

ARTICLE III

SUPPLEMENTARY REGULATIONS

Section 300 Accessory Building Regulations

- A. An accessory building not attached to the principal structure shall comply with all other applicable Township regulations and may be located in any required side or rear yard provided:
 - 1. Such building shall not be more than twenty-five (25') feet in height.
 - 2. Such buildings shall comply with applicable yard requirements except that accessory buildings of 120 square feet in area or less shall be located no closer than ten (10') feet from any lot line.
 - 3. All such buildings in the aggregate shall not occupy more than thirty (30%) percent of the area of the required rear or side yard.
- B. Accessory buildings may be located on a contiguous lot under the same ownership in the required rear or side yard along the common side or rear lot line. Said buildings shall not be more than twenty-five (25') feet in height, nor occupy more than thirty (30%) percent of the total area of the required rear or side yard.
- C. When an accessory structure is attached to the principal building it shall comply in all respects with the requirements of This Ordinance applicable to the principal building.
- D. No accessory building shall project nearer to the street on which the principal building fronts than the minimum building setback distance for the principal building.

Section 301 Height Regulations

- A. Where a lot has frontage on two or more streets or other public rights-of-way, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level.
- B. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of This Ordinance provided their location is not in any required yard.

Section 302 Yard and Lot Regulations

A. On Corner Lots:

1. Front yards are required on both street frontages, and one yard other than front yards shall be deemed to be a rear yard, and the other (or others) side yards.
2. No obstructions to vision exceeding thirty (30") inches in height above the curb level shall be erected or maintained within a seventy-five (75') foot clear sight triangle formed by the centerline of intersecting streets.

B. Front Yard Exception:

No proposed dwelling need have a setback line greater than the average of the two existing dwellings with the greatest setback located within two hundred (200') feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. However, in no event shall the front yard be less than ten (10') feet.

C. Projection into Required Yards:

1. Cornices, canopies, eaves, or other architectural features may project into side yards a distance not exceeding two (2") inches per one (1') foot of side yard width, but may not exceed a total of three (3') feet.
2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3') feet.
3. Patios and decks may be located in side and rear yards provided, if located closer than ten (10') feet to any adjacent property line, they shall be screened in accordance with the provisions of This Ordinance. In case of a corner lot, no patio or deck shall extend into the required yard adjoining each street.

D. Existing Small Lots:

A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of This Ordinance and subsequent amendments which has a total lot area or lot width less than prescribed in This Ordinance, may be used provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and side yards. Existing small lots meeting the above stipulations shall comply with the following:

1. Side yards shall be a minimum of eight (8') feet.
2. Rear yards shall be a minimum of ten (10') feet.

3. Front yards shall be in accordance with Section 302.B, and other applicable sections of This Ordinance.

E. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

F. Waiver of Yards:

No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

G. Multiple Buildings:

Land development proposing multiple buildings or uses shall be designed so as to be subdividable in compliance with all applicable Township Ordinances.

Section 303 Private Outdoor Swimming Pools

- A. A building permit shall be required for the installation or construction of a private outdoor above or below ground swimming pool on or not on the same lot as the principal residence subject to the following conditions:
1. Such pool may be erected in the required rear or side yard, but not in the front yard.
 2. The water edge of such pool shall not be located nearer than twenty (20') feet to any lot line for an in-ground pool or nearer than fifteen (15') feet for an aboveground pool.
 3. Any such pool with a surface area of one hundred (100 sq.ft.) square feet or more or a depth in excess of eighteen (18") inches shall be completely surrounded by a fence or wall that is not less than four (4') feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four (4') feet above ground level, then a fence is not required, provided that all points of access to said pool are adequately protected.
 4. Conventional wading pools less than the area and depth requirements of Item 3 above shall be exempt.

Section 304 Parking Regulations

A. Parking Schedule:

Accessory off-street parking spaces shall be provided for any use as specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed shall be determined by the Governing Body upon consideration of all factors entering into the parking needs of each such use.

FOR:	MINIMUM PARKING SPACE:
Places of worship, libraries, other public buildings and places of public assembly	One (1) space per two hundred (200 sq.ft.) square feet of floor area but not less than one (1) space for each 3.5 seats where provided.
Tennis Courts	Two (2) spaces for each court.
Secondary Schools	Four (4) spaces per classroom plus one (1) for each five (5) seats in any auditorium or other place of assembly.
Elementary Schools	Two (2) spaces per classroom, plus one (1) space for each five (5) seats in any auditorium or other places of assembly.
Hospitals, sanitarium, nursing homes, philanthropic, or charitable institution	One (1) space per three (3) beds plus one (1) for each employee
Boarding or lodging house, tourist home	One (1) space per guest room and two (2) per resident family.
Eating and drinking places	One (1) space per 2.5 seats.
Undertakers and funeral homes	One (1) space per two (2) employees, plus one (1) for each chapel seat.
Hotels, motels, and resorts	One (1) space per guest room, plus one (1) for each employee.
Bowling alleys	Five (5) spaces for each alley.

FOR:

MINIMUM PARKING SPACE:

Home occupation
except physicians,
veterinarians and dentists.

Two (2) spaces per each home occupation.

Professional offices of
veterinarians, physicians,
and dentist

Five (5) spaces per each physician,
dentist, or veterinarian.

Commercial stable or riding
academy

One (1) space for each horse stall, plus
one (1) for each employee.

Retail store and shops.

Five (5) spaces for each one thousand
(1,000 sq.ft.) square feet of gross
floor area.

Wholesale establishments,
warehouses, offices, and
other businesses, etc.

One (1) space for each employee on
average working shift, plus customer
parking as determined by the Commission.

B. Areas Computed as Parking Spaces

Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard of a one-family or two-family residence may count as two (2) parking spaces.

C. Size of Space:

Minimum parking stall width shall be ten (10') feet, minimum length shall be twenty (20') feet. All parking aisles shall have a minimum width of twenty-five (25') feet.

D. Large Parking Areas:

Landscaping and screening for parking areas providing in excess of ten (10) spaces for commercial and/or industrial use or facilities shall be in accordance with the requirements of Section 315 of This Ordinance. For all other uses, landscaping and screening both shall be as deemed necessary by the Zoning Officer upon recommendations by the Planning Commission and the Board of Supervisors with consideration given to the overall impact to surrounding properties and/or areas.

E. Access:

Unobstructed access to and from a street shall be provided. Such access shall consist of at least two ten (10') foot lanes and in the case of proposed one-way traffic entrances and exits, no less than one twelve (12') foot wide lane. No entrance or exit for any off-street parking area shall be located within one hundred (100') feet of any street intersection unless approved by the Township Roadmaster.

F. Drainage and Surfacing:

All open parking areas of more than five (5) spaces shall be surfaced with an asphaltic or Portland cement or similar durable and dustless surface and shall be so graded and drained to dispose of all surface water anticipated within the area, in a manner so that no downstream property experiences an increase of stormwater runoff in excess of that experienced prior to the construction of the parking area.

G. Joint Facilities:

Required parking spaces, open or enclosed, may be provided in space designed to serve jointly two or more establishments whether or not located on the same lot or structure, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when other use or uses is not or are not in operation, the Commission may reduce the total parking spaces required for that use with the greater requirement.

H. Off-Site Facilities:

All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory. Except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than two hundred and fifty (250') feet from that zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such space shall be maintained for the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding to the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the District in which they are located.

I. Minimum Distances:

No off-street parking shall be closer than ten (10') feet to the principal structure, twenty (20') feet to any side lot line, twenty-five (25) feet to any rear lot line, or twenty (20) feet from any street right-of-way line for all commercial or industrial uses or facilities. For all other uses the distances shall be as deemed necessary by the Zoning Officer upon recommendations by the Planning Commission and the Board of Supervisors and with consideration given to the size of the lot, impact to the surrounding properties and/or area, use of adjoining properties, and frequency of use of the lot. A minimum allowable distance to any lot line shall be no less than ten (10) feet.

