

ARTICLE 5

GENERAL REGULATIONS

§ 208-501. Applicability.

Unless otherwise specified elsewhere in this Chapter, the regulations contained in Article 5 of this Chapter shall apply to all uses within Lower Moreland Township.

§ 208-502. Accessory Uses and Structures.

A. General.

- (1) Unless otherwise specified elsewhere in this Chapter, accessory uses and structures:
 - (a) May be permitted in conjunction with permitted principal uses or structures;
 - (b) Shall be located on the same lot as the principal use or structure; and
 - (c) Are subject to the same regulations that apply to principal uses and structures in the applicable zoning district.
- (2) Accessory uses and structures shall:
 - (a) Be subordinate to the principal use or structure in terms of area and function;
 - (b) Contribute to the comfort, convenience, or necessity of occupants of the principal structure or use served; and
 - (c) Be customarily found in association with the principal use or structure.
- (3) Accessory structures shall be constructed in conjunction with or after the principal structure. Accessory structures shall not be constructed before the principal structure; otherwise they shall be considered the principal structure and therefore shall comply with all principal structure regulations.
- (4) Accessory uses shall be established in conjunction with or after the principal use. Accessory uses shall not be established before the principal use; otherwise they shall be considered the principal use and therefore shall comply with all principal use regulations.
- (5) Unless otherwise specified elsewhere in this Chapter, no accessory use or structure shall:
 - (a) Be located within the front yard.
 - (b) Occupy any part of a required buffer yard.

- (6) See Article 3 of this Chapter for additional accessory use or structure density and dimensional requirements of the applicable zoning districts. Additionally, see Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications for accessory uses and structures.

B. Accessory Buildings and Other Similar Roofed Structures.

- (1) See Article 3 of this Chapter for additional accessory use or structure density and dimensional requirements of the applicable zoning districts.
- (2) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.
- (3) The minimum required separation distance for accessory buildings or other similar roofed structures from principal buildings shall be governed by the provisions of the Pennsylvania Statewide Building Code, also known as the Uniform Construction Code.
- (4) In the Residential Zoning Districts, no accessory building or other similar roofed structure shall contain habitable floor area above the ground floor.

C. Accessory Alternative Energy Systems.

- (1) Geothermal Energy Systems.
 - (a) The design and installation of geothermal energy systems shall conform to applicable industry standards, including those of the ANSI, UL, International Ground Source Heat Pump Association (IGSHPA), ASTM, the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.

(b) **Geothermal Wells.**

- [1] All geothermal wells shall be designed and constructed to the standards outlined in Chapter 17 of the Montgomery County Public Health Code relating to Individual Water Supply, Irrigation Well, and Geothermal Well System Regulations. The applicant shall demonstrate compliance with all applicable regulations of Chapter 17 of the Montgomery County Public Health Code relating to Individual Water Supply, Irrigation Well, and Geothermal Well System Regulations.
- [2] Only closed loop geothermal well systems designed for and using only nontoxic, biodegradable circulating fluids such as food grade propylene glycol, or standing column geothermal well systems shall be permitted.
- [3] Open loop geothermal well systems, except for standing column well systems, shall be prohibited. Separate supply and reinjection wells shall be prohibited.
- [4] Isolation Distances. The minimum required isolation distances as set forth in Chapter 17 of the Montgomery County Public Health Code relating to Individual Water Supply, Irrigation Well, and Geothermal Well System Regulations shall be maintained.

- (c) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications for above ground facilities not regulated by the MCHD as part of minimum required isolation distances.

(2) **Solar Energy Systems.**

- (a) The design and installation of solar energy systems shall conform to applicable industry standards, including those of the ANSI, UL, ASTM, or other similar certifying organizations. The manufacturer specifications shall be submitted as part of the application.
- (b) All on-site utility and transmission lines for solar energy systems shall be placed underground.
- (c) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.
- (d) Roof-mounted or wall-mounted solar energy systems shall be sited in accordance with the following:

- [1] Solar energy systems located on a pitched roof of any building shall not extend vertically above the highest point (peak) of the pitched roof of the building, as viewed from the street line or lot line.
- [2] Solar energy systems located on a roof of any building should be the same slope as, or parallel to, the pitched roof.
- [3] Roof-Mounted Solar Energy System Setbacks from Roof Features. Roof-mounted solar energy systems shall be setback from specific roof features for fire and safety access. See Table 5-2.2 in the subsection below for the minimum required setback distances for roof-mounted solar energy systems from specific roof features:

**TABLE 5-2.2
 MINIMUM REQUIRED SETBACK –
 ROOFED-MOUNTED SOLAR ENERGY SYSTEMS FROM
 SPECIFIC ROOF FEATURES**

BUILDING CONDITIONS	MINIMUM REQUIRED SETBACK
Residential Building	3 ft. from Roof Edge
Non-Residential or Mixed Use Building	6 ft. from Roof Edge
All Buildings	3 ft. from Roof Ridgeline
All Buildings where solar panels are installed on both sides of the roof hip or valley	1.5 ft. from all Roof Hips or Valleys

- (e) If it is demonstrated that the solar energy system is unable to be located on a roof or a wall of a building as is preferred due to lack of solar access or insufficient structural load capacity, then placement of ground mounted, freestanding solar energy systems shall be provided in accordance with the following regulations:
 - [1] On a lot with less than twenty-one thousand seven hundred eighty (21,780) square feet and in residential use, no ground mounted, freestanding solar energy system shall be permitted.
 - [2] For purposes of determining the maximum area of all ground mounted, freestanding solar energy systems, the maximum area shall be considered the total area of the cumulative solar panels; where two (2) or more panels are grouped together, the total dimensions (length and width) of each panel shall be the cumulative dimension of the panels.
 - [3] The total area of ground mounted, freestanding solar energy systems shall count toward maximum permitted building coverage of the lot in the applicable zoning district and such ratio may be increased for any lot in each zoning district by an additional five (5) percent in order to accommodate ground mounted, freestanding solar energy systems.

- [4] Stone stormwater infiltration trenches or other stormwater best management practices shall be installed to properly manage stormwater runoff from the solar panels in accordance with Chapter 172 of the LMT Codified Ordinances relating to Stormwater Management and Grading.
- (f) All applications for solar energy systems shall include the information required for a plot/site plan approval pursuant to Article 10 of this Chapter relating to *Application for All Zoning Permits in Zoning Permits (§ 208-1002.B.)*. In addition, the applicant shall submit:
 - [1] A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties as well as any street rights-of-way. The glare study shall include:
 - [a] Angle of the solar collector system panels, arrays, cells, etc., at the location;
 - [b] A diagram showing the maximum and minimum angles of reflective glare from the solar collector system panels, arrays, cells, etc., at the location and the relationship of that glare to adjacent properties, structures, and rights-of-way; and,
 - [c] Mitigation plan that limits or eliminates reflective glare on adjacent properties and rights-of-way.
 - [2] Certification from a qualified, professional architect or engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of the IBC or IRC (as applicable) as referenced in the PA UCC as adopted pursuant to Chapter 82 of the LMT Codified Ordinances relating to Building Construction, as applicable. A certified copy of the structural engineering analysis for the building to which the solar energy system is to be mounted shall also be provided.
 - [3] Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
- (3) Wind Energy Systems.
 - (a) The design and installation of wind energy systems shall conform to applicable industry standards, including those of the ANSI, UL, Det Norske Veritas, Germanischer Lloyd Wind Energies, ASTM, or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any

other wind certification program recognized by the American Wind Energy Association or the USDOE. The manufacturer specifications shall be submitted as part of the application.

- (b) On a lot with less than five (5) acres, the maximum number of wind turbines shall be one (1) per lot.
- (c) All on-site utility and transmission lines for wind energy systems shall be placed underground.
- (d) All wind turbines and wind turbine support structures shall have a flat finish and non-obtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact. Wind turbine support structures may be painted brown up to the height of adjacent trees.
- (e) All wind energy systems shall be equipped with manual—electronic or mechanical—and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
- (f) Wind energy systems shall not be installed in any location where they would interfere with existing fixed telecommunication and other antennas. This includes interference with residential radio, telephone, television, or other personal communication system reception. No wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
- (g) All wind energy systems shall be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
- (h) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.
- (i) On a lot with less than forty-three thousand five hundred sixty (43,560) square feet, wind turbines shall be roof-mounted and the maximum rotor diameter for such wind turbines shall be six (6) feet.
- (j) On a lot with forty thousand (40,000) square feet or more, wind turbines may be sited on wind turbine support structures, and the maximum height of the turbine shall be one hundred twenty (120) feet.
- (k) For all wind energy systems not otherwise mounted on a roof, unauthorized access to the wind turbine and wind turbine support structure shall be prevented by design, with a minimum of fifteen (15) feet from the ground to the bottom of any ladder. All doors to the wind turbine and wind turbine support structure shall be locked.

