious coverage provisions of the Moore Township Zoning Ordinance.
 - (5) A commercial communications antenna which is collocated on an existing communications tower or other structure together with its accessory building, cabinets or structure, shall be deemed an accessory use for that premises in all zoning districts.
- B. **Setback.** A commercial communications tower, attached to the ground, shall be set back to the most restrictive of the following: a minimum distance equal to 1/2 its height from the nearest property or lease lot lines and existing street right-of-way lines, or the distance measured to the nearest property or lease line equal to the commercial communications tower fall zone.
- C. **Base.** The base of a commercial communications tower shall be surrounded by a secure fence with a minimum height of 8 feet.
- D. **Landscaping.** The following landscaping shall be required to screen the fence surrounding the tower and any other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping may be permitted if they achieve the same degree of screening as the required

landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

- (1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
 - (2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - (3) Commercial communications towers located in any industrial or extraction zoning district shall be exempt from landscaping provisions.
- E. Parking. A minimum of two off-street parking spaces shall be provided for a commercial communications tower.
- F. Wind resistance. For any commercial communications tower or antenna higher than 50 feet, the applicant shall provide certification from a registered professional engineer stating that the commercial communications tower or antenna meets the wind-resistance requirements stated in the latest version of the BOCA National Building Code. The registered professional engineer shall also certify to the overall structural integrity of the commercial communications tower or antenna.
- G. Federal Aviation Administration (FAA).
- (1) Documentation of FAA approval for commercial communication towers or antennas exceeding 200 feet in height shall be provided. Commercial communication towers or antennas less than 200 feet in height shall meet the requirements of 14 CFR 77.13(a), as amended (copy attached).¹
 - (2) No commercial communications tower or antenna shall be artificially lighted except when required and approved by the FAA.
- H. Airport coordination. The applicant for a proposed commercial communications tower or antenna, located within a five-mile radius of an existing airport, shall notify the airport of its intent to place such structure(s).
- I. Federal Communications Commission.
- (1) Documentation that the commercial communications company is licensed by the FCC shall be provided.
 - (2) Documentation of FCC approval for the proposed commercial communication tower or antenna shall be provided.
 - (3) Documentation demonstrating that the proposed commercial communications tower or antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation shall be provided.

¹ Editor's Note: Said copy is on file in the township offices.

4. Documentation of need; existing structures.

- A. The commercial communications company shall demonstrate, using technological evidence, that the tower and/or antenna must go where it is proposed in order to satisfy its function pursuant to the company's technological requirements.
- B. Prior to proposing the construction of a new commercial communications tower, the applicant shall demonstrate that he/she has made a reasonable effort to site the antenna on an existing structure within close proximity of the chosen site.

5. Removal of commercial communications towers and antennas.

If a commercial communications tower and/or antenna remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six months of notice to do so by the municipality. Further, the owner or operator of the tower and/or antenna shall post security in a form acceptable to the municipality favoring the municipality in an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the municipality in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six months of notification by the municipality.

6. Exemption.

A commercial cellular communications tower or antenna necessary for and clearly primarily used for emergency communications by a Police Department, fire company, emergency medical service and other similar public safety organizations is exempt from these requirements.

7. Severability.

The provisions of this Appendix D, so far as they are the same as those of ordinances and not as new enactments. The provisions of this Appendix D shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Appendix D.

8. Effective date.

This Appendix D shall take effect within five days from the date hereof.

9. Repealer.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Appendix E
Flood Damage Prevention
[Added 4-6-2001 by Ord. No. 2001-2]

A. General provisions.

- (1) Intent. The intent of this section is to:
 - (a) Promote the general health, welfare, and safety of the community.
 - (b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - (c) Minimize danger to public health by protecting water supply and natural drainage.
 - (d) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 - (e) Comply with federal and state floodplain management requirements.
- (2) Applicability.
 - (a) 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 building permit has been obtained from the Zoning Officer.
 - (b) A building permit shall not be required for minor repairs to existing buildings or structures.
- (3) Abrogation and greater restrictions. This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. 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 section, the more restrictive shall apply.
- (4) Warning and disclaimer of liability.
 - (a) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.
 - (b) This section shall not create liability on the part of the Township or any officer, employee, or consultant thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