Section 305 Off-Street Loading Requirements

A. Off-street loading berths, open or enclosed, are permitted accessory uses to any use other than residential subject to the following minimum provisions:

1. Size of Spaces:

Each loading berth shall be at least twelve (12') feet wide, sixty-six (66') feet long and fourteen (14') feet high.

2. Location and Access

Unobstructed access, at least twenty (20') feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off street loading area shall be located within one hundred (100') feet of any street intersection unless approved by the Township Roadmaster. No off-street loading berth shall be located in any front yard or within ten (10') of any side or rear yard which adjoins a Residential District boundary or residential use.

Section 306 Outside Storage of Recreational Vehicles Trailers, Boats, and Dismantled or Non-Operable Vehicles and Temporary Placement of Mobile Homes

A. No more than one recreational vehicle, camping trailer, or boat not exceeding thirty-five (35') feet in length may be stored, but not occupied in any Residential District and shall not be located within the required front yard area.

B. Where a building permit has been issued for the construction or alteration of a building, a temporary permit for one mobile home or camping trailer for habitation or storage may be issued for a period not to exceed six (6) months. Said temporary permit may be extended for one additional period of six (6) months if it can be shown that justifiable circumstances

require such an extension. Said residence may be occupied during the term of the temporary permit, and shall be situated upon the lot for which the building permit has been issued provided all yard set back requirements are met.

- C. The residential storage of dismantled, or non-operable vehicles, as defined in This Ordinance, exclusive of agricultural equipment for longer than thirty (30) days shall be only in enclosed buildings.

Section 307 Customary Home Occupations

- A. Upon notification to the Zoning Officer and upon approval by the Governing Body, customary home occupations and professional offices or studios are permitted as an accessory use subject to the following provisions:

- 1. Where Permitted:

Within a single dwelling unit or in a building or other structure accessory to the dwelling unit located in a Residential or Mixed Residential district and provided not more than two (2) persons in addition to those persons residing in said dwelling are employed in the home occupation, and not more than fifty (50%) percent of the useable area of said dwelling is utilized for the home occupation.

- 2. Evidence of Use:

Does not display or create outside the building any evidence of the home occupation, except that one unanimated, non-illuminated flat or freestanding sign having an area of not more than four (4 sq.ft.) square feet shall be permitted on each street front of the lot on which the building is situated.

- 3. Permitted Uses:

Any of the following customary home occupations shall be permitted for a single family dwelling provided all off-street parking standards and any other requirements are in compliance.

- a. Medical, dental, or other professional office or studio.
- b. Rooming and/or boarding of not more than four (4) persons.
- c. Custom tailoring.
- d. Barber shop or beauty parlor.
- e. Tutoring.

- f. Craft and specialty manufacture, repair and sales.
- g. Catering service.
- h. Computer service.
- i. Daycare/babysitting service. (Limit of six children to be classified as a home occupation.)
- j. Catalog sales.
- k. Any similarly related customary home occupation which in the opinion of the Governing Body is clearly incidental to the residential use of the premises and neighborhood.

Section 308 Homes Association

- A. Whenever a developer or owner proposes to provide land or structures for the benefit of only particular home owners of a project such as usable open space and active play areas, a Homes Association shall be established in accordance with the following provisions:
 - 1. The Homes Association shall be established as an incorporated organization operating under recorded land agreements through which each lot owner (and any succeeding owner) is automatically a member, and each lot is automatically subject to a charge for a proportionate share of expenses for the organization's activities. Additionally, specific provisions shall be established which define completely all membership requirements of all non-lot owners in the event rental units are included in the project.
 - 2. The Homes Association's Declaration of Covenants, Conditions, and Restrictions shall as a minimum establish the following:
 - a. Property Rights including the owner's easements of enjoyment and delegation of use.
 - b. Membership and Voting Rights including a distinction between membership classes.
 - c. Covenant for Maintenance Assessments including the creation of the lien and personal obligation of assessments, purpose of assessments, the maximum annual assessment, special assessments for capital improvements, uniform rate of assessment, due dates, effect of non-payment of assessments, and subordination of the lien to mortgages.

- d. Architectural and Exterior Maintenance Control.
 - e. General Provisions including enforcement, amendments, and property annexation procedures.
3. The developer or owner shall assume all responsibilities for the Homes Association until seventy-five (75%) percent of the dwelling sites are sold or until such time as the Homeowners formally assume such responsibility. Once the Homes Association is established, the developer or owner shall be responsible for payment of dues to the Homes Association for lots which he owns.
4. Staged Developments:
- If the developer or owner proposes to construct the project over a period of separate stages, the Homes Association shall also be staged consistent with the development time schedule.
5. Approval:
- The Township Supervisors shall retain the right to review and approve the articles of incorporation and all Declarations of Covenants, Conditions, and Restrictions of the Homes Association. (For the sake of consistency within the Township, it is recommended that the United States Department of Housing and Urban Development, Federal Housing Administration's Suggested Legal Documents for Planned Unit Developments, FHA Form 1400 and VA Form 26-8200 be consulted.)

Section 309 Sign Regulations

- A. Signs may be erected and maintained as either flat or freestanding only when in compliance with the following provisions:
- 1. Signs Permitted in All Districts
- The following types of non-illuminated signs are permitted in all Districts without the necessity of securing a sign permit for such sign, except as indicated.
- a. Nameplates and Identification Signs:
 - 1) Signs indicating the name and address of the occupant, or a permitted home occupation, provided that they shall not be larger than four (4 sq.ft.) square feet in area.

Only one such sign per dwelling unit shall be permitted, except in the case of corner lots where two (2) such signs (one facing each street) shall be permitted for each dwelling unit.

- 2) For buildings other than dwellings a single identification sign not exceeding four (4 sq.ft.) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

b. Sale or Rental Signs:

Signs advertising the sale or rental of the premises upon which they are erected and signs indicating the sale or rental may be erected or maintained, provided:

- 1) The size of any such sign is not in excess of ten (10 sq.ft.) square feet.
- 2) Not more than two signs are placed upon any property unless such property fronts upon more than one street, in which event two more signs may be erected on each additional frontage.

c. Institutional Signs:

Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar public or semi-public nature may be erected and maintained provided:

- 1) The size of any such sign is not in excess of twenty (20 sq.ft.) square feet.
- 2) Not more than one such sign is placed on a property, unless such property fronts on more than one street, in which event one sign may be erected on each frontage.
- 3) Institutional signs may be illuminated.

d. Signs Accessory to Parking Areas:

Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2 sq.ft.) square feet each, shall be permitted. One sign per parking area designating the conditions or use or identity of such parking area and limited to a maximum size of nine (9 sq.ft.) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.

e. Development Signs:

- 1) The size of any such sign shall not exceed twenty (20 sq.ft.) square feet. Such signs shall require a sign permit.
- 2) Not more than two such signs shall be placed upon any property, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- 3) Any such sign shall be removed by the developer within thirty (30) days of the final sale of the property.

f. Tradesmen:

Signs of mechanics, painters, and other tradesman may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

- 1) The size thereof is not in excess of twelve (12 sq.ft.) square feet.
- 2) Such signs are removed promptly upon completion of the work.

g. Private Driveways

Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2 sq.ft.) square feet.

h. Signs Advertising the Sale of Farm Products or the Type of Crops Grown on the Premise provided:

- 1) The size of any such shall not exceed twenty (20 sq.ft.) square feet.
- 2) Not more than two signs are used for any one purpose or crop variety.
- 3) Signs shall be displayed only when such products are on sale or when such products are being raised.

i. For uses permitted as a Conditional Use in a Residential District, the size of any sign shall not exceed twenty (20 sq.ft.) square feet and not more than two signs shall be permitted.