- (l) The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- (m) Wind energy systems shall meet all Federal Aviation Administration (FAA) regulations; and no wind energy system may be artificially lighted except when required by the FAA.
- (n) Wind energy systems shall not display advertising, except for reasonable identification of the wind energy system's manufacturer. Such sign shall have a maximum sign area of four (4) square feet.
- (o) All applications for wind energy systems shall include the information required for a plot/site plan approval pursuant to Article 10 of this Chapter relating to *Application for All Zoning Permits in Zoning Permits (§ 208-1002.B.)*. In addition:
 - [1] The plot/site plan shall also include:
 - [a] Lot lines and physical dimensions of the subject site within two (2) times the total height of the wind turbine support structure from the turbine location.
 - [b] Location of the proposed wind turbine support structure, foundations, guy anchors, and associated equipment.
 - [c] Location of overhead utility lines.
 - [2] In addition, the applicant shall submit:
 - [a] Wind energy systems system specifications, including manufacturer and model, rotor diameter, wind turbine support structure height, and wind turbine support structure type—freestanding or guyed.
 - [b] Certification from a qualified, professional architect or engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the wind turbine support structure shall be designed and constructed in accordance with the current industry standards and applicable requirements of the IBC or IRC (as applicable) as referenced in the PA UCC as adopted pursuant to Chapter 82 of the LMT Codified Ordinances relating to Building Construction. A certified copy of the structural engineering analysis for the:
 - [i] Wind turbine support structure to which the turbine is to be mounted; or

- [ii] Turbine mounting system and for the suitability of the building to which the turbine is to be mounted,

shall also be provided.

- [c] Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

- (p) The owner of the wind energy system shall be required to dismantle and remove the wind energy system, including all structures, facilities, appurtenances, etc., within sixty (60) days of the time when the wind energy system is no longer in use.

D. Accessory Antennas.

(1) All Accessory Antennas.

- (a) The maximum height of accessory antennas shall be fifteen (15) feet higher than the support structure or building, as applicable, to which it is attached.
- (b) See Article 5 of this Chapter relating to *Permitted Projections and Encroachments in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(6))* for specific setback and yard modifications.
- (c) See Article 5 of this Chapter relating to *Height Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.D.)* for specific setback and yard modifications.
- (d) Any applicant proposing antennas to be mounted on a building or other structure shall submit:
 - [1] Certification from a qualified, professional architect or engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the antenna will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any antenna, and applicable requirements of the IBC or IRC (as applicable) as referenced in the PA UCC as adopted pursuant to Chapter 82 of the LMT Codified Ordinances relating to Building Construction, as applicable.
 - [2] Detailed construction and elevation drawings indicating how the antenna will be mounted on the structure.

- (e) If the antenna cannot be mounted on an existing structure or support structure, and a new support structure is required, it shall be designed to minimize the visual impact on the surrounding areas.
- (f) Notwithstanding the standards in the subsection below (§ 208-502.D.(2)), these standards shall not conflict with or supersede any rule or regulation relating antennas as governed by the FCC under the federal Telecommunications Act of 1996.

(2) Satellite Dish Antennas.

- (a) Ground-Mounted Satellite Dish Antennas, Attached to a Freestanding Antenna Support Structure other than a Building.

[1] Are subject to the following regulations in Table 5-2.3 in this subsection below:

**TABLE 5-2.3
 ACCESSORY GROUND MOUNTED SATELLITE DISH ANTENNAS**

DIAMETER	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Less than 40 ins.	Permitted			
40 ins. or more but less than 120 ins.	Not permitted	<u>MU-RO or MU-VC</u> : Not permitted <u>MU-REV or MU-MHPC</u> : Permitted	Permitted	
120 ins. or more	Not permitted		Permitted	

(b) Roof-Mounted or Wall-Mounted Satellite Dish Antennas.

[1] Satellite dish antennas located on a pitched roof of any building shall not extend vertically above the highest point (peak) of the pitched roof of the building, as viewed from the street line or lot line.

E. Donation Drop-Off Bins.

- (1) Donation drop-off bins shall only be located on properties owned or leased by organizations registered as 501(c)3 or 501(c)4 organizations under the IRS Tax Code.
- (2) Donation drop-off bins shall be an accessory use to the mission of the principal use taking place on the property.
- (3) Each donation drop-off bin shall:

- (a) Be of the type that each donation drop-off bin is enclosed by use of a firmly closing receiving door or lid, and remains locked so that the donated items may not be accessed by persons other than those responsible for the retrieval of the donated items;
- (b) Have a maximum capacity of six (6) cubic yards;
- (c) Have a maximum height of seven (7) feet;
- (d) Be clearly marked:
 - [1] To identify:
 - [a] The specific items and materials requested to be left for donation;
 - [b] The name of the operator or owner of the donation container; and
 - [c] A telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
 - [2] To include a notice stating that no items shall be left outside of the donation drop-off bin.
- (4) All donated items shall be stored within the donation drop-off bin. Donated items shall not be left outside of donation drop-off bins.
- (5) Each donation drop-off bin shall be regularly emptied of its contents so that it does not overflow, resulting in the donated items being strewn about the lot or upon any adjoining lot or street line. Donated items outside of a donation drop-off bin shall be considered litter.
- (6) Each donation drop-off bin and the area around each donation drop-off bin shall be maintained by the owner or operator of the donation drop-off bin, or the property owner, and kept free of litter and any other undesirable items or materials.
- (7) The maximum number of donation drop-off bins permitted per lot shall be two (2).
- (8) Donation drop-off bins may be permitted to be located:
 - (a) On pedestrian walkways (excluding facilities located within the public right-of-way), under canopies, or other in an area immediately adjacent to the principal building's building façade or storefront, provided that such location provides clear pedestrian walkway at least eight (8) feet wide adjoining the principal building's building façade or storefront; or
 - (b) Within parking lots, provided that such location does not obstruct any required parking spaces or vehicular circulation routes.

(c) Only within a side or rear yard of a property and shall not be visible from a public street.

(9) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications* in *Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.

F. Fences.

(1) See Table 5-2.4 in this subsection below for the maximum permitted height of fences from the existing grade:

**TABLE 5-2.4
 MAXIMUM PERMITTED FENCE HEIGHT**

YARD OR SETBACK	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Maximum Fence Height				
Front Yard or Minimum Required Front Setback, whichever is greater	4 ft ² .	<u>MU-RO or MU-REV</u> : 4 ft.; <u>MU-VC</u> : 3 ft.	<u>B-OI</u> : 4 ft.; <u>B-IND</u> : 12 ft.	8 ft.
Side Yard or Minimum Required Side Setback, whichever is greater	6 ft.		12 ft.; or 6 ft. if adjoining a Residential Zoning District ¹	
Rear Yard or Minimum Required Rear Setback, whichever is greater	6 ft.		12 ft.; or 6 ft. if adjoining a Residential Zoning District ¹	

NOTES:

- 1 Properties separated from a Residential Zoning District or residential use by a railroad or street right-of-way are not considered to be adjoining a Residential Zoning District or residential use.
- 2 Except in the case of a fence to be located in the front yard of a reverse frontage lot that adjoins the street conveying the greater amount of existing or proposed daily traffic, or the street with the higher street classification, in which case the fence may be six (6) feet high.

(2) Any fence exceeding six (6) feet in height shall contain a minimum of fifty (50) percent open area to fifty (50) percent structural area, for that portion of the fence exceeding six (6) feet.

(3) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications* in *Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.

(4) No fence shall block motorist views from vehicles entering or exiting the lot.

(5) Unless required for security purposes for non-residential uses, no fence shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then

if the portion of the fence containing the barbed wire, razor, or other sharp components capable of causing injury are located higher than six (6) feet from the surrounding grade.

- (6) No fence shall be constructed out of fabric, junk, inoperable vehicles, appliances, tanks or barrels.
- (7) In the Residential Zoning Districts or Mixed Use Zoning Districts, fences located in the front yard shall:
 - (a) Be an open-type of fence (e.g., picket, metal post, wrought iron or split rail) with a minimum of fifty (50) percent open area to fifty (50) percent structural area, except in the case of a fence to be located in the front yard of a reverse frontage lot that adjoins the street conveying the greater amount of existing or proposed daily traffic, or the street with the higher street classification, in which case the fence may be one hundred (100) percent solid.
 - (b) Not be constructed of "chain-link" material or pattern. Fences shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal.
 - (c) Not be constructed or comprised of guide rails, regardless of the materials used to construct that guide rail.
 - (d) Be permitted to include structural posts and supports of a fence that are designed and integrated as decorative or architectural features with a maximum height of six (6) feet.
 - (e) Be permitted to include a maximum of one (1) arbor, canopy, trellis or similar decorative garden structure with a maximum height of ten (10) feet and maximum width of four (4) feet.

G. Outside Refuse Collection Containers/Stations.

- (1) All items and materials stored shall be kept in an orderly fashion to permit access and circulation for emergency response.
- (2) In those instances where outside refuse collection containers/stations are required in accordance with this subsection and elsewhere in this Chapter or the applicable design and construction standards and requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land (as applicable), outside refuse collection containers/stations shall comply with the following requirements:
 - (a) Outside refuse collection containers/stations shall comply with the applicable design and construction standards and requirements of Chapter 180. Deviations from the standards and requirements listed in Chapter 180 that are proposed during the:
 - [1] Subdivision/land development process may be requested and may be permitted as a modification according to the provisions set forth in Chapter 180.