B. Administration.

- (1) Building permits required. Building permits shall be required before any construction or development is undertaken within any area of the Township.
- (2) Issuance of building permit.
 - (a) The Zoning Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this section and all other applicable codes and ordinances.
 - (b) Prior to the issuance of any building permit, the Zoning Officer 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) 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, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, shall be notified by the Township prior to any alteration or relocation of any watercourse.
- (3) Application procedures and requirements.
 - (a) Application for such a building permit shall be made, in writing, to the Zoning Officer on forms supplied by the Township. Such application shall contain the following:
 - [1] Name and address of the applicant.
 - [2] Name and address of the owner of land on which the proposed construction is to occur.
 - [3] Name and address of the contractor.
 - [4] Site location.
 - [5] Listing of other permits required.
 - [6] Brief description of proposed work and estimated cost.
 - [7] A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(b) Request information.

- [1] If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - [a] All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this section and all other applicable codes and ordinances;
 - [b] All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - [c] Adequate drainage is provided so as to reduce exposure to flood hazards.
- [2] Applicants shall file the following minimum information plus any other pertinent information {e.g., any or all of the technical information contained in Subsection C(2)(a)[4]} as may be required by the Zoning Officer to make the above determination:
 - [a] A completed building permit application form.
 - [b] A plan of the entire site, clearly and legibly drawn at a minimum scale of one inch being equal to 100 feet or less, showing the following:
 - [i] North arrow, scale, and date;
 - [ii] Topographic contour lines, if available;
 - [iii] All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - [iv] The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - [v] The location of all existing streets, drives, and other access ways; and
 - [vi] The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
 - [c] Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - [i] The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - [ii] The elevation of the one-hundred-year flood;

- [iii] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and
 - [iv] Detailed information concerning any proposed floodproofing measures.
- [d] The following data and documentation:
- [i] Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area) {See Subsection C(2)(a)[3].}, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
 - [ii] 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 one-hundred-year flood. 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.
 - [iii] Detailed information needed to determine compliance with Subsection D(4)(f), Storage, and Subsection D(5), Development which may endanger human life, including:
 - i) The amount, location and purpose of any materials or substances referred to in Subsection D(4)(f) and (5) which are intended to be used, produced, stored or otherwise maintained on site.
 - ii) 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 Subsection D(5) during a one-hundred-year flood.
 - [iv] The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - [v] 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.
- (4) Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the applicant to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

- (5) Review of application by others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, municipal engineer, etc.) for review and comment.
- (6) Changes. After the issuance of a building permit by the Zoning Officer, 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 Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- (7) Placards. In addition to the building permit, the Zoning Officer 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 building permit, the date of its issuance and be signed by the Zoning Officer.
- (8) Start of construction.
 - (a) Work on the proposed construction and/or development shall begin within 12 months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
 - (b) Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.
- (9) Inspection and revocation.
 - (a) During the construction period, the Zoning Officer 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. He shall make as many inspections during and upon completion of the work as are necessary.
 - (b) In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this section.
 - (c) In the event the Zoning Officer 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 Zoning Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

- (d) A record of all such inspections and violations of this ordinance shall be maintained.
- (10) Fees. Applications for a building permit shall be accompanied by a fee, set by the Board of Supervisors. The applicant for any permit for development within the floodplain area requiring review by the Township Engineer is responsible to reimburse the Township for engineering review costs and must establish an escrow account with the Township.
- (11) Enforcement.
- (a) Notices. Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this section, or of any regulations adopted pursuant thereto, the Zoning Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall be in writing; include a statement of the reasons for its issuance; allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; 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 the Commonwealth of Pennsylvania; contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section.
- (b) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this section or who fails or refuses to comply with any notice, order of direction of the Zoning Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a judgement to the Township of \$500, plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this section continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this section. The imposition of a fine or penalty for any violation of, or noncompliance with, this section shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this section may be declared by the Board of Supervisors to be a public nuisance and abatable as such.
- (12) Appeals.
- (a) Any person aggrieved by any action or decision of the Zoning Officer concerning the administration of the provisions of this section, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Zoning Officer.