2. Signs Permitted in the Mixed Residential District:

In lieu of the sign permitted in Section A.1. above, all businesses and institutions may elect to illuminate the sign and to increase the size in compliance with the following:

a. Size of Signs:

No sign shall have a gross surface area of more than forty (40 sq.ft.) square feet except where only one surface of such sign is visible then the gross surface area on said surface shall not exceed twenty (20 sq.ft.) square feet.

b. Location:

Signs shall be parallel to the face of the building and, if attached, shall not extend more than eighteen (18") inches beyond the face of the building. Provided, however, that whenever a building is located more than thirty-five (35') feet back from the right-of-way one free standing sign shall also be permitted. Such freestanding sign shall not be located in any road right-of-way nor closer than ten (10') feet to any building.

3. Signs Permitted in Commercial and Industrial Districts:

In lieu of the sign(s) permitted in Section A.1. above, all businesses and institutions may elect to illuminate the sign(s) and to increase the size in compliance with the following:

a. Retail/Professional Centers:

- 1) Along the main road frontage or at the main entrance road into the "Center", one freestanding sign designed and used for the purpose of announcing the "Center" itself or the "Center" and its occupants, is permitted in accordance with the size requirements of a maximum gross surface area of sixty (60) square feet per side of sign and a maximum overall height of six (6) feet and maximum overall length of ten (10) feet.
- 2) Each individual tenant within a retail/professional "Center" building shall be permitted to utilize one flat, banner style, wall sign attached to the front of their respective building space. Said signs shall be uniform within a given building, shall not exceed a gross surface area of twenty (20) square feet, and shall not extend more than eighteen (18) inches beyond the face of the building.

b. All Other Commercial and Industrial Uses/Businesses or Institutions:

- 1) An independent business or institution located upon its own deeded lot/parcel and located more than thirty-five (35) feet back from the main road right-of-way shall be permitted one (1) freestanding sign. Said sign shall not have a gross surface area of more than forty (40) square feet per side of sign, except where only one (1) surface of the sign is utilized, the gross surface area shall not exceed fifty (50) square feet. Such freestanding sign shall not be located in any road right-of-way nor closer than ten (10) feet to any building. Only one such sign is permitted per business or institution.
- 2) An independent business or institution as described above, not using a freestanding sign as regulated above may use a flat surface or banner style wall sign attached and parallel to the face of the building. Such sign shall not have a surface area of more than fifty (50) square feet nor extend more than eighteen (18) inches beyond the face of the building.
- 3) When an independent business or institution, as described in 1) above, has more than a single building on the same lot/parcel, a flat surface or banner style wall sign, not exceeding twenty (20) square feet nor extending more than eighteen inches beyond the surface of the building, may be utilized to identify each building.
- 4) When two or more independent businesses and/or institutions are located upon a single deeded lot/parcel, only one (1) freestanding sign, as described in 1) above shall be permitted. Such freestanding sign shall be shared. Also, each independent business and/or institution will be permitted one (1) flat surface or banner style wall sign not exceeding twenty (20) square feet nor extending more than eighteen (18) inches beyond the surface of the building to identify each business and/or institution. Should no freestanding sign be utilized, each business and/or institution may have a flat surface sign as regulated in 2) above.

4. Off-Premise Outdoor Advertising Signs:

Off-premise outdoor advertising signs, outdoor advertising structures, or billboards which advertise products or businesses not connected with the site building on which they are located shall be permitted in Commercial and Industrial Districts subject to the following conditions.

- a. No off-premise outdoor advertising signs shall be closer than fifty (50') feet to any property line or right-of-way line of any street.

- b. No sign face shall exceed ten (10') feet in vertical measurement or twelve (12') feet in length.
 - c. No off-premise sign shall be located on any property without the written consent of the subject property owner.
 - d. The general area in the vicinity of an off-premise sign shall be kept free and clear of all sign materials, debris, trash and refuse.
 - e. No off- premise sign shall be established within five hundred (500') feet of any other off-premise sign. This distance shall be measured along the same side of the street or highway on which the sign is located.
 - f. Off-premise signs may be illuminated.
5. General Regulations Applying to All Signs:
- a. No freestanding sign shall be located or project within the established right-of-way of any street or in the required side or rear yard of the applicable district where located.
 - b. No sign face shall exceed twenty-five (25') feet in height.
 - c. All signs shall be removed within thirty (30) days after the circumstances leading to their erection no longer apply.
 - 1) After the thirty (30) day period, the Township may remove any such sign and charge the property owner for the costs incurred.
 - d. Signs erected in violation of these provisions shall be removed upon written notice of the Township Zoning Officer. Failure to remove such signs shall constitute a violation of This Ordinance and in addition, the Township may charge the property owner for the cost of removal of such sign.
 - e. All signs shall be constructed of durable materials and maintained in good state of repair. If in the opinion of the Zoning Officer the sign is not in a good state of repair, the sign shall be removed or repaired within thirty (30) days of receipt of notice to do so.
 - f. Any sign to be located along a State Highway shall be subject to State regulations regarding size and location in addition to the provisions of this Ordinance.
 - g. All signs shall be located in such a manner as not to obstruct clear sight distance along any street, road, driveway or intersection.

- h. Illuminated signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way. The level of sign illumination shall be such that it does not present a safety or traffic hazard or a nuisance to the general public.
6. Prohibited Signs:
- a. Signs, advertisements, etc., which simulate official directional or warning signs erected by a municipality or public utility.
 - b. Signs erected within a seventy-five (75') foot clear sight triangle of intersecting streets.
 - c. Signs which use a series of two or more free standing signs placed parallel to the highway carrying a single advertising message, part of which is contained on each sign.
 - d. Signs illuminated by flashing, intermittent, or rotating light.
7. Permits for Erection of a Sign:

All business identification signs shall require a sign permit prior to erection. Off-premise outdoor advertising signs shall also require a sign permit. A sign permit shall not be required for customary home occupations.

Section 310 Retail/Professional Centers

A. Compliance with the following standards in addition to the applicable requirements contained elsewhere in This Ordinance shall be required for retail/professional centers.

1. Access:

There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within one hundred (100') feet of intersecting streets, unless such points are located directly at an intersection.

2. Management:

A retail/professional center shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.

3. Parking:

There shall be a minimum of five (5) parking spaces for every one thousand (1,000 sq. ft.) square feet of floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors measured from the center line of joint partitions and from outside wall faces; commonly referred to as Gross Leaseable Area (GLA).

4. Circulation:

Traffic circulation within a retail/professional center project shall be designed to minimize pedestrian and vehicular mixing and congestion. Circulation shall be provided along the outer perimeters and along store entrances.

Section 311 Performance Standards

No land or building in any District in the Township shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or buildings shall initially and continuously comply with all applicable performance standards established by Federal and State agencies. Performance standard determination shall be administered in accordance with Section 502.E.3 and Subsection F below. Where provisions of this section impose greater restrictions than those of Federal or State agencies, the provisions of this Ordinance shall prevail, with the exception of surface mining operations. When provisions of State and Federal agencies exceed the provisions of this Section, the provisions of such State and Federal agencies shall prevail.

A. Noise

The sound level of any operation or activity shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound-pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (Preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York).

1. Standards - At no point on the property line of the owner of any operation or activity shall the sound-pressure level resulting from any operation or activity exceed the maximum permitted sound levels set forth below or expressly waived in Paragraph 2 below.

<u>Center Frequency</u> <u>(Cycles per second)</u>	<u>Maximum Sound-Pressure Level</u> <u>(Decibels)</u>	
31.5	65	
63	67	
125	66	
250	59	(sound pressure level in decibels equals 020002 dynes/cm)
500	52	
1,000	46	
2,000	37	
4,000	26	
8,000	17	

2. Waivers - The following sources of noise are exempt.
 - (a) Transportation vehicles not under the control of an on-site use.
 - (b) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - (c) Temporary construction activity between 7:00 am and 7:00 pm.