- [2] Zoning permit process that do not involve the subdivision/land development process may be requested and may be permitted as a variance according to the provisions for a variance set forth in Article 9 of this Chapter relating to *Variances in Zoning Hearing Board's Functions (§ 208-905.C.)*.
- (b) Additional Outside Refuse Collection Containers/Station Standards. For all uses other than single-family dwellings on individual lots, outside refuse collection containers/stations shall be subject to the following standards:
- [1] Outside refuse collection container/station areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while in use for collection of refuse and shall be provided with access ways facilitating ready deposit and collection of refuse.
 - [2] Outside refuse collection container/station areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections, and shall have a minimum area of thirty-two (32) square feet.
 - [3] Outside refuse collection containers/stations shall be located within completely enclosed fenced structures a minimum height of six (6) feet, equipped with a self-latching door or gate.
 - [4] Outside refuse collection containers/stations may be located within parking lots, provided that such location does not obstruct any required parking spaces or vehicular circulation routes.
 - [5] See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.
- (3) Personal Domestic Compost Structures.
- (a) The placement of framed enclosure for the storage of compost as an accessory residential use may be permitted.
 - (b) Only waste materials from the on-site residential use shall be deposited within the personal domestic compost, and in no case shall meat, meat by-products, dairy products, or bones be composted.
 - (c) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.

H. Outside Sports Courts.

- (1) Outside sport courts shall be completely enclosed by fences or other acceptable barriers that prevent the trespass of balls or other play objects onto adjacent lots or street rights-of-way. The maximum height of fences or other acceptable barriers as set forth in Article 5 of this Chapter relating to *Fences in Accessory Uses and Structures (§ 208-502.F.)* enclosing outside sport courts shall not apply.
- (2) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.

I. Swimming Pools.

- (1) See Article 2 of this Chapter relating to *COVERAGE, LOT* in *Specific Terms and Definitions (§ 208-202. "COVERAGE, LOT")*.
- (2) No in-ground outdoor swimming pool shall be constructed or placed between December 15 and March 15 of any calendar year.
- (3) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.
- (4) Except for not permitted to be located within the front yard, the requirements set forth in the subsections above (*§ 208-502.I.(1) and § 208-502.I.(2)*) shall not apply to "kiddie pools", "wading pools", or other similar pools or bodies of water designed with walls not capable of holding more than twenty-four (24) inches of water.

- J. Wireless Telecommunications Antennas. See Article 8 of this Chapter relating to *Wireless Telecommunications Facilities (WTF)* in *Information - Sector 51 in Specific Non-Residential Use Regulations (§ 208-803.I.(1))*.

§ 208-503. Compliance with Applicable Laws, Regulations, Codes, and Licensing Requirements.

All uses shall comply with the applicable Township of Lower Moreland, county, state and federal statutes, laws, ordinances, regulations, and requirements. All such licenses, certificates, permits, and approvals shall have been obtained and presented to the Township of Lower Moreland prior to approval by the Township, or shall be a condition of approval by the Township.

§ 208-504. Exterior Lighting.

All exterior lighting shall include cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, fixture placement to direct light away from adjoining lots and streets. Vegetative screens shall not be employed to serve as the primary means for controlling glare.

§ 208-505. Forestry (Commercial Timber Operations).

The cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement may be permitted. Although the following regulations do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement, where the singular or cumulative timber harvesting operation exceeds five (5) acres within a period of ten (10) years, the timber operation shall be considered Forestry (Commercial Timber Operations) subject to the following regulations:

A. Site Layout, Design, and Forestry Practices.

- (1) Timber harvesting practices shall protect adjacent structures and utility lines.
- (2) Felling or skidding on or across any public street is prohibited without the express written consent of the Township of Lower Moreland or PennDOT, whichever is responsible for maintenance of the public street.
- (3) Any part of a timber operation shall be set back a minimum horizontal distance of seventy-five (75) feet from the centerline of any watercourse.
- (4) Tops or slash shall:
 - (a) Not be left within any floodplain or drainage swale; or
 - (b) Be set back a minimum horizontal of twenty-five (25) feet of any adjoining street line (or easement as applicable) line providing access to an adjoining residential lot.
- (5) Tops or slash shall be lopped to a minimum height of four (4) feet above the ground in the following circumstances:
 - (a) A distance of less than twenty-five (25) feet from a street line (or easement as applicable) providing access to an adjoining residential lot; and
 - (b) A distance of less than fifty (50) feet of a lot line of an adjoining residential use.
- (6) Tops or slash shall not be left on or across any adjoining lot line without the consent of the owner thereof.
- (7) The use of clear-cutting shall be fully justified by the logging plan. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clear-cutting shall not be permitted on:
 - (a) Contiguous areas of ten thousand eight hundred ninety (10,890) square feet or more; or
 - (b) Slopes of twenty-five (25) percent or more.

- (8) A minimum of thirty (30) percent of the forest cover canopy shall be kept and the residual trees shall be well distributed to promote reforestation.
 - (9) Litter resulting from a timber operation shall be removed from the site before it is vacated by the operator.
- B. Applications. All applications for timber operations shall include the information required for approval pursuant to Article 10 of this Chapter relating to *Zoning Permits (§ 208-1002.)*. In addition, the applicant shall:
- (1) Specify the:
 - (a) Land on which timber harvesting will occur;
 - (b) Expected size of the timber harvest area; and,
 - (c) Anticipated starting or completion date of the timber operation, as applicable; and
 - (2) Provide written notification information including:
 - (a) Any streets affected, dates of affect, plans to restore any damages to streets and contact information for the timber operations submitted to owners of land adjoining the street used to access the site.
- C. Preparation of a Logging Plan. A written logging plan as set forth in the subsection below relating to *Contents of a Logging Plan (§ 208-505.E.)* prepared by a qualified professional permitted to practice in the Commonwealth of Pennsylvania shall be submitted as part of the information required for approval pursuant to Article 10 of this Chapter relating to *Zoning Permits (§ 208-1002.)*. The provisions of the logging plan shall be followed throughout the timber operation. The logging plan shall be available at the timber harvest site at all times during the timber operation and shall be provided to the Township Zoning Officer upon request.
- D. Responsibility for Compliance of a Logging Plan. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- E. Contents of the Logging Plan.
- (1) At a minimum, the logging plan shall include the following:
 - (a) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - (b) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars.
 - (c) Design, construction and maintenance of stream and wetland crossings.

- (d) The general location of the proposed timber operation in relation to streets, including any accesses to those streets.
 - (e) A listing of the operators and/or contractors who will be performing the timber harvesting and their proof of all necessary insurance.
 - (f) Completion of a Pennsylvania Natural Diversity Inventory (PNDI) for the entire lot where timber harvesting is proposed. The operator and landowner shall abide by the provisions or recommendations set forth in the PNDI.
 - (g) A description of the steps to be taken for the appropriate maintenance and/or conservation of the forested or wooded areas not included in the area of proposed timber harvesting.
 - (h) The landowner agrees to prepare and submit a completed Treatment Unit Sustainability Assessment Form (TUSAF) and conduct the timber harvest in accordance with the process described in the TUSAF submitted. If preferred, a Silviculture for Allegheny Hardwoods (SILVAH) stand analysis prescription may be used in place of a TUSAF.
- (2) Each logging plan shall include a site map containing the following information:
- (a) Site location and boundaries, including both the boundaries of the lot on which the timber operation will take place and the boundaries of the proposed harvest area within that lot.
 - (b) Significant topographic features related to potential environmental problems.
 - (c) Location of all earth disturbance activities such as roads, landings and water control measures and structures.
 - (d) Location of all crossing of waters of the Commonwealth.
 - (e) The general location of the proposed timber operation to streets, including any accesses to those streets.
- F. Relationship of State Laws, Regulations, and Permits to the Logging Plan. Any permit required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Section 25 Pennsylvania Code, Chapter 102 shall also satisfy the minimum requirements for the logging plan and associated site map, provided that all information required by this Section is included or attached.
- G. Responsibility for Road Maintenance and Repair and Road Bonding. The landowner and/or the operator shall be responsible for repairing any damage to streets caused by traffic associated with the timber operation pursuant to the provisions of Section 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The landowner and/or operator may be required to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.

§ 208-506. Hours of Operation.