- (b) Upon receipt of such appeal, the Board of Supervisors shall set a time and place, within not less than 10 nor 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 Board of Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this commonwealth, including the Pennsylvania Flood Plain Management Act.

C. Identification of floodplain areas.

- (1) Identification. The identified floodplain area shall be those areas of Moore Township which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS), dated effective October 17, 1978, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.
- (2) Description of floodplain areas.
 - (a) The identified floodplain area shall consist of the following specific areas:
 - [1] FW (Floodway Area): the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
 - [2] FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - [3] FE (Special Floodplain Area): the areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.
 - [4] FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
 - (b) In lieu of the above, Moore 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 applicant is required to provide the one-hundred-year flood elevation by one of the above methods.
 - (3) Changes in identification of area. The identified floodplain area may be revised or modified by the Board of Supervisors 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 Federal Insurance Administration (FIA).
 - (4) Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township. The Planning Commission and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.
- D. Technical provisions.

(1) General.

- (a) 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 municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- (b) Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.

(2) Special requirements for FW, FE, and FA Areas.

- (a) With any FW (Floodway Area), the following provisions apply:
 - [1] Any new construction, development, use, activity, or encroachment into the floodway shall be prohibited.
- (b) Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
- (c) Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:
 - [1] No new construction or development shall be located within the area measured 100 feet landward from the top-of-bank of any watercourse.

- [2] Any new construction or development use, activity, or encroachment into the floodway shall be prohibited. If encroachment into the FE or FA is proposed, the applicant must identify the floodway.
- (3) Elevation and floodproofing requirements.
- (a) Residential structures. No new construction or structure/building shall be located within the bounds of the FW, FF, FE, or FA. Adjacent to any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, 1 1/2 feet above the regulatory flood elevation.
- (b) Nonresidential structures.
- [1] No new construction or structure/building shall be located within the bounds of the FW, FF, FE, or FA. Adjacent to any identified floodplain area, 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 by such structure shall remain either completely or essentially dry during any flood up to that height.
- [2] Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 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) Space below the lowest floor. Fully enclosed space below the lowest floor (including basement) is prohibited.
- (d) 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 600 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 floodwaters.

- [5] Power lines, wiring, and outlets will be at least 1 1/2 feet above the one-hundred-year 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:
 - [i] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - [ii] The bottom of all openings shall be no higher than one foot above grade.
 - [iii] Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (4) Design and construction standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
- (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 one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Zoning Officer; 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 stormwater runoff in a safe and efficient manner. The system shall insure 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 and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - [2] Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - [3] No part of any on-site sewage system shall be located within any identified floodplain area 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.
- (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 1/2 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 Subsection D(5), Development which may endanger human life, shall be stored at or above 1 1/2 feet 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 minimum effect upon the flow and height of floodwater.
 - (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 1 1/2 feet above 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 1 1/2 feet above 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 1 1/2 feet above the regulatory flood elevation shall be of a marine or water-resistant variety.

- [3] Walls and ceilings at or below 1 1/2 feet above 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 1 1/2 feet above 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 1 1/2 feet above the regulatory flood elevation shall be of marine or water-resistant quality.
 - [2] Adhesives used at or below 1 1/2 feet above 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 three feet above the one-hundred-year 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 floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- (5) Development which may endanger human life.
 - (a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development 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 is of materials and substances 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) Within any FW (Floodway Area), any structure of the kind described in Subsection D(5)(a), above shall be prohibited.
- (c) Within any FE (Special Floodplain Area) or FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection D(5)(a), above shall be prohibited within the area measured 100 feet landward from the top-of-bank of any watercourse.
- (d) Within any floodplain area.
- [1] Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection D(5)(a), above shall be:
 - [i] Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and
 - [ii] Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood; and
 - [2] Any such structure, or part thereof, that will be built below 1 1/2 feet above 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.

- (6) Special requirements for manufactured homes.
 - (a) Within any FW (Floodway Area), manufactured homes shall be prohibited.
 - (b) Within any FA (General Floodplain Area) or FE (Special Floodplain Area), manufactured homes shall be prohibited within the area measured 100 feet landward from the top-of-bank of any watercourse.
 - (c) Where permitted within or adjacent to any floodplain area, 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 1 1/2 feet or more above the elevation of the one-hundred-year flood.
 - [3] Anchored to resist flotation, collapse, or lateral movement.