B. Vibration

No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particle velocity which way be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used.

PV = 6.28 F x D where
 PV = Particle velocity, inches per second
 F = Vibration frequency, cycles per second
 D = Single amplitude displacement of the vibration inches

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

Maximum Ground Transmitted Vibration

Zoning District	Particle Velocity (Inches/Second)	
	Adjacent Lot Line	Residential District or Use
Commercial or Industrial	0.10	0.02
All Others	0.05	0.02

Where the vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two.

C. Heat

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree Fahrenheit.

D. Glare

No operation or activity producing glare shall be conducted so that direct light from the source shall cause illumination in excess of 0.5 foot candles when measured at the property line.

E. Air Pollution

1. A person, partnership, corporation or association may not cause on any land or permit on land owned by him, the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated. For purpose of this section, malodor is an odor which causes annoyance or discomfort to the public and which the Township determines to be objectionable to the public.
2. Ambient air quality standards have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the Township adopts

these standards as its own. However, to govern situations of a localized nature, the following additional regulations are provided.

- (a) Odor - Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 193-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent.
 - (i) Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.
 - (ii) Should any such odorous material contain toxic material, such airborne toxic matter shall not exceed one-thirtieth (1/30) of the odor threshold at the appropriate points of measurement.
- (b) Smoke - For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart published by the U.S. Bureau of Mines shall be used.

F. Application of Performance Standards

1. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:
 - (a) Where determinations can be made by the Township Zoning Officer or other Township employee using equipment normally available to the Township or obtainable without extraordinary expense, such determination shall be so made before notice of violation is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Township to maintain the personnel or equipment necessary for making difficult determinations, procedures shall be available for causing determinations of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations and protecting the general public from unnecessary costs for administration and enforcement.
2. If the Township Zoning Officer finds after making determinations in the manner set forth in this Ordinance, that there is violation of the performance standards set forth herein, he shall take or cause to be taken lawful action to cause compliance with the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall constitute a violation of this ordinance.

3. If in the considered judgment of the Township Zoning Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed:
 - (a) The Township Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Township Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Township Zoning Officer within a time limit set forth by the Township Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Township Zoning Officer within the time set constitutes admission of violation of the terms of this ordinance. The notice shall state that, on request of those to whom it is directed, technical determinations shall be made as to the existence of the alleged violation and if a violation is determined to exist the cost of such determination shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.
 - (b) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Township Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.
 - (c) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Township Zoning Officer within the time limit set, he shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
 - (d) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Township Zoning Officer but requesting additional time, the Township Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property but is not required to grant such an extension.
 - (e) If a reply is received within the time limit set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Township Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article V of this Ordinance.

If no violation is found, the cost of the determinations shall be paid by the Township without assessment against the person or persons involved.

Section 312 Migrant Labor Quarters

- A. Buildings designed for the housing of migrant laborers and similar farm employees and their families shall be permitted as an accessory use to agricultural operations subject to the following conditions:
1. Prior to the issuance of a building permit it shall be required of the owner or his agent to submit to the Township evidence of compliance with Federal and State Regulations.
 2. No building for the housing of migrant or temporary laborers in group quarters shall be located closer than five hundred (500') feet to any property line.

Section 313 Planned Residential Developments

A. Purposes

In order that the purposes of This Ordinance be furthered in an era of increasing urbanization and of growing demand for housing in all types and design; to insure that the provisions of the Municipalities Planning Code, which are concerned in part with the uniform treatment of the dwelling type, bulk, density, intensity 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 that would distort the objectives of This Ordinance; to encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses; so that greater opportunities for better housing and recreation may extend to all citizens and residents of this Township; and in order to encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that economies secured may ensure to the benefit of those who need homes and for other uses; and, in aid of these purposes, to provide for a procedure which can relate the type, design and layout of residential and nonresidential 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 the existing residential and nonresidential areas, and to insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

B. Eligibility Requirements

1. Any application for tentative approval shall as a minimum meet the following requirements:
 - a. The proposed Planned Residential Development shall consist of one or more contiguous parcels of land under single ownership.
 - b. The proposed Planned Residential Development shall contain a minimum of twenty (20) acres of land.
 - c. The proposed Planned Residential Development shall be connected to both a public water supply system and sanitary sewer system. Where either a public water or sanitary sewer system cannot be feasibly provided to the Planned Residential Development, the developer shall provide a centralized water supply system and sanitary sewer system to service the entire development.
 - d. Planned Residential Developments shall be permitted to locate only in the R-2 District and the R-3 District in the Township.

C. Land Use Control and Density Requirements

1. Residential Uses:

All planned residential developments shall consist of single-family detached dwellings and at least one (1) of the following housing styles.

- a. Semi-detached single-family dwellings;
- b. Attached single-family dwellings;
- c. Multiple-family dwellings.

Each type of housing style in a development shall constitute a minimum of twenty (20%) percent of the total number of housing units.

2. Non-Residential Uses:

The following non-residential 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.

- a. Commercial uses such as retail shops or stores, service businesses, and restaurants.
 - b. Professional or business offices uses, including branch banks.
 - c. Institutional uses such as private schools, nursery schools and day care centers, churches, community activity centers, nursing homes, and retirement homes.
3. Land Use Density:

Within the Planned Residential Development, density shall be regulated by the following standards:

- a. Average gross residential density for the total Planned Residential Development site shall not exceed eight (8) dwellings per acre.
- b. The percentage of the Planned Residential Development site to be devoted to common open space shall be no less than twenty-five (25%) percent of the total site area.
- c. The percentage of the Planned Residential Development site which is to be covered by buildings, roads, parking areas, and other impermeable cover shall not exceed thirty (30%) percent of the total site area.
- d. Areas for commercial use shall not exceed the following:
 - 20 to 50 acres - no commercial uses - other non-residential uses 10% of site area
 - 50 to 100 acres - 10% of site area
 - 100 to 150 acres - 8% of site area
 - 150 to 250 acres - 7% of site area
 - 250 acres and up - 6% of site area

Lot coverage of non-residential buildings shall not exceed twenty-five (25%) percent of the land area designated for non-residential uses.

D. Site Analysis

1. Natural Features Analysis:

In order to determine which specific areas of the total Planned Residential Development site 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, the developer shall submit a Natural Features Analysis of the following subject categories:

- a. Hydrology
- b. Geology
- c. Soils
- d. Topography
- e. Vegetation

2. Community Impact Analysis:

In order to determine the impact of the Planned Residential Development upon the municipality, in the context of the Community Development Objectives contained herein and the Township Comprehensive Plan, an analysis of the potential affects of the Planned Residential Development upon public facilities, utilities, and roadway systems shall be required of the developer. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed Planned Residential Development site shall be presented by the developer.

E. Site Design Requirements

1. Residential Uses:

- a. Dwelling unit structures shall be located and interspersed so as to promote pedestrian and visual access to common open space.
- b. Interior yards and/or structural spacing between dwellings and units shall be provided in accordance with the following minimums:

Front to Front - 60 feet

Front to Side - 40 feet

Front to Rear - 60 feet

Side to Rear - 40 feet

Side to Side - 15 feet

Rear to Rear - 50 feet

Corner to Corner - 10 feet

- c. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the Planned Residential Development and maintain privacy for residents adjacent to the Planned Residential Development. 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 structures.
 - d. No building shall be erected to a height in excess of thirty-five (35') feet provided, however, that this height limit may be increased one (1') foot for each additional foot that the width of each yard exceeds the minimum required and that considerations for fire and other safety features have been adequately accounted for.
 - e. No structure shall be located within twenty (20') feet of the right-of-way of minor or private streets.
2. Non-Residential
- a. All Commercial Uses shall be located in a single concentrated area of the Planned Residential Development.
 - b. All Commercial Uses shall be located with direct access to at least a collector street. Other Non-Residential uses may be required to have similar access.
 - c. Non-Residential use signs are permitted subject to the requirements of Section 309 of This Ordinance.
3. Streets, Sewer and Water Utilities, Storm Drainage and Soil Erosion Control, Curbs and Gutters and Sidewalks:

Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with the requirements and standards set forth in the Township's Subdivision and Land Development Ordinance. Performance and maintenance guarantees and subsequent release of guarantees for all required improvements shall be in accordance with the

requirements and procedures of the Township Subdivision and Land Development Ordinance.