- A. On-site activities shall be appropriately located, scheduled, operated, and maintained to protect the existing neighborhood and adjacent residential uses from detrimental noise, disturbance, or interruption.
- B. Non-Residential Uses. Non-residential uses shall comply with the following regulations:
- (1) Hours of Operation Limitations. Hours of operation shall be limited to the hours listed in the following regulations. Hours beyond the times listed in this subsection below shall not be permitted:
 - (a) Residential Zoning Districts and MU-RO. From six (6:00) a.m. to eleven (11:00) p.m., prevailing time, a non-residential use may be permitted to operate or be open to the public or patrons.
 - (b) Other Zoning Districts. For Properties Adjoining a Principal Residential Use.
 - [1] From six (6:00) a.m. to eleven (11:00) p.m., prevailing time, a non-residential use may be permitted to operate or be open to the public or patrons, except as provided in this Section below.
 - [2] The LMT ZHB may permit a non-residential use to operate or be open to the public or patrons from eleven (11:00) p.m. to six (6:00) a.m., prevailing time, by special exception pursuant to Article 9 of this Chapter relating to *Special Exceptions in Zoning Hearing Board's Functions (§ 208-905.B.)*. The sole criteria for special exception approval for such hours shall be whether the proposed hours of operation would cause a significant nuisance to residents of the adjoining principal residential use, considering noise and other nuisances.
 - (c) The hours of operation limitations set forth in this Section above shall not prevent persons from working on the premises during such hours, such as for office work, cleaning, or stocking shelves.
 - (d) Except as prohibited in this Section above, twenty-four (24) hour operations may be permitted by state law to the extent they are not detrimental to the health, safety, and welfare of the community. If such finding shall be made by the Township of Lower Moreland based upon incident history, the hours of operation for any such use may be restricted.
 - (2) Hours of Operation and Management Plan. For a non-residential use, an hours of operation and management plan shall be submitted, demonstrating how the on-site activities are appropriately scheduled, operated, and maintained to protect the existing neighborhood and adjacent residential uses from detrimental noise, disturbance, or interruption. The "hours of operations and management plan" shall include the following, unless the Township of Lower Moreland determines such information is unnecessary to determine compliance with this Chapter:

- (a) Address of the premises of proposed use including tax parcel identification number.
- (b) Name and general and specific type of the proposed use (e.g. commercial use, retail sales).
- (c) Name and related contact information of the owner, on-site manager, or other authorized agent of the proposed use and the lot (e.g. telephone number[s], email address, etc.).
- (d) The nature of the on-site activities and operations involved in the proposed use (e.g. the type of products, materials, equipment, processes, etc.).
- (e) Estimated number of employees, patrons, or occupants, including per shift and maximum permitted occupancy, as applicable.
- (f) The gross floor area of the building(s) and gross area of the lot devoted to the proposed use.
- (g) General description of the land uses adjacent to the property, and on the same block, and within two hundred (200) feet.
- (h) Vehicles and traffic associated with the proposed use (e.g. employees and customers/occupants deliveries, loading, etc.).
- (i) Hours and days the proposed use will be open or operating including any expected "special events" as applicable.
- (j) Evidence that the disposal of trash, refuse, or rubbish will be accomplished in a manner that complies with Township of Lower Moreland, county, state, and federal regulations.
- (k) A discussion of any likely possible impacts/problems the proposed use may cause (e.g. traffic, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts/problems.

§ 208-507. Lot and Structure Regulations and Exemptions/Modifications.

A. Lot Frontage.

(1) Lot Frontage onto Improved Streets.

- (a) Every new lot shall adjoin and have direct vehicular access to an approved public or private street via a driveway in accordance with Article 6 of this Chapter.
- (b) Every new principal use established or building erected or moved shall be on a lot that fronts on and has direct access to an approved public or private street via a driveway in accordance with Article 6 of this Chapter.
- (c) Minimum Lot Frontage. Except for permitted flag lots and lots containing individual single-family attached dwelling units, the minimum contiguous or unbroken lot frontage for each lot, shall be fifty (50) feet.

(2) Multiple Lot Frontages. Corner lots and reverse frontage lots shall have lot frontage on two (2) or more streets.

B. Lot Frontage, Lot Line, Setback, Yard, and Lot Width Exemptions/Modifications.

(1) Corner Lots. Corner lots shall have:

- (a) Two (2) lot frontages, and two (2) front lot lines and related front yards and front setbacks; and
- (b) Two (2) side lot lines and related side yards and side setbacks.
- (c) Two (2) lot widths, one (1) measured between one (1) of the side lot lines and the front line directly opposite such side lot line, and the other measured between the other side lot line and the front lot line directly opposite such side lot line.

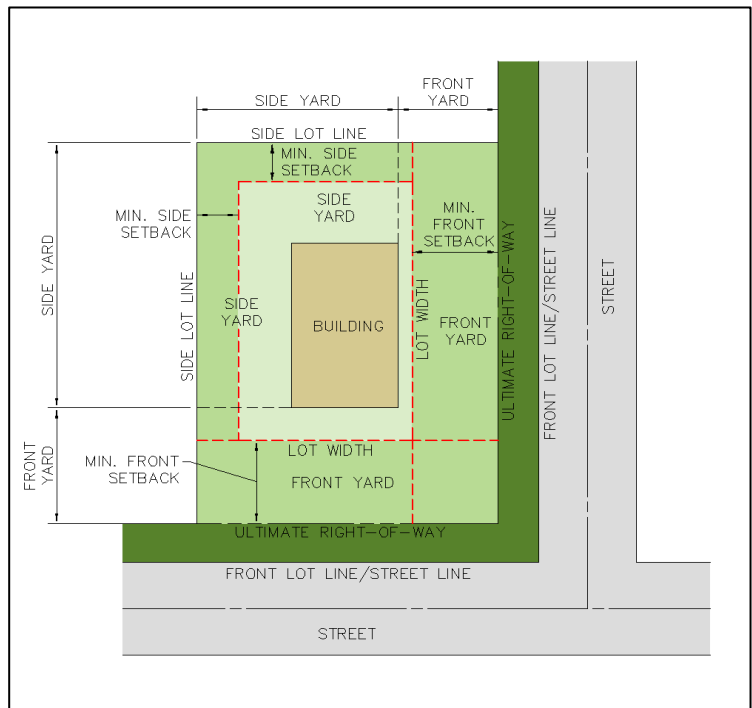


Figure 5-7.1

(See Figure 5-7.1)

(2) Reverse Frontage Lots.

(a) Reverse frontage lots shall have:

- (1) Two (2) lot frontages, and two (2) front lot lines and related front yards and front setbacks; and

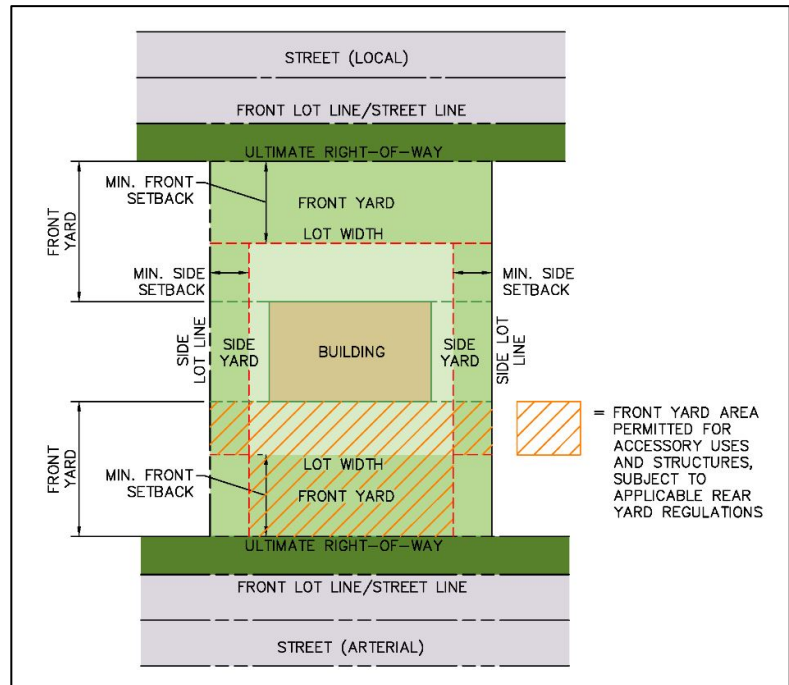


Figure 5-7.2

- (2) Two (2) side lot lines and related side yards and side setbacks.
- (3) Two (2) lot widths.

(b) Siting Accessory Uses or Accessory Structures. Except as provided in (2) below, for purposes of locating and siting accessory uses or accessory structures on double frontage or reverse frontage lots:

- (1) Accessory uses or accessory structures may be located in the front yard adjoining the street conveying the greater amount of existing or proposed daily traffic, or the higher street classification, in accordance with the rear yard regulations of the applicable zoning district.

(See Figure 5-7.2)

(2) Otherwise:

- (a) Where a minimum of (50) percent of the double frontage or reverse frontage lots along the same shared block face (between two [2] intersecting streets) along the same side of the street are developed, then accessory uses or accessory structures may be located in the front yard portion of the double frontage or reverse frontage lot along the same street in which the majority of the double frontage or reverse frontage lots have their accessory uses or accessory structures located; or

- (b) Where double frontage or reverse frontage lot adjoins two (2) streets conveying the same amount of existing or proposed daily traffic, or the same street classification, and where a minimum of (50) percent of the double frontage or reverse frontage lots along the same shared block face (between two [2] intersecting streets) along the same side of the street are developed, then accessory uses or accessory structures may be located in the front yard portion of the double frontage or reverse frontage lot along the same street in which the majority of the double frontage or reverse frontage lots have their accessory uses or accessory structures located.