E. Activities specifically prohibited. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area.

- (1) 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:
 - (a) Hospitals.
 - (b) Nursing homes.
 - (c) Jails or prisons.
 - (d) On-lot sewage disposal systems.
- (2) 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.

F. Existing structures in identified floodplain areas.

- (1) Existing structures. The provisions of this section 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 Subsection F(2) shall apply.
- (2) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
 - (a) No expansion or enlargement of an existing structure shall be allowed within any floodway area.

- (b) No expansion or enlargement of an existing structure shall be allowed within any FE or FA area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
- (c) 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 section.
- (d) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

G. Variances.

- (1) General. If compliance with any of the requirements of this section would result in an exceptional hardship to a prospective builder, developer or landowner, the Township Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
- (2) Variance procedures and conditions.
 - (a) Requests for variances shall be considered by the Township Zoning Hearing Board in accordance with the procedures contained in Subsection B(12), the provisions contained within the Township Zoning Ordinance, and the following:
 - [1] No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.
 - [2] No variance shall be granted for any construction, development, use, or activity within any FE Area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
 - [3] No variance may be granted to allow any uses prohibited in Subsection E.
 - [4] If granted, a variance shall involve only the least modification necessary to provide relief.
 - [5] In granting any variance, the Township Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this section.
 - [6] Whenever a variance is granted, the Township Zoning Hearing Board shall notify the applicant in writing that:
 - [i] The granting of the variance may result in increased premium rates for flood insurance.
 - [ii] Such variances may increase the risks to life and property.

[7] In reviewing any request for a variance, the Township Zoning Hearing Board shall consider, at a minimum, the following:

- [i] That there is good and sufficient cause.
- [ii] That failure to grant the variance would result in exceptional hardship to the applicant.
- [iii] That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

[8] 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 annual report to the Federal Insurance Administration.

(b) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

H. Definitions.

- (1) General. Unless specifically defined below, words and phrases used in this section shall be interpreted so as to give this section its most reasonable application.
- (2) Specific definitions. As used in this section, the following terms shall have the meanings indicated:

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.

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.

COMPLETELY DRY SPACE — A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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

ESSENTIALLY DRY SPACE — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FLOOD — A temporary inundation of normally dry land areas.

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 designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this section, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

HISTORIC STRUCTURE — 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 Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - [1] By an approved state program as determined by the Secretary of the Interior; or
 - [2] Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA — The floodplain area specifically identified in this section as being inundated by the one-hundred-year flood.

LAND DEVELOPMENT — Any of the following activities:

- (a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- [1] A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- [2] The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(b) A subdivision of land.

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 — A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use.

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 May 1, 1981, and includes any subsequent improvements thereto.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

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

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

STRUCTURE — Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

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 10 acres, not involving any new street or easement of access of 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 exceed 50% or more of the market value of the structure before the damage occurred.