4. Off-Street Parking and Loading Facilities:

Off-street parking and loading facilities shall be in accordance with Sections 304 and 305 of this Ordinance.

5. Other Utilities:

a. 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.

b. Telephone, electric, and cable television utilities shall be installed underground.

6. Tree Conservation and Landscaping:

a. The protection of trees six (6") inches or more in diameter (measured at a height of four and one-half (4 1/2') feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.

b. Where extensive natural tree cover and vegetation does exist and cannot be preserved on the Planned Residential Development site, landscaping shall be regarded as an essential feature of the Planned Residential Development. In these cases landscaping shall be undertaken in order to enhance the appearance of the Planned Residential Development, aid in erosion control, provide protection from wind and sun, screen street and parking areas, and enhance the privacy of dwelling units.

F. Ownership, Maintenance, and Preservation of Common Open Space

1. For the purpose of ownership, maintenance, and preservation of common open space the developer shall establish a Homes Association in accordance with Section 308 of This Ordinance.

2. 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 thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (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 thirty (30) days or any extension thereof, the Township, in order to preserve the taxable value of the properties within the Planned Residential Development 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 (1) 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 heretofore 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 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 ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township shall determine that such organization is unable to maintain such 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 in any such case shall constitute a final administrative decision subject to judicial review.

3. The cost of such maintenance by the Municipality shall be assessed rateably 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 Municipality, 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.

4. Public Dedication of Common Open Space

An offer of dedication of common open space made by the developer in the development plan, before the establishment of any organization responsible for open space areas, and if accepted by resolution or ordinance by the Township shall constitute a fulfillment of responsibility for providing and maintaining common open space areas.

G. Development Stages

1. A Planned Residential Development may be developed in stages if the following standards are met:

- a. The location and approximate time of construction of each stage are clearly marked on the development plan.
- b. At least fifteen (15%) percent of the dwelling units in the development plan are included in the first stage.
- c. At least fifty (50%) percent of the dwelling units in any stage shall be completed before any commercial development shown in that stage shall be completed.
- d. The second and subsequent stages are completed consistent with the development 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 fifteen (15%) percent of the dwelling units included in the development plan.
- e. To encourage flexibility of housing density, design, and type in accord with the purposes of This Ordinance, 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 in a subsequent stage which is less than the permitted average gross residential density for the entire Planned Residential Development.

H. Procedural Requirements - Application for Tentative Approval

1. The application for tentative approval shall be submitted by or on behalf of the landowner to the Township Secretary in accordance with the Preliminary Plan requirements of the Township Subdivision and Land Development Ordinance.
2. The application for tentative approval shall in addition to the plans and supporting data required in the Subdivision and Land Development Ordinance and This Article contain the following:
 - a. The proposed land use areas within the Planned Residential Development, distinguishing between types of residential, non-residential, and open space uses.
 - b. The land use density of each land use within the Planned Residential Development and the average gross residential density for the entire Planned Residential Development.
 - c. The use and approximate height, bulk, and location of buildings and other structures.

- d. The location, function, size, ownership, and manner of maintenance of the common open space.
 - e. The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for common open space areas and public utilities, and the legal form of provisions thereof.
 - f. 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.
 - g. Site plans shall be drawn at a scale no smaller than one (1") inch to one hundred (100') feet.
 - h. Copies of the site plan supporting data included in the tentative approval application shall be submitted to the applicable agencies as required for Preliminary Plan approval in the Township's Subdivision and Land Development Ordinance for review and comment.
3. Public Hearings:
- a. Within sixty (60) days after the filing of a complete application for tentative approval of a Planned Residential Development pursuant to This Ordinance, a public hearing pursuant to public notice on said application shall be held by the Township. The chairman, or in his absence, the acting chairman, of the Supervisors, may administer oaths and compel the attendance of witness. 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 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. The Township shall, by official written communication to the landowner, within sixty (60) days following the conclusion of the public hearing pursuant to This Ordinance:
 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 subject to conditions, is granted, the landowner may, within thirty (30) days after receiving a copy of the official written communications of the Township, notify such agency of his refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the township of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- 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 communications 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 and conclusions on the following:
 - 1) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.
 - 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, 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, 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 the residents of the Planned Residential Development in the integrity of the development plan.
- d. In the event a development plan is granted tentative approval, with or without conditions, the Township shall 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 consent of the landowner, the time so established between grant of tentative approval and the application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall not be less than twelve (12) months.

I. Status of Plan After Tentative Approval:

1. The official written communication provided for in Section 313.H.4 of This Ordinance shall be certified by the Secretary of the Township 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.
2. Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording or 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 or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within periods of time specified in the official written communication granting tentative approval.

3. 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 final approval has not been given shall be subject to those local 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 Secretary of the Township.

J. Application for Final Approval:

1. 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. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
2. The application for final approval shall be in accordance with the design and improvement requirements for Final Plans contained in the Township Subdivision and Land Development Ordinance at a scale not smaller than one (1") inch to fifty (50') feet. In addition, the following information shall be required:
 - a. 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.
 - b. Building coverage lines accurately locating all types of dwelling units, and non-residential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest foot.
 - c. Accurate dimension of common open space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the location of structures in common open space areas shall be illustrated.
 - d. In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements 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. Architectural drawings illustrating exterior designs of each type of typical dwelling unit and non-residential structures to be constructed.
 - f. 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.
 - g. Restrictions of all types which will run with the land and become covenants in the deed of lots shown on the final plan.
 - h. Such certificates of approval by authorities as have been required by the Township including certificates approving the water supply system and sanitary sewer system.
- K. Guarantee of Improvements:

The guarantee of improvement construction and completion shall be as set forth in Article VII of the Township Subdivision and Land Development Ordinance or any amended article pertaining to the guarantee of improvements.

Procedures After Application for Final Approval:

1. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by the Ordinance and the official written communication of tentative approval, the Township Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.
2. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall, within forty-five (45) 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:
 - A. Either refile his application for final approval without the variations objected to; or
 - B. File a written request with the Township Supervisors requesting a public hearing on his application for final approval.
3. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30)

additional days if the time for applying for final approval shall already have passed at the time when the landowner was advised that the development plan was not in substantial compliance. 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. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in This Ordinance for public hearings on applications for tentative approval. Within thirty (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. 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 of tentative approval set forth in This Ordinance.

4. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the governing body and shall be filed or recorded within thirty (30) days after final approval had been granted in the office of the County 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 period of two (2) years of said Planned Residential Development or of that part thereof, as the case may be, that has been fully 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.
5. 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 governing body, in writing; or, in the event the landowner shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of two (2) years 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 is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments in the Township Zoning Ordinance.

Section 314 On-Roof Equipment

Fans, skylights, cooling towers, vents and any other on-roof equipment shall be architecturally compatible or effectively shielded from view of any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township Supervisors before construction or erection of said structures or equipment.