(3) Interior Lots within Developed Blocks.

Except as otherwise provided in this Chapter, where a minimum of (50) percent of the lots along the same shared block face (between two [2] intersecting streets) along the same side of the street are developed, then the front setbacks and front yards for interior lots proposed for development may be altered in accordance with the following regulations:

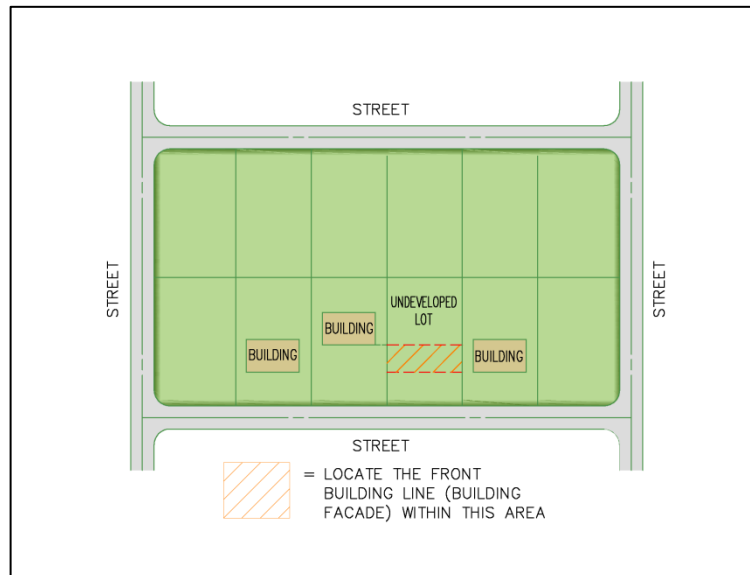


Figure 5-7.3

- (a) Where the front setback and front yard regulations of the applicable zoning district are more than or less than the established set back distances from the street line of the existing principal uses (buildings) on adjoining lots, then the front setback and front yard on the lot proposed for development may be altered to be similar to those established setback and yard distances on the adjoining lots.
- (b) Using this alteration, the front building line (building façade) on the lot proposed for development shall be no closer toward the street line than the established front building line (building façade) nearest the street of the existing principal use (building) on the adjoining lot, and no farther away from the street line than the established front building line (building façade) furthest from the street of the existing principal use (building) on the adjoining lot.

(See Figure 5-7.3)

(4) Irregularly Shaped Lots.

(a) Flag Lots. See Article 8 of this Zoning Ordinance relating to *Flag Lot Residence in Specific Residential Use Regulations (§ 208-802.B.)*.

(b) Other Irregular Lots.

[1] Rear Lot Line.

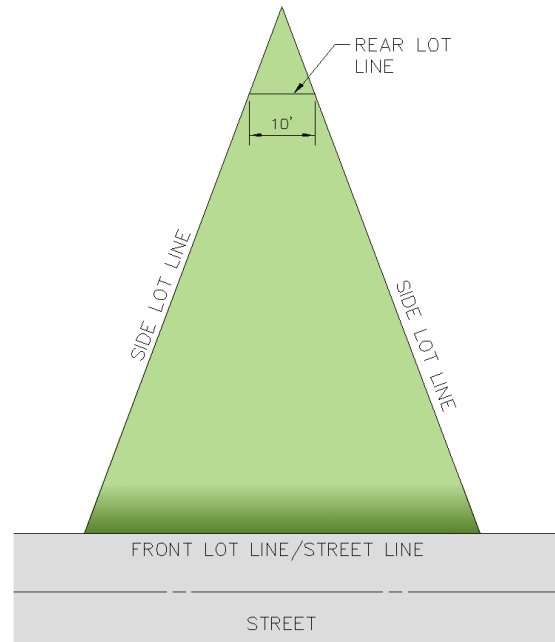


Figure 5-7.4

[a]

Where the side lot lines meet at a point, the rear lot line shall be assumed to be a line a minimum of (10) feet in length within the lot and parallel to the front lot line.

[b]

Where a lot does not have lot frontage, or is an irregularly shaped lot not meeting the criteria set forth in the subsection above (§ 208-507.B.(4)(a)), only the lot line furthest from any street shall be considered a rear lot.

(See Figure 5-7.4)

(5) Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications. Unless specified in Table 5-7.1 in this subsection below, including Article 3, Article 5, Article 6, Article 7, Article 8 or elsewhere of this Chapter, all accessory uses and structures shall comply with the requirements for setbacks and yards for the principal use in the applicable zoning district:

**TABLE 5-7.1
 PERMITTED ACCESSORY USE OR STRUCTURE SETBACK AND
 YARD EXEMPTIONS/MODIFICATIONS**

MINIMUM SETBACK FROM LOT LINE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Residential Accessory Buildings and Other Similar Roofed Structures 100 sq. ft. or less				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	3 ft.			
Rear Setback	3 ft.			
Residential Accessory Buildings and Other Similar Roofed Structures more than 100 sq. ft. but less than or equal to 200 sq. ft.				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	8 ft.; or the same minimum setbacks as principal use, whichever is less.			
Rear Setback	8 ft.; or the same minimum setbacks as principal use, whichever is less.			
Residential Accessory Buildings and Other Similar Roofed Structures more than 200 sq. ft., and All Non-Residential Accessory Buildings and Other Similar Roofed Structures				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	Same minimum setbacks as principal use.			
Rear Setback	Same minimum setbacks as principal use.			
Accessory Alternative Energy: Geothermal Energy Systems				
Front Setback	Above ground facilities shall comply with accessory building and other similar roofed structures in the applicable zoning district; Below ground facilities shall be set back 3 ft. from all lot lines and street lines.			
Side Setback	Above ground facilities shall comply with accessory building and other similar roofed structures in the applicable zoning district; Below ground facilities shall be set back 3 ft. from all lot lines and street lines.			
Rear Setback	Above ground facilities shall comply with accessory building and other similar roofed structures in the applicable zoning district; Below ground facilities shall be set back 3 ft. from all lot lines and street lines.			
Accessory Alternative Energy: Solar Energy Systems				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	Same minimum setbacks as principal use.			
Rear Setback	Same minimum setbacks as principal use.			
Accessory Alternative Energy: Wind Energy Systems				
Front Setback	Not permitted to be located within the front yard, and shall be set back from lot lines and street lines a minimum horizontal distance equal to the total turbine height. Storage cells and/or related mechanical equipment shall comply with accessory building and other similar roofed structures in the applicable zoning district.			

MINIMUM SETBACK FROM LOT LINE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Side Setback	Not permitted to be located within the front yard, and shall be set back from lot lines and street lines a minimum horizontal distance equal to the total turbine height. Storage cells and/or related mechanical equipment shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Rear Setback	Not permitted to be located within the front yard, and shall be set back from lot lines and street lines a minimum horizontal distance equal to the total turbine height. Storage cells and/or related mechanical equipment shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Accessory Antennas: Ground-Mounted Satellite Dish Antennas Less than 120 ins. in Diameter and All Accessory Antennas 10 ft. or less in Height (and Related Support Appurtenances)				
Front Setback	Not permitted to be located within the front yard. ¹			
Side Setback	3 ft.			
Rear Setback	3 ft.			
Accessory Antennas: Ground-Mounted Satellite Dish Antennas Less than 120 ins. in Diameter and All Accessory Antennas more than 10 ft. but less than or equal to 15 ft. in Height (and Related Support Appurtenances)				
Front Setback	Not permitted to be located within the front yard. ¹			
Side Setback	8 ft.; or the same minimum setbacks as principal use, whichever is less.			
Rear Setback	8 ft.; or the same minimum setbacks as principal use, whichever is less.			
Donation Drop-Off Bins				
Front Setback	Not permitted to be located within the front yard.	MU-RO or MU-VC: Not permitted to be located within the front yard. MU-REV or MU-MHPC: 10 ft.; or the same minimum setbacks as principal use, whichever is less.	10 ft.; or the same minimum setbacks as principal use, whichever is less.	
Side Setback	10 ft.; or the same minimum setbacks as principal use, whichever is less.	10 ft.; or the same minimum setbacks as principal use, whichever is less.		10 ft.; or the same minimum setbacks as principal use, whichever is less.
Rear Setback	10 ft.; or the same minimum setbacks as principal use, whichever is less.	10 ft.; or the same minimum setbacks as principal use, whichever is less.		10 ft.; or the same minimum setbacks as principal use, whichever is less.
Fences				
Front Setback	0 ft.			
Side Setback	0 ft.			
Rear Setback	0 ft.			
Outside Refuse Collection Containers/Stations				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	Same minimum setbacks as principal use.			
Rear Setback	Same minimum setbacks as principal use.			