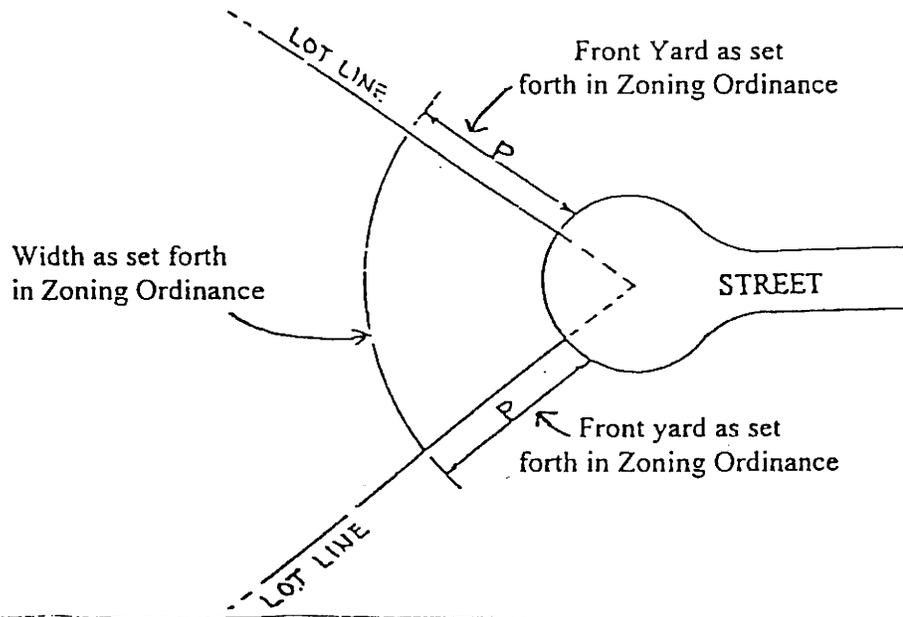
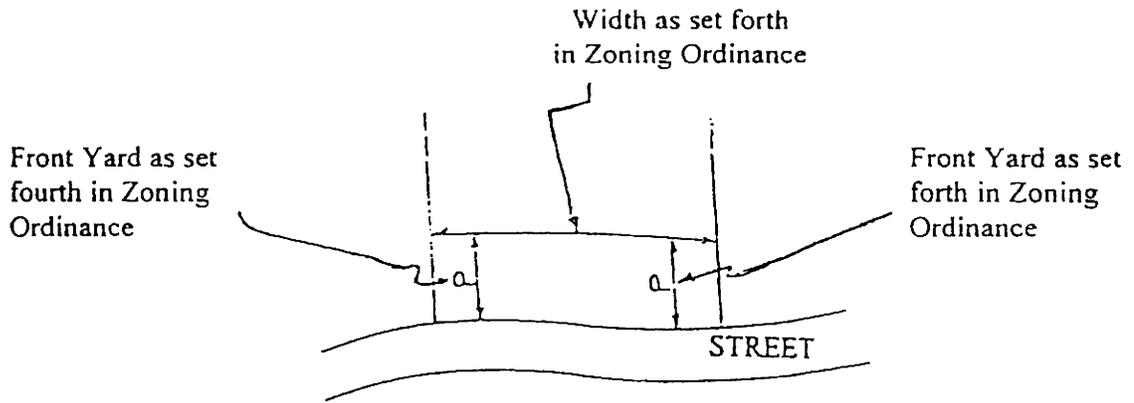
SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

(Cont'd on page 20143)