Section 315 Landscaping and Screening

A. Landscaping

1. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
2. Except for single-family detached, single-family semi-detached and two-family detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the Land Development Plan. A replacement program for non-surviving plants should be included.
3. Landscaping within any parking area which provides more than ten (10) parking spaces shall be subject to the following provisions:
 - a. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of vehicular lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
 - b. The interior of each parking lot shall have at least one (1) three (3) inch caliper deciduous shade tree for every five (5) parking spaces, if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen.
 - c. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which case the following shall apply.
 - 1) Landscaped area at least ten (10) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.
 - 2) Landscaped islands between every fifteen (15) parking spaces and at both ends of each parking row shall be provided and shall be the length of the parking spaces in the row and at least ten (10) feet in width.
 - 3) There shall be a planting strip incorporated for every ten (10) rows of parking spaces. Such planting strip shall run parallel to parking rows and

shall have a minimum width of ten (10) feet if double loaded or seven (7) feet if single loaded.

4. Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.
5. Any development proposing the creation of a public street(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:
 - a. All shade trees shall be a minimum of two (2) inches in caliper and a minimum of ten (10) feet in height from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems, and shall be in accordance with the Pennsylvania State University College of Agricultural Sciences publication "Street Trees Factsheets".
 - b. Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public street(s).
 - c. Shade trees shall be planted behind the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and the right-of-way line shall be preserved wherever possible and used in the shade tree calculation. The number of shade trees to be provided shall be based on providing at least one (1) tree for every eighty (80) feet of distance along the right-of-way line.

B. Screening

1. The perimeter of a tract undergoing development shall be screened as deemed necessary by the Board of Supervisors upon recommendation by the Planning Commission with a perpetually maintained solid, opaque fence or wall eight (8) feet in height or a vegetated buffer yard under the following circumstances:
 - a. Where a proposed non-residential use abuts an existing residential use or residential district.
 - b. Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached, or two-family detached dwelling.
 - c. Where mechanical equipment is not enclosed in a structure.
 - d. All areas designated for refuse disposal and commercial pick-up trash dumpsters.

- e. Any other instance where screening is required by this Ordinance or deemed necessary by the Governing Body.
2. Vegetative screening, if chosen, shall comply with the following minimum requirements:
 - a. The perimeter of the tract undergoing development shall be provided with a twenty (20) foot wide minimum buffer yard, forty (40) foot wide if adjacent to a residential use or district, which will act as an effective screen separating uses. Entrance or access driveways shall be permitted within any required buffer yard provided that no pavement be located closer than twenty (20') feet to any adjacent property line. Screening may be included in the required yard space and shall be based on the following criteria:
 1. Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area so as to provide a year round visual buffer, but shall include no less than fifty (50) percent evergreens.
 2. Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access, or where necessary for the release of stormwater runoff.
 3. Plant materials used in the screen planting shall be at least six (6) feet in height when planted and be of a species which will produce a complete visual screen of at least eight (8) feet in height at maturity.
 4. No plantings shall be placed with their center closer than five (5) feet from the property lines of the tract.
 5. All existing trees within the required buffer yard above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.
 6. Screening shall be designed so as to not obstruct the clear-sight triangles at intersections.
 7. Screening design, including the type of plant materials used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Board of Supervisors upon recommendation of the Planning Commission.
 8. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within one (1) year.

Section 316 Commercial Wireless Telecommunications Service Facilities

A. Purpose

The purpose of this Section is to regulate the placement, construction and modification of commercial wireless telecommunications service facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within Hamiltonban Township.

B. Applications

In addition to any other requirements prescribed by this Ordinance and/or the Subdivision and Land Development Ordinance, applications for the establishment of a commercial wireless telecommunications service facility shall include, at a minimum, the following information.

1. The name, address, and telephone number of both the owner and the lessee of the parcel of land upon which the facility is to be situated. The proposed facility's FCC registration number. If the applicant is not the owner of the property, written and notarized documentation that the owner of the property has agreed to grant use of the property for the proposed facility.
2. The name, address, and telephone number of all owners of other such facilities within the service area of the proposed facility, including municipally owned property.
3. Documentation, signed by an Engineer licensed in the State of Pennsylvania, that the facility is designed in accordance with all applicable building codes, in addition to all other State and Federal laws and regulations applicable thereto.
4. In order to achieve the most efficient use of land within the Township, an affidavit must be filed attesting to the fact that the applicant made diligent, but unsuccessful, efforts to receive permission to install or co-locate the proposed facility on another service provider's facility within the service area and that the proposed site is, therefore, of practical necessity. The applicant shall provide an existing capacity analysis demonstrating a need for additional capacity at or near the proposed facility location. Where the facility is proposed by a tower company with the intent to lease tower space to licensed wireless communications companies, the applicant shall demonstrate that it is aware of and is addressing specific capacity needs of wireless communications companies licensed to operate in the area. Co-location is encouraged wherever possible. If co-location is not possible, a written report shall be provided detailing the facts supporting this determination.

5. The use of existing non-residential structures, including water towers, public utility structures, recreational light fixtures and buildings, shall also be encouraged where possible. The applicant shall demonstrate that owners of all structures in excess of fifty (50) feet in height within a one thousand five hundred (1,500) foot radius of the proposed site have been contacted and asked for permission to install the antenna(e) on those structures. Installation opportunities include, but shall not be limited to, smoke stacks, water towers, agricultural silos, tall buildings, and other communication towers. If the applicant can demonstrate that no siting opportunities exist except for the proposed new location, then the applicant may proceed provided all other requirements can be met. Any applicant proposing to locate antennae on such a structure shall provide the Township with a written agreement from the property owner allowing the use. No zoning or land development approval shall be required where the antenna(e) extends no more than thirty (30) feet above the existing structure, however all other applicable requirements shall apply.
6. A written agreement between the property owner and the applicant confirming that when a commercial wireless telecommunications service facility becomes abandoned, obsolescent, or ceases to be used it shall be taken down and removed from the premises within six (6) months of its abandonment, obsolescence, or cessation of use.
7. All applicants shall file with the Township a land development plan in accordance with the Hamiltonban Township Subdivision and Land Development Ordinance following action by the Board of Supervisors on a conditional use application in accordance with Article XIV of this Ordinance. Once the initial facility or tower structure is approved, additional co-location proposals shall not be subject to further conditional use or land development approval. Each facility shall be subject to an annual renewal of the conditional use approval.
8. A visual impact analysis shall be required in accordance with Section 316.D of this Ordinance.
9. All commercial wireless telecommunications service facilities existing on the effective date of this Ordinance shall be allowed to continue as they presently exist. Routine maintenance, including modifications to accommodate the co-location of an additional user or users, shall be permitted. New construction, other than routine maintenance or modifications to accommodate co-location, shall comply with all requirements of this Section.

C. General Requirements

1. No commercial wireless telecommunications service facility shall be constructed within Hamiltonban Township until all necessary local, State and Federal approvals and permits have been secured. Copies of these approvals and permits shall be provided to the Township prior to the issuance of any building permit.
2. No commercial wireless telecommunications service facility shall be located on any property listed on or designated as eligible for either the State or National Historic Register. Said facilities shall also be prohibited within any Township, State or Federal designated historic district.
3. No commercial wireless telecommunications service facility shall be located within any required building setback, nor shall a freestanding or guy anchored facility be located within fifty (50) feet of any property line. Furthermore, a freestanding or guy anchored facility shall be set back from any residential, church or school structure a distance at least equivalent to its height, but not less than one hundred (100) feet. Distances shall be measured from the center of the base of the facility to the property line. All guy wires shall be located on the same lot as the commercial wireless telecommunications service facility and must comply with the building setback requirements for the zoning district in which the facility is located.
4. Measurement of a commercial wireless telecommunications service facility's height shall be measured from the finished grade and shall include the structure itself, the base pad, and any other appurtenances. The applicant must demonstrate that the proposed facility is the minimum height to function satisfactorily. Coverage analyses shall be provided for a sufficient range of facility heights to demonstrate the relationship between proposed height and coverage "dead spots." The maximum height of a commercial wireless telecommunications service facility shall be two hundred fifty (250) feet. If mounted on an existing non-residential structure, the facility shall extend no more than 100% of the existing structure's height.
5. When located on a site as an accessory use, freestanding or guy anchored commercial wireless telecommunications service facilities and their related accessory structures shall be located behind the rear of the structure housing the principal use. Vehicle access to the tower and related accessory structures shall not interfere with the parking or vehicular circulation provided for the principal use.