MINIMUM SETBACK FROM LOT LINE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Personal Domestic Compost Structures				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Rear Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Outside Sports Courts (and Related Improvements, Appurtenances, and Accessory Structures)				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	15 ft.			
Rear Setback	15 ft.			
Swimming Pools (and Related Improvements, Appurtenances, and Accessory Structures)				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	10 ft.			
Rear Setback	10 ft.			
Bus/Transit Shelter				
Front Setback	0 ft.			
Side Setback	0 ft.			
Rear Setback	0 ft.			
Crops/Gardening				
Front Setback	0 ft.; and storage buildings and other related structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Side Setback	0 ft.; and storage buildings and other related structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Rear Setback	0 ft.; and storage buildings and other related structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Essential Utility Services and Structures				
Front Setback	0 ft.; and buildings and other related similar roofed structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Side Setback	0 ft.; and buildings and other related similar roofed structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Rear Setback	0 ft.; and buildings and other related similar roofed structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Mailboxes, Flagpoles, Lights and Light Pole Standards, Statues, Birdhouses and Birdfeeders, Decorative Fountains, and Other Similar Decorative Accessory Structures				
Front Setback	0 ft.			
Side Setback	0 ft.			
Rear Setback	0 ft.			

MINIMUM SETBACK FROM LOT LINE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Newsracks				
Front Setback	10 ft.; or the same minimum setbacks as principal use, whichever is less.			
Side Setback	10 ft.; or the same minimum setbacks as principal use, whichever is less.			
Rear Setback	10 ft.; or the same minimum setbacks as principal use, whichever is less.			
Stormwater Management Facilities and Structures				
Front Setback	5 ft.; except stormwater management facilities shall also comply with Chapter 172 of the LMT Codified Ordinances relating to Stormwater Management and Grading			
Side Setback	5 ft.; except stormwater management facilities shall also comply with Chapter 172 of the LMT Codified Ordinances relating to Stormwater Management and Grading			
Rear Setback	5 ft.; except stormwater management facilities shall also comply with Chapter 172 of the LMT Codified Ordinances relating to Stormwater Management and Grading			
Driveways				
Front Setback	N/A			
Side Setback	5 ft.; or 0 ft. if permitted as an approved shared driveway.			
Rear Setback	5 ft.; or 0 ft. if permitted as an approved shared driveway.			
Parking Lots (and Related Improvements, Appurtenances, and Accessory Structures)				
Front Setback	Not permitted to be located within the front yard.	MU-RO or MU-REV: 20 ft. MU-VC: Not permitted to be located within the front yard.	20 ft.	SP-PRO Not permitted to be located within the front yard. SP-EDUC 25 ft.
Side Setback	Same minimum setbacks as principal use.	MU-VC: 5 ft. MU-RO or MU-REV: Same minimum setbacks as principal use; or 0 ft. if permitted as an approved shared parking lot.	Same minimum setbacks as principal use; or 0 ft. if permitted as an approved shared parking lot.	

MINIMUM SETBACK FROM LOT LINE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Rear Setback	Same minimum setbacks as principal use.	MU-VC: 5 ft. MU-RO or MU-REV: Same minimum setbacks as principal use; or 0 ft. if permitted as an approved shared parking lot.	Same minimum setbacks as principal use; or 0 ft. if permitted as an approved shared parking lot.	
Loading Facilities (and Related Improvements, Appurtenances, and Accessory Structures)				
Front Setback	Not permitted to be located within the front yard.			
Side Setback	Same minimum setbacks as principal use; or 0 ft. if permitted as an approved shared loading facility.			
Rear Setback	Same minimum setbacks as principal use; or 0 ft. if permitted as an approved shared loading facility.			
Vehicle Stacking Facilities (and Related Improvements, Appurtenances, and Accessory Structures)				
Front Setback	Not permitted to be located within the front yard.	MU-RO or MU-VC: Not permitted to be located within the front yard. MU-REV or MU-MHPC: 20 ft.	20 ft.	Not permitted to be located within the front yard.
Side Setback	Same minimum setbacks as principal use.	MU-RO, MU-REV or MU-MHPC: Same minimum setbacks as principal use. MU-VC: 5 ft.	Same minimum setbacks as principal use.	
Rear Setback	Same minimum setbacks as principal use.	MU-RO, MU-REV or MU-MHPC: Same minimum setbacks as principal use. MU-VC: 5 ft.	Same minimum setbacks as principal use.	
Freestanding Signs				
Front Setback	See Article 7 of this Chapter.			
Side Setback	See Article 7 of this Chapter.			
Rear Setback	See Article 7 of this Chapter.			
Temporary Construction Buildings and Trailers				
Front Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Side Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Rear Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			

MINIMUM SETBACK FROM LOT LINE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	SPECIAL PURPOSE ZONING DISTRICTS
Temporary Portable Storage Units				
Front Setback	10 ft. or the same minimum setbacks as principal use, whichever is less.			
Side Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Rear Setback	Structures shall comply with accessory building and other similar roofed structures in the applicable zoning district.			
Temporary Personal Waste Disposal Container Bags				
Front Setback	10 ft. or the same minimum setbacks as principal use, whichever is less.			
Side Setback	10 ft. or the same minimum setbacks as principal use, whichever is less.			
Rear Setback	10 ft. or the same minimum setbacks as principal use, whichever is less.			

NOTES:

1 Unless the applicant demonstrates that the location of the accessory antenna in the rear or side yard would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.

(6) Permitted Projections and Encroachments. Unless specified in Table 5-7.2 in this subsection below, or in Article 3, Article 5, Article 8 or elsewhere of this Chapter, all required setback and yard areas shall be open and unobstructed:

**TABLE 5-7.2
 PERMITTED PROJECTIONS AND ENCROACHMENTS**

USE	MAXIMUM PERMITTED PROJECTION ENCROACHMENT INTO REQUIRED YARD FOR PRINCIPAL USE			MINIMUM SETBACK FROM LOT LINE		
	FRONT YARD	SIDE YARD	REAR YARD	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
Cornices, Eaves, Sills, Windows, Window Wells, Awnings, or Canopies, Accessory Antennas, Chimneys, Gutters or Other Similar Architectural or Appurtenance Treatment attached to and projecting from the wall or roof of a building including Heating or Cooling Systems or Accessory Alternative Energy Systems so attached and projecting	3 ft.			5 ft.		
Fire Escapes or Other Similar Emergency Egress Features	No maximum.			5 ft.		

USE	MAXIMUM PERMITTED PROJECTION ENCROACHMENT INTO REQUIRED YARD FOR PRINCIPAL USE			MINIMUM SETBACK FROM LOT LINE		
	FRONT YARD	SIDE YARD	REAR YARD	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
At or Above Ground, Detached Heating or Cooling Systems or Backup Generators for Single- or Two-Family Residential Uses	5 ft.			5 ft.		
Ground Mounted Basement Access Doors and related Steps	6 ft.			5 ft.		
Marquees	7 ft.			5 ft.		
Patios	Not permitted to be located within the front yard.	No maximum.		Not permitted to be located within the front yard.	10 ft.	
Decks	Not permitted to be located within the front yard.	No Maximum.		Not permitted to be located within the front yard.	Equivalent to the principal structure setback in each zoning district.	
Handicap Accessible Ramps, Landings, Hand Railings, or Other Similar and Related Features necessary to provide accessible entrance to/exit from a lot or building as required by ADA and the IBC or IRC (as applicable) as referenced in the PA UCC as adopted pursuant to Chapter 82 of the LMT Codified Ordinances relating to Building Construction	No maximum.			No minimum.		
Pedestrian Walkways, or Other Similar Pedestrian Structures with a maximum elevation of 6 ins. above the yard grade and not covered by a roof. Includes Hand Railings, or Other Similar and Related Features necessary to provide accessible entrance to/exit from a lot or building	No maximum.			No minimum.		
Signs	See Article 7 of this Chapter.					
Heating or Cooling Systems and Accessory Alternative Energy Systems, Standby Emergency Generators	No maximum, though not permitted to be located within the front yard except as noted above.			5 ft.		

C. Clear Sight Triangles.

- (1) Clear sight triangles shall comply with the applicable design and construction standards and requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land. Deviations from the standards and requirements listed in Chapter 180 that are proposed during the:
 - (a) Subdivision/land development process may be requested and may be permitted as a modification according to the provisions set forth in Chapter 180.
 - (b) Zoning permit process that do not involve the subdivision/land development process may be requested and may be permitted as a variance according to the provisions for a variance set forth in Article 9 this Chapter relating to *Variances in Zoning Hearing Board's Functions (§ 208-905.B.)*.
- (2) No structure, planting, excavation, development, nor other visual obstruction shall be permitted at a height three (3) feet or more but less than ten (10) feet above the grade of the yard within the required clear sight triangle.