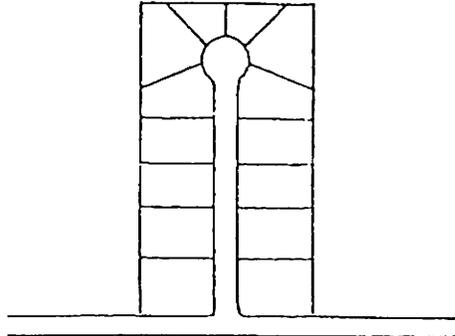
ZONING

Diagram 1
Lot Measurements

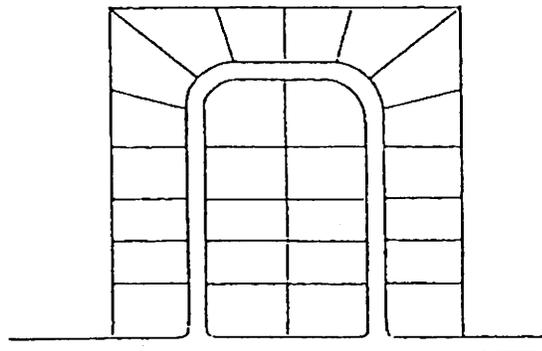


ZONING

Diagram 2
Cul-De-Sac and Loop Streets



CUL-DE-SAC STREET



LOOP STREET

ZONING

Diagram 3
Irregularly Shaped Lots

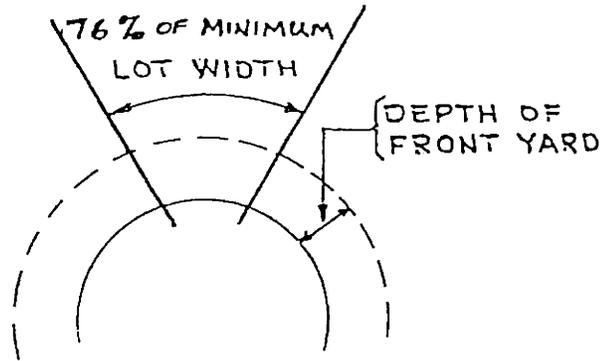
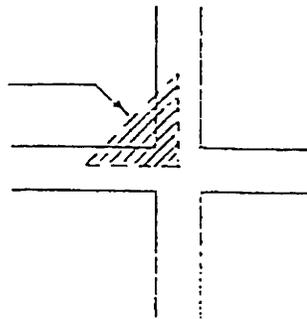
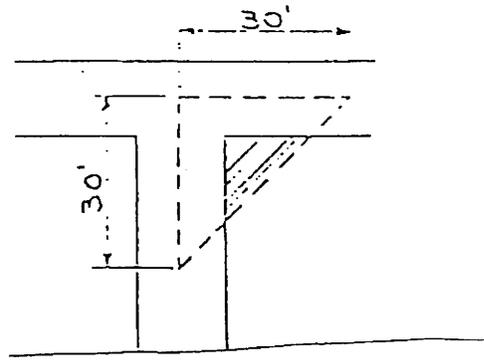


Diagram 4
Sight Lines at Public Street Intersections



ZONING

Diagram 5
Sight Lines at Private Accessway and
Public Street Intersections



SUMMARY OF SIGN AREA REGULATIONS
Part 1

The maximum sign area permitted shall be as follows:

Location of Sign	Type of Sign	Purpose of Sign	BMC, LC, R and SR Districts	Maximum Area of Sign ^a	
				VC District	I District
On premises ^b	Parallel sign	Business identification/ advertising	N.P.	Not exceeding 25% of building face area; no greater than 32 square feet	Not exceeding 20% of building face area; no greater than 100 square feet
	Projecting sign	Business identification/ advertising	N.P.	Not exceeding 25% of building face area; no greater than 32 square feet	Not exceeding 20% of building face area; no greater than 100 square feet
	Window sign ^d	Business identification/ advertising	N.P.	Not exceeding 30% of total window area on each street	N.P.
	Freestanding sign	Business identification/ advertising	N.P.	Not exceeding 1 for each 2 linear feet of lot frontage or 50 square feet, whichever is smaller	Not exceeding 1 for each 2 linear feet of lot frontage or 75 square feet, whichever is smaller
	All types	Official governmental (street signs, stop signs)	N.L.	N.L.	N.L.
	All types	Name and address	5 square feet	5 square feet	5 square feet
	All types	Trespass	2 square feet	2 square feet	2 square feet
	All types	Home occupation; home professional office	6 square feet	6 square feet	6 square feet
	Parallel	Charitable/community service identification	24 square feet	24 square feet	24 square feet

NOTES:

^a Area of signs:

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape, including the sign background, which encompasses all of the letters and symbols.
3. In computing square foot area of a double-face sign, only one side shall be considered, provided that both faces are identical inside. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
4. Unless otherwise specified, all square footages are maximum sizes.

^b See § 200-44A for permitted number of signs.

^c See § 200-44B for permitted number of signs.

^d All window signs shall be limited to lettering which identifies the occupant or business.

KEY:

N.P. = Not permitted.

N.L. = No limitations.

SUMMARY OF SIGN AREA REGULATIONS
Part 2

The maximum sign area permitted shall be as follows:

Location of Sign	Type of Sign	Purpose of Sign	Maximum Area of Sign ^a		
			BMC, LC, R and SR Districts	VC District	I District
	Freestanding	Charitable/community service identification	20 square feet	20 square feet	20 square feet
	All types	Subdivision or development identification	20 square feet	20 square feet	20 square feet
	All types	Political/charitable/public event (temporary)	4 square feet	4 square feet	4 square feet
	All types	Real estate (temporary)	6 square feet	6 square feet	6 square feet
	All types	Developer/contractor (temporary)	20 square feet	20 square feet	20 square feet
	All types	Mechanic/subcontractor/other artisan (temporary)	12 square feet	12 square feet	12 square feet
	All types	All other uses	2 square feet	3 square feet	3 square feet
Off premises ^c	Freestanding	Official government	N.L.	N.L.	N.L.
	Freestanding	Directional	1 ½ square feet	1 ½ square feet	1 ½ square feet
	Freestanding	All other purposes	1 square feet	1 square feet	1 square feet

NOTES:

^a Area of signs:

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape, including the sign background, which encompasses all of the letters and symbols.
3. In computing square foot area of a double-face sign, only one side shall be considered, provided that both faces are identical inside. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
4. Unless otherwise specified, all square footages are maximum sizes.