6. Commercial wireless telecommunications service facilities shall be designed to accommodate three (3) or more wireless communications providers in order to facilitate the co-location of other service provider's facilities. The Township shall be provided the name, address, telephone number and responsible individual's name of each additional provider prior to co-location.
7. Where a specific color pattern is not required by the Federal Aviation Administration (FAA), commercial wireless telecommunications service facilities shall be painted to blend or match with the surrounding environment. The facility shall be painted green or brown from the base of the tower to the average height of surrounding vegetation. The facility shall be painted light blue or light gray from the average height of surrounding vegetation to the top of the tower. Fencing and accessory buildings and structures shall also be subject to these color requirements. Paints used shall have a flat, matte, non-gloss, non-fluorescent finish. Alternate color schemes may be proposed, however the color scheme for the facility shall be subject to the approval of the Board of Supervisors as part of the land development plan review process.
8. A fence or wall of eight (8) feet in height shall be required to encompass a freestanding or guy anchored commercial wireless telecommunications service facility, including any associated accessory building or structure. Access to the facility shall be through a locked gate. Except for entrances, all fences and walls shall be screened with acceptable landscaping and screening techniques, so that no more than one-half (1/2) of the surface of the fence or wall is visible from a public street or any adjoining property within three (3) years after erection of the facility. All required landscaping shall be of the evergreen variety and shall be irrigated and properly maintained to ensure continuous health and vitality. All trees shall be a minimum height of six (6) feet at the time of planting. Any plant material that does not survive shall be replaced within one (1) year. Existing vegetation shall be preserved to the maximum extent possible and may be credited, when appropriate, towards the required screening.
9. No advertising, logos, or corporate symbols shall be permitted on any commercial wireless telecommunications service facility or any building or structure accessory thereto. Signs shall be permitted for identification purposes as well as emergency contact information and co-location opportunities. Said signs shall be in accordance with any applicable Federal requirements or the requirements of Section 309 of This Ordinance.
10. Commercial wireless telecommunications service facilities shall be fully automated. No employee of the communications provider shall be stationed at the site, except for periodic maintenance and inspection. Facilities shall be maintained for the life of the facility.

11. Equipment storage shelters associated with the commercial wireless telecommunications service facility shall not exceed a height of twelve (12) feet, nor exceed a size of four hundred and fifty (450) square feet.
12. No signals or lights or other means of illumination shall be permitted on any commercial wireless telecommunications service facility unless required by the Federal Communications Commission (FCC) or the FAA.
13. Commercial wireless telecommunications service facilities shall be separated from each other by a minimum of two thousand five hundred (2,500) feet.
14. No commercial wireless telecommunications service facility shall be established as an accessory use on a property without or prior to the establishment of a principal use.
15. No commercial wireless telecommunications service facility shall disturb or diminish the normal radio or television or similar reception for any adjoining property. Operators must comply with all FCC regulations in this regard.
16. A minimum of two (2) off-street parking spaces shall be provided for each commercial wireless telecommunications service facility.
17. Commercial wireless telecommunications service facilities shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties.
18. Access shall be provided from the street (public or private) to the facility by a service drive with a minimum twenty (20) foot right-of-way and a twelve (12) foot wide cartway. Said service drive shall be improved at a minimum with a base course of eight (8) inches of 2A stone. The base course shall be measured after it has been compacted with a roller of not less than ten (10) tons in weight or equivalent. The facility shall be accessible by emergency vehicles via said service drive
19. Anti-climbing devices, designed to industry standards, shall be required on all tower and pole structures.
20. All proposed public improvements, including the service drive, shall be guaranteed for completion in accordance with Section 700.5 of the Township Subdivision and Land Development Ordinance.
21. All other conditions imposed as a result of the Board of Supervisors' conditional use decision.

D. Visual Impact Analysis

The applicant shall provide a visual impact analysis for any proposed commercial wireless telecommunications service facility or for any proposed modification to an existing commercial wireless telecommunications service facility. Co-location activities shall not be considered a modification subject to this requirement. The analysis shall consist of a written report assessing the cumulative impacts of the proposed facility, and shall identify all feasible mitigation measures necessary to eliminate or minimize any perceived visual impact by the proposed structure. Mitigation measures shall be consistent with the technological requirements of the applicant. The Township shall review and consider all information presented in the report. The report shall include, but not be limited to, the following:

1. A photograph simulation of pre-development versus post-development views from key viewpoints, as established by the Township Zoning Officer, and may include areas both inside and outside the Township;
2. An analysis of alternative tower structure design (including height variations) and color schemes; and an analysis of monopole versus lattice design; and
3. An analysis of the visual impact of the facility base, accessory buildings, tower, antennae and overhead utility lines from abutting properties and streets.

Section 317 Age-Qualified Housing

Purpose. The purpose of any Age-Qualified Housing Community is to encourage the development of affordable and market-rate housing (in accordance with federal regulations) for individuals aged fifty-five and over, by allowing for the greater variety of building types at a higher density than would normally be allowed; by allowing greater flexibility in site planning so as to promote the sound development of land which reduces residents' burdens of property maintenance and which reduces demands on municipal services; provide limited opportunities for commercial development that will primarily serve the Age-Qualified Housing Community; and to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

A. Definitions.

- (1) Age-Qualified Housing Community– A residential land development intended and operated for occupancy by persons 55 years of age or older provided that: (a) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older; (b) the housing community publishes and adheres to policies and procedures that demonstrate the intent required by the “Housing for Older Persons Act of 1995”; (c) the housing facility/community complies with the rules issued by the Secretary of Housing and Urban Development for verification of occupancy through reliable surveys and affidavits.

(2) Age-Qualified Housing Community Association – Any non-stock corporation or unincorporated residential association, established in accordance with Pennsylvania law to administer the covenants and restrictions of an Age-Qualified Housing Community.

(3) Age-Qualified Housing Community Covenants – Those portions of the governing documents of an age qualified housing community association that impose age restrictive requirements.

(4) Age-Qualified Resident – An occupant of a dwelling unit in an age-qualified housing community who is fifty-five (55) years of age or older who occupies the dwelling unit as his or her primary residence.

(4) Development Area - The total gross contiguous acreage of land that is included as part of an age qualified housing development. Lands that are separated by a public or private street shall be deemed to be contiguous.

(5) Development Coverage (Maximum) - The maximum percentage of the development area that may be covered by buildings, structures and or other impervious surfaces.

(6) Net Developable Acreage - All land excluding such portions that, prior to development, (a) are within the right-of-way of previously dedicated streets or roads; (b) contain slopes greater than 20% (excluding man-made slopes), (c) are identified as wetlands and/or waters of the Commonwealth by the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as applicable, (d) are encumbered by areas identified in the Township Flood Insurance Rate Maps as included within the 100 year flood plain, or (e) are encumbered by easements or deed restrictions that prohibit the development of the land.

B. Age-Qualified Housing Communities shall be permitted by Conditional Use. (See Article XI, §1102.11) The Township Board of Supervisors shall adhere to the provisions of this Section when conducting a Conditional Use Hearing and considering the appropriateness of an Age-Qualified Housing Community.

C. The standards, requirements and provisions of this section (§317) shall be the only standards, requirements and provisions that apply to Age-Qualified Housing Communities and shall supersede all other requirements, standards and provisions of the Zoning Ordinance.