^b See § 200-44A for permitted number of signs.

^c See § 200-44B for permitted number of signs.

^d All window signs shall be limited to lettering which identifies the occupant or business.

KEY:

N.P. = Not permitted.

N.L. = No limitations.

MOORE TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004- 02

AN ORDINANCE OF MOORE TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE MOORE TOWNSHIP ZONING ORDINANCE NO. 73-1, AS AMENDED, BY MODIFYING THE DEFINITION OF NON-CONFORMING BUILDINGS OR STRUCTURES, RESIDENTIAL ACCESSORY BUILDINGS.

IT IS HEREBY ENACTED AND ORDAINED and it is enacted and ordained by the Board of Supervisors of Moore Township that the Zoning Ordinance of Moore Township shall be amended as follows:

SECTION 1: Section 200-28C(1) entitled "Nonconforming buildings or structures" shall be amended by adding the following underscored language and deleting the following bracketed language:

Nonconforming buildings or structures may be altered or expanded, provided such alteration or expansion does not increase the floor area of the nonconformity by more than 50% of the building or structure existing on the effective date of this chapter, [in the case of a nonconforming building or structure which is used as a nonconforming use, such alteration, expansion or enlargement shall also meet the requirements of Subsection (C3) of this Section.] provided that the alteration or expansion meets all of the yard requirements for the specific zoning district.

a. A nonconforming building or structure once razed, removed, dismantled or taken down from the location in which it existed or removed from the premises shall not be reconstructed or relocated except in conformity with all regulations of the Zoning District in which it is located. In the case of a nonconforming building or structure that is proposed to be reconstructed or relocated in the same location as it existed in which it will remain a nonconforming building or structure, relocation or reconstruction may be permitted by Special Exception under the provisions of Sections 200-65 and 200-18. Nonconforming fences and signs may be improved and repaired in the same location, however, if the fence/sign is completely removed from the premises, a new fence/sign must meet all required setbacks and regulations. A nonconforming mobile home in a nonconforming mobile home park may be replaced with a mobile home of the same size or smaller in the same location.

SECTION 2: Section 200-20C(11) entitled "Residential Accessory Buildings"

shall be amended by adding the following underscored language:

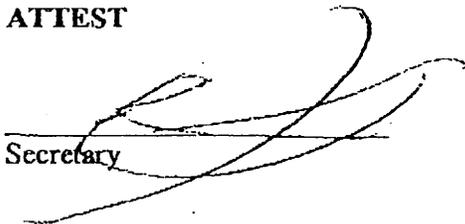
(e) Residential Accessory Buildings may only be constructed in side and rear yards, see also definition of Yard.

SECTION 3. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be in full force and effect.

SECTION 4: Repealer. All Ordinances or parts of Ordinances inconsistent herewith are hereby and the same repealed.

ENACTED AND ORDAINED this 1st day of June, 2004.

ATTEST


Secretary

MOORE TOWNSHIP


David M. Lack, Chairman
Board of Supervisors

MOORE TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2005-13

AN ORDINANCE OF MOORE TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE MOORE TOWNSHIP ZONING ORDINANCE NO. 73-1, AS AMENDED BY ADDING A DEFINITION FOR "SHOPPING CENTER" AND BY PROVIDING FOR THE TREATMENT OF MULTIPLE COMMERCIAL AND INDUSTRIAL USES IN A SINGLE BUILDING.

IT IS HEREBY ENACTED AND ORDAINED and it is enacted and ordained that the Zoning Ordinance of Moore Township shall be amended as follows:

SECTION 1: Section 200-5 of the Moore Township Zoning Ordinance entitled "Definitions" shall be amended to include a definition for shopping center as follows:

Shopping Center – A group of retail and other commercial establishments that is planned, owned and managed as a single property. On-site parking is provided for customers and employees.

SECTION 2: Section 200-21 of the Moore Township Zoning Ordinance entitled "Limitation of Principal Uses" shall be amended to add the following underscored language:

- A. No more than one principal use shall be permitted on a lot unless permitted by this chapter except in the Village Center and Industrial Zoning Districts for a multi-tenant commercial or industrial building(s) in accord with Section 200-21B.
- B. Occupancy of a principal commercial or industrial building(s) by two or more commercial or industrial uses specifically allowed in the zoning district, is allowed provided that all other requirements of this Ordinance are met. Each use within a multi-tenant commercial or industrial building(s) is required to apply for separate permits.

SECTION 3: Severability. In the event any provision, section, sentence,

clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be in full force and effect.

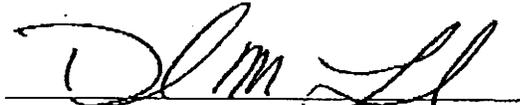
SECTION 4: Repealer. All Ordinances or parts of Ordinances inconsistent herewith are hereby and the same repealed.

ENACTED AND ORDAINED this 21st day of June, 2005.

ATTEST

MOORE TOWNSHIP


Secretary


David M. Lack, Chairman
Board of Supervisors

MOORE TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2005-15

AN ORDINANCE OF MOORE TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE MOORE TOWNSHIP ZONING ORDINANCE NO. 73-1, AS AMENDED, BY PROVIDING CRITERIA FOR A/B SOIL SYSTEMS AND DRIP IRRIGATION SYSTEMS IN THE SR, VC, AND R ZONING DISTRICTS.

IT IS HEREBY ENACTED AND ORDAINED and it is enacted and ordained that the Zoning Ordinance of Moore Township shall be amended as follows:

SECTION 1: Section 200-15F of the Moore Township Zoning Ordinance shall be amended by adding the following underscored language.

SR Principal Use	Minimum* Lot Area** (acres)	Minimum Lot Width (feet)	By Total By Buildings	Impervious Cover	Maximum Building Height (stories) (feet)
------------------------	-----------------------------------	--------------------------------	-----------------------------	---------------------	--

**A two (2) acre minimum lot area is required when an A/B Soil System (ABS) or Drip Irrigation System is proposed as the primary absorption area on the lot.

SECTION 2: Section 200-16F of the Moore Township Zoning Ordinance shall be amended by adding the following underscored language.

VC Principal Use	Minimum* Lot Area** (acres)	Minimum Lot Width (feet)	By Total By Buildings	Impervious Cover	Maximum Building Height (stories) (feet)
------------------------	-----------------------------------	--------------------------------	-----------------------------	---------------------	--

**A two (2) acre minimum lot area is required when an A/B Soil System (ABS) or Drip Irrigation System is proposed as the primary absorption area on the lot.

SECTION 3: Section 200-14F of the Moore Township Zoning Ordinance shall be amended by adding the following underscored language.

R Principal Use	Minimum* Lot Area** (acres)	Minimum Lot Width (feet)	By Buildings	Total By Impervious Cover	Maximum Building Height (stories) (feet)
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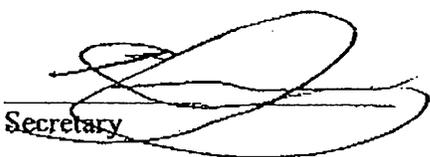
**A two (2) acre minimum lot area is required when an A/B Soil System (ABS) or Drip Irrigation System is proposed as the primary absorption area on the lot.

SECTION 4: Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be in full force and effect.

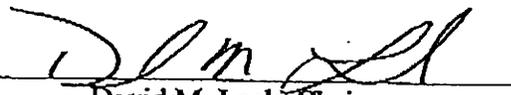
SECTION 5: All Ordinances or parts of Ordinances inconsistent herewith are hereby and the same repealed.

ENACTED AND ORDAINED this 17th day of July, 2005.

ATTEST


Secretary

MOORE TOWNSHIP


David M. Lack, Chairman
Board of Supervisors