Minimum dimensional regulations shall be as follows:

- (1) Total net developable area of an Age-Qualified Housing Community:
35 acres

- (2) Minimum lot width
- a. Single-family detached: 45 feet
 - b. Single-family semi-detached (duplex): 35 feet
 - c. Single-family attached: 24 feet for interior units;
34 feet for end units
 - d. Multi-family (apartment or condominium): 150 feet
 - e. Non Residential lots: 100 feet (except that lots used for public utility purposes may have a minimum lot width of 50 feet)
 - f. Commercial lots: 150 feet
- (3) Minimum lot area
- a. Single-family detached: 5500sf
 - b. Single-family semi-detached (duplex): 4000sf
 - c. Single-family attached: 3500sf
 - d. Multi-family (apartment or condominium): 40,000sf
 - e. Non Residential lots: 40,000sf
 - f. Commercial lots: 40,000sf
- (4) Maximum number of dwelling units in a single family attached building: Eight (8)
- (5) Maximum development coverage: 60% of net development area
- (6) Maximum density: 10 units per developable acre
- (7) Maximum building height: 45 feet
- (8) Minimum setback for residential buildings: Front 25 feet between building and street curb; Side 5 feet each (except end units of single family attached and townhouse dwellings shall have a minimum side yard of 10 feet); Rear 20 feet (except that such building setback for a lot with an access alley at the rear shall have a setback of 10 feet)

- (9) Minimum setback for nonresidential buildings: Front 50 feet; Side 20 feet between nonresidential buildings, 30 feet when abutting residential units; Rear 25 feet
- (10) Minimum setback for commercial buildings: Front 50 feet; Side 30 feet between commercial buildings, 50 feet when abutting nonresidential and residential buildings Rear 50 feet

D. Other Requirements

- (1) All proposed Age-Qualified Housing Communities shall provide the Township copies of Age-Qualified Housing Community Covenants, declarations, policies, procedures, written rules, regulations, etc. that demonstrate the intent of the community to provide housing for persons 55 years of age and older. The documents shall be developed in accordance with the requirements of the Housing for Older Persons Act of 1995. These documents shall be provided to the Township prior to final approval of an Age-Qualified Housing Community and at other times after construction of the project as may be requested.
- (2) All utilities serving a proposed Age-Qualified Housing Community shall be public or PADEP approved community systems and all utility lines shall be underground.
- (3) A minimum of 20% of the development area shall be set aside for either (i) open space, or (ii) passive and/or active recreational use (including community buildings and related parking and other facilities) by the residents of the Age-Qualified Housing Community, or a combination thereof.
- (4) A 50' wide external, circumferential buffer area shall be provided from all perimeter property lines and existing road right-of-way lines. No buildings or parking facilities shall be permitted in this buffer area. A calculation showing the total buffer area shall be provided. Twenty-five (25) percent of this buffer area may be included in the "open space" required by §317.D.(3) above.
- (5) Nonresidential uses developed within the Age-Qualified Housing Community shall be "targeted" toward residents of the community. Nonresidential buildings shall not exceed 50,000 square feet in ground "footprint". (Examples of "nonresidential" uses include, but are not necessarily limited to community buildings, assisted living facilities, skilled care nursing facilities, churches, and similar uses.
- (6) Commercial uses developed within an Age Qualified Housing Community shall likewise be targeted toward residents of the community. However, it is recognized that commercial uses such as banks, pharmacies, grocery stores, professional offices, etc. may be utilized by the broader community.

- (7) Streets or portions thereof that are proposed to be constructed within an Age-Qualified Housing Community shall be privately owned and maintained. Additionally, the streets shall be constructed to Township standards in accordance with §904.4 of the Township Subdivision and Land Development Ordinance.
- (8) All residential, nonresidential and commercial buildings constructed within an Age-Qualified Housing Community shall be accessed from the internal street system. That is, no individual building or parking lot access shall be permitted directly from an existing state or Township road.
- (9) Nonresidential and residential areas of the Age-Qualified Housing Community shall be linked through sidewalks or other pedestrian trails. Direct pedestrian access shall be provided to the principal entrance of each principal building. Sidewalks constructed along the streets in an Age-Qualified Housing Community shall be constructed in accordance with §1002 of the Hamiltonban Township Subdivision and Land Development Ordinance.
- (10) A lighting plan, also known as a photometric plan, shall be required with the submission of the Land Development Plans for an Age-Qualified Housing Community. Such plan shall demonstrate adequate lighting levels on site and no offensive light encroachment off site. The standards set forth in §311.D of the Township Zoning Ordinance shall apply.
- (11) Hiker/biker trails shall be provided to enhance physical fitness and encourage exercise. Such trails shall be a minimum width of six (6) feet and shall have activity stations, benches and other amenities.
- (12) Parking requirements: For residential uses, 2.5 parking spaces (may include garage and off-street driveway spaces) for each dwelling unit shall be provided. The total number of parking spaces that are required to serve the nonresidential uses of an age qualified housing development shall be a total of one (1) parking space for each six (6) dwelling units of such development, unless (i) a reduced number is deemed sufficient by the Board of Supervisors in connection with approving a land development plan for the development and (ii) if required by the Board of Supervisors, land of sufficient area to construct the number of spaces by which the required parking was reduced is set aside for such parking spaces in the event that the initially-reduced number of spaces is deemed by the Board of Supervisors to be insufficient to satisfy parking demands. Each such parking space shall be conveniently located to the nonresidential use that is intended to serve. If the age qualified housing development is to be constructed in phases, the total number of parking spaces required to serve all nonresidential uses of the overall development also may be constructed in phases, provided that (i) a sufficient number of parking spaces is installed with each phase to serve the nonresidential uses of such phase and any prior phases(s) and (ii) upon completion of the final phase of such development, the total number of parking spaces for nonresidential uses required under this section is satisfied (as reduced by the Board of Supervisors, if applicable).

Commercial uses shall provide parking spaces in accordance with the standards of §304 of this Chapter.

- (13) The following uses shall be permitted as part of Age-Qualified Housing Communities and shall be subject to the dimensional requirements set forth in §317.C above.
- a. All types of dwellings that are defined elsewhere in this Zoning Ordinance, including, but not necessarily limited to single family detached, single family semi-detached, single family attached and multi-family, including condominiums
 - b. Recreational and cultural facilities for the sole use of the residents of the Age-Qualified Housing Community and their guests, including but not limited to clubhouses, community centers, lounges, bars, ballrooms, libraries, places of worship, swimming pools, tennis courts, shuffleboard courts, bocce courts, fitness centers, walking paths, golf putting greens and driving areas.
 - c. Personal care, assisted living and/or nursing (skilled) care facilities that provide for a continuum of care for those residents of the community who wish to stay in the community in declining health. (For purposes of density calculation, every eight (8) beds in a personal care, assisted living or skilled care facility shall equal one (1) equivalent dwelling unit.)
 - d. Commercial uses primarily for the use and convenience of the residents of the Age-Qualified Housing Community and their guests, including but not limited to cafes, restaurants and dining facilities, spas, medical and health and wellness facilities, pharmacies, banking facilities, grocery stores, concierge, hospitality facilities, travel services, and professional offices.
 - e. Accessory buildings and uses that are located within the Age-Qualified Housing Community and are customarily incidental to any of the above permitted uses.
 - f. Public utilities, water facilities and public sewer facilities. Such utilities and facilities may serve areas outside of the Age-Qualified Housing Community.
- E. Corner lot front yards. Notwithstanding, a corner lot in an Age-Qualified Housing Community shall be deemed to have only one front yard. If a driveway that serves the corner lot is located in a yard that could be deemed a front yard, then the yard with the driveway shall be deemed the front yard and any other yard that could have been a front yard shall be deemed a side yard.