D. Height Exemptions/Modifications.

- (1) The maximum height regulations of the applicable zoning districts do not apply to the following structures or projections provided the structure (excluding signs) or projection is set back from the minimum setback of the applicable zoning district a minimum horizontal distance equal to the height of the structure or projection above the maximum permitted height of the applicable zoning district, as applicable:
 - (a) Barns, silos and other similar agricultural structures when located upon and used as part of a permitted agriculture operation (NAICS 111 and 112).
 - (b) Roof-mounted or wall-mounted projections including:
 - [1] Steeple, spires, minarets, belfries, pinnacles, gables, cupolas, domes, clock tower, flagpoles, parapet walls, or other similar ornamental or decorative structures.
 - [2] Penthouses and structures for the housing of elevators, stairways, heating and cooling systems, generators, water storage tanks, smokestacks, firewalls, and other similar essential and mechanical appurtenances required to operate or maintain the building.
 - [3] Accessory antennas or accessory alternative energy systems.
 - (c) Ground-mounted water towers and tanks, utility lines and poles, flagpoles, or other similar structures.
- (2) The height regulations of the applicable zoning districts may be modified in accordance with the standards of Table 5-7.3 in this subsection below, provided the structure

(excluding signs) is set back from the minimum setback of the applicable zoning district a minimum horizontal distance equal to the height of the structure, as applicable, above the maximum permitted height of the applicable zoning district:

**TABLE 5-7.3
 PERMITTED MAXIMUM HEIGHT MODIFICATION**

ZONING DISTRICT	MAXIMUM PERMITTED HEIGHT
RM-3 (formerly L)	60 ft.

- (3) Height regulations of the applicable zoning districts shall not apply to the following structures provided the structures comply with the specific height regulations for the use set forth below and elsewhere in this Chapter:
 - (a) Tower-Based WTFs as set forth in Article 8 of this Chapter relating to *Wireless Telecommunications Facilities (WTF) in Information - Sector 51 in Specific Non-Residential Use Regulations (§ 208-803.I.(1))*; and
 - (b) Wind energy systems as set forth in Article 5 of this Chapter relating to *Wind Energy Systems in Accessory Alternative Energy Systems in Accessory Uses and Structures (§ 208-502.C.(3))* and Article 8 of this Chapter relating to *Wind Electric Power Generation (221115) in Utilities - Sector 22 in Specific Non-Residential Use Regulations (§ 208-803.C.(2))*.
- (4) In no case shall any structure permitted above the maximum permitted height of the applicable zoning district be used for the purpose of providing additional occupiable space.

E. Number of Uses on One (1) Lot.

- (1) A subdivision and/or land development plan shall be approved and recorded in compliance with Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land, as applicable.
- (2) In the RSD-1, RSD-2, RSD-3, or RSD-4 there shall be a maximum of one (1) permitted principal use permitted on a single lot, except in the RSD-2 and RSD-4 when an Active Adult Housing Development with a golf course/country club use is permitted by conditional use.
- (3) In the RM-1, RM-2, or RM-3, two (2) or more permitted principal uses may be permitted on a single lot subject to the following regulations:
 - (a) Two (2) or more permitted principal uses may be established, provided that the density and dimensional requirements of the applicable zoning district and all other requirements of this Chapter shall apply as though each principal use were located on an individual lot.
 - (b) For developments of multiple single-family attached dwelling buildings or two (2) or more multi-family dwelling buildings, on a single lot, more than one (1) building

may be established upon one (1) lot, provided the density and dimensional requirements of the applicable zoning district and all other requirements of this Chapter, including required building separation distances, shall apply to the entire development.

- (4) In the MU-RO, MU-VC, MU-REV, or MU-MHPC, Business Zoning Districts, or Special Purpose Zoning Districts, two (2) or more permitted principal uses may be permitted on a single lot subject to the following regulations:
- (a) Multiple Uses in an Existing Building. For developments with two (2) or more principal uses within an existing building on a single lot, the most restrictive of the principal uses' density and dimensional requirements of the applicable zoning district shall apply to the existing building (as opposed to applying each of the requirements to each principal use as if each use was located on each individual lot), but that each principal use shall comply with all other applicable requirements of this Chapter.
 - (b) Multiple Uses in a New Building. For developments with two (2) or more principal uses within a new building erected on a single lot, the most restrictive of the principal uses' density and dimensional requirements of the applicable zoning district shall apply to the new building (as opposed to applying each of the requirements to each principal use as if each use was located on each individual lot), but that each principal use shall comply with all other applicable requirements of this Chapter.
 - (c) Multiple Uses in Multiple Buildings.
 - [1] For developments with two (2) or more new principal buildings erected on a single lot, the density and dimensional requirements of the applicable zoning district and all other requirements of this Chapter shall apply to each building as though each building were located on an individual lot; except that the minimum lot width requirements shall not apply to all of the lots in the proposed development, as long as one (1) of the lots in the proposed development complies with the minimum lot width requirement of the applicable zoning district. When necessary to ensure adequate access to all of the lots within the development, the Township of Lower Moreland may require additional lot width.
 - [2] In the MU-RO, multiple buildings shall not be permitted.
 - (d) Multiple Uses of Land Not Within Buildings.
 - [1] For developments with two (2) or more new principal uses established on a single lot, the density and dimensional requirements of the applicable zoning district and all other requirements of this Chapter shall apply to each use as though each use were located on an individual lot; except that the minimum lot width requirements shall not apply to each of the individual lots in the proposed development, as long as one (1) of the lots

in the proposed development complies with the minimum lot width requirement of the applicable zoning district. When necessary to ensure adequate access to all of the lots within the development, the Township of Lower Moreland may require additional lot width.

[2] In the MU-RO, multiple uses of land not within buildings shall not be permitted.

(e) Mixed Use Buildings. In addition to the regulations in this Section above, for developments including both permitted residential and non-residential uses within one (1) building:

[1] In the MU-VC:

[a] No residential use shall be permitted on or below the ground floor.

[b] Existing permitted residential uses in association with no-impact home occupations or home occupations shall be exempt from the ground floor prohibition for residential uses.

[2] In the MU-REV, no residential use shall be permitted in the same building as a manufacturing-related use.

§ 208-508. Improved Surfaces.

A. Improved surfaces shall comply with the applicable design and construction standards and requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land or any construction and materials specifications approved by the Township of Lower Moreland. Deviations from the standards and requirements listed in Chapter 180 that are proposed during the:

(1) Subdivision/land development process may be requested and may be permitted as a modification according to the provisions set forth in Chapter 180.

(2) Zoning permit process that do not involve the subdivision/land development process may be requested and may be permitted as a variance according to the provisions for a variance set forth in Article 9 this Chapter relating to *Variances in Zoning Hearing Board's Functions* (§ 208-905.C.).

B. Unless otherwise provided elsewhere in this Chapter, in order to prevent dust, erosion or excessive water flow across streets or adjoining property, portions and areas of lots intended to be used for the following uses listed in the subsections below (§ 208-508.B.(1) and § 208-506.B.(2)), shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 172 of the LMT Codified Ordinances relating to Stormwater Management and Grading or any other construction materials specifications is approved by the Township of Lower Moreland:

- (1) Lot access, driveways, parking, loading, vehicle stacking, display, storage, and other similar improvements associated with motor vehicles.
- (2) All portions of a lot used for outside dining, outside display, outside shopping cart storage, outside storage, outside refuse collection containers/stations, outside service areas, and other similar business related improvements.

§ 208-509. Landscaping, Buffer Yards, and Screening.

A. Landscaping and Vegetative Ground Cover Requirements.

- (1) Any part of a lot which is not covered by or used for buildings, structures, improved surfaces, and other similar permitted lot coverage improvements shall be provided with an acceptable, well-maintained, vegetative ground cover
- (2) Logs, rocks, mulch, fountains, water features, and the contouring of the land may be substituted if done in a manner to complement the vegetative ground cover listed in the subsection immediately above (§ 208-509.A.(1)).

B. Buffer Yard Requirements.

- (1) Buffer yards shall comply with the applicable design and construction requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land or any construction and materials specifications approved by the Township of Lower Moreland. Deviations from the standards and requirements listed in Chapter 180 that are proposed during the:
 - (a) Subdivision/land development process may be requested and may be permitted as a modification according to the provisions set forth in Chapter 180.
 - (b) Zoning permit process that do not involve the subdivision/land development process may be requested and may be permitted as a variance according to the provisions for a variance set forth in Article 9 this Chapter relating to *Variances in Zoning Hearing Board's Functions* (§ 208-905.C.).
- (2) Buffer yards shall be:
 - (a) Permitted to include existing vegetative material or vegetative ground cover retained and maintained so as to contribute to complying with the minimum buffer yard and screening requirements.
 - (b) Permitted to be located within any required setback or yard, and not be in addition to any required setback or yard.
 - (c) Be planted and maintained with vegetative ground cover and any other required or permitted screening material; and
 - (d) Not include artificial grass, plants, trees, and shrubs to comply with any requirement for buffer yard screening.
 - (e) Open and unobstructed by structures and activities, unless modified and specified in Table 5-9.1 in this subsection below or elsewhere in this Chapter:

**TABLE 5-9.1
 BUFFER YARD OBSTRUCTION PROHIBITIONS AND MODIFICATIONS**

USES <u>NOT</u> PERMITTED IN BUFFER YARDS	USE <u>PERMITTED</u> IN BUFFER YARDS
Buildings and Structures other than specified in this Table	Signs in buffer yards adjoining a street line
Outside refuse collection containers/stations	Fences, walls, and berms used as part of screening
Parking lots/areas	Stormwater management facilities or structures
Loading facilities/areas	Driveways or other similar vehicle lot access structures or easements with a maximum width of 35 feet, provided the centerline of the driveway or other similar lot access easement or structure crosses the adjoining lot line and buffer yard with a minimum angle of 75 degrees.
Facilities/areas for turning or maneuvering of vehicles	Essential Utility Services and Structures
Any type of storage of goods, materials, equipment, or vehicles	Handicap Accessible Ramps, Landings, Hand Railings, and Other Similar and Related Features necessary to provide accessible entrance to/exit from a lot or building as required by ADA and the IBC or IRC (as applicable) as referenced in the PA UCC as adopted pursuant to Chapter 82 of the LMT Codified Ordinances relating to Building Construction
Any type of display or sales	Pedestrian Walkways, Bicycle/Pedestrian Pathways, or Other Similar Pedestrian Structures with a maximum elevation of 6 ins. above the yard grade and a maximum width of 20 feet, not covered by a roof, provided the centerline of the pedestrian walkway, bicycle/pedestrian pathway, or other similar pedestrian structure crosses the adjoining lot line and buffer yard with a minimum angle of 75 degrees.
Any business or other non-residential use related activity	N/A

C. Screening Requirements.

- (1) Screening shall comply with the applicable design and construction standards and requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land or any construction and materials specifications approved by the Township of Lower Moreland. Deviations from the standards and requirements listed in Chapter 180 that are proposed during the:
 - (a) Subdivision/land development process may be requested and may be permitted as a modification according to the provisions set forth in Chapter 180.
 - (b) Zoning permit process that do not involve the subdivision/land development process may be requested and may be permitted as a variance according to the provisions for a variance set forth in Article 9 this Chapter relating to *Variances in Zoning Hearing Board's Functions* (§ 208-905.C.).

- (2) Required Screening, Not Provided as part of and within a Buffer Yard.
- (a) If screening is not provided as part of and within a buffer yard, the following uses shall be fully screened from view or isolated so as not to be visible from any adjoining lot line of a Residential Zoning District or residential use:
- [1] Outside display;
 - [2] Outside refuse collection container/stations;
 - [3] Outside service areas;
 - [4] Outside shopping cart storage;
 - [5] Outside storage;
 - [6] Parking lots;
 - [7] Loading facilities;
 - [8] Vehicle stacking facilities.
- (b) Screening may consist of the buffer yard plant materials as set forth in Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land or any construction and materials specifications approved by the Township of Lower Moreland, as well as fences, walls, berms, or combination thereof with a minimum height of five (5) feet.
- (3) Screening of Roof-Mounted Equipment. All roof-mounted penthouses and structures for the housing of elevators, stairways, air conditioners, compressors, fans, motors, refrigerators, heating or cooling systems, backup generators, and other similar essential and mechanical appurtenances and equipment required to operate or maintain the building, shall be fully screened or isolated so as not to be visible at a point five (5) feet above grade from:
- (a) Any adjoining street line; or
 - (b) An adjoining lot line of a Residential Zoning District or residential use.

§ 208-510. Mechanical Appurtenances and Equipment.

- A. When a non-residential use adjoins a lot line of a Residential Zoning District or residential use, all air conditioners, compressors, fans, motors, refrigerators, heating or cooling systems, backup generators, and other similar essential and mechanical appurtenances and equipment required to operate or maintain the non-residential use shall be either:
- (1) Roof-mounted in muffled compartment enclosures or sound screening devices; or

- (2) At or above ground mounted as remote as possible from the adjoining lot line of a Residential Zoning District or residential use, and mounted in muffled compartment enclosures or sound screening devices.

§ 208-511. Nonconformities.

A. General.

- (1) A nonconformity may continue following any amendment to this Chapter that creates a condition in which a lot, use, structure, or development have been made nonconforming.
- (2) Any rights conferred on a nonconformity run with the property. A nonconformity is not affected by changes in tenancy or ownership.
- (3) The operation, expansion, extension, or replacement of a nonconformity shall be subject to the limitations in this Section.
- (4) Restoration or Reestablishment. A nonconformity which has been damaged or destroyed by fire, explosion, accident or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed, provided that for:
 - (a) Nonconforming Signs.
 - [1] The cost of reconstructing or reestablishing the sign to the before damaged or destroyed condition is fifty (50) percent or less of the replacement value of the sign before the damage occurred; and
 - [2] The reconstruction or reestablishment shall be commenced one hundred eighty (180) days or less from the date the nonconformity was damaged or destroyed and shall be carried on without interruption.
 - (b) Other Nonconformities (except Nonconforming Signs).
 - [1] Reconstructed or reestablished nonconformity shall not exceed the height, area, or volume of the nonconformity before the damage occurred; and
 - [2] Reconstruction or reestablishment shall be commenced three hundred sixty-five (365) days or less from the date the nonconformity was damaged or destroyed and shall be carried on without interruption.
- (5) Condemned Nonconformity. A nonconformity which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this Chapter.
- (6) The burden of establishing the prior existence of a nonconformity is on the applicant. When applying for any zoning permit or approval related to a nonconformity, the Township of Lower Moreland may require the applicant to submit evidence of a prior

permit or other documentation showing that the nonconformity existed before the date on which it became nonconforming.

- (7) Nonconforming Buildings, Structures or Uses in Floodplain Conservation Overlay Zoning District/O-FC. The modification, alteration, repair, reconstruction or improvements of any kind to a building, structure, or use located in the O-FC shall be in accordance with Article 4 of this Chapter relating to *Floodplain Conservation Overlay Zoning District/O-FC* (§ 208-402.).
- (8) Nonconforming Structures, Uses, or Trees in Airport Overlay Zoning District/O-AP. The alteration of a nonconforming use or structure, or growth in tree height located in the O-AP shall be in accordance with Article 4 of this Chapter relating to *Airport Overlay Zoning District/O-AP* (§ 208-405.).

B. Nonconforming Lots.

- (1) If a lot is nonconforming because it does not meet the lot area or lot width requirements of the applicable zoning district or other regulations of this Chapter, nothing in this Chapter shall prohibit:
 - (a) The use of the nonconforming lot;
 - (b) The erection, construction, or alteration of structures upon the nonconforming lot; or
 - (c) In the case of a group of adjacent nonconforming lots under the same ownership, the establishment of a use with the erection or construction of an equal or lesser number of structures upon the nonconforming lots;
 - (d) Provided that such use of, erection, construction, or alteration on the nonconforming lot otherwise:
 - [1] Complies with the regulations of:
 - [a] This subsection (§ 208-511.B.); and
 - [b] The applicable zoning district; and
 - [2] The degree of nonconformity shall not be further increased.
- (2) Lots subdivided or re-subdivided after August 12, 1963 require compliance with all applicable standards and regulations of this Chapter as well as Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land.

C. Nonconforming Structures (Except Nonconforming Signs).

- (1) If a structure is nonconforming because of the dimensional requirements of the applicable zoning district or any other applicable regulations of this Chapter, nothing in this Chapter shall prohibit extension or expansion of the nonconforming structure, provided that the extension or expansion otherwise:
 - (a) Complies with the regulations of:
 - [1] This subsection (§ 208-511.C.); and
 - [2] The applicable zoning district; and
 - (b) Unless specified in the subsection below (§ 208-511.C.(2)), any permitted extension or expansion shall be limited to a maximum of twenty-five (25) percent increase in the total area or size of the nonconformity as when it became nonconforming.
- (2) Extension or Expansion of Nonconforming Structures. A nonconforming structure may be extended or expanded in accordance with the following regulations:
 - (a) By Right Extension or Expansion of Nonconforming Setback.
 - [1] If a structure is nonconforming because of the setback of the applicable zoning district or any other applicable regulations of this Chapter, the extension or expansion of the structure may be permitted where the extension or expansion is limited to:
 - [a] Vertical increases in the height above the nonconforming setback; or
 - [b] Other portions of the structure, other than the nonconforming setback.
 - [2] Any extension or expansion shall not:
 - [a] Extend horizontally along the nonconforming setback; or
 - [b] Further increase the nonconforming setback (extend or expand closer to the lot line).
 - [3] Any such extension or expansion shall conform with the:
 - [a] Regulations of the subsection below relating to *Nonconforming Buildings* (§ 208-511.C.(2)(b)[1]) or *Other Nonconforming Structures* (§ 208-511.C.(2)(b)[2]); and

[b] The density and dimensional requirements of the applicable zoning district.

(b) By Special Exception Extension or Expansion of Nonconforming Setback and All Other Extensions or Expansions of Nonconforming Structures. Other than set forth in the subsection above relating to *By Right Extension or Expansion of Nonconforming Setback (§ 208-511.C.(2)(a))*, if a structure is nonconforming because of the dimensional requirements of the applicable zoning district or any other applicable regulations of this Chapter the extension or expansion of the nonconforming structure may be permitted as a special exception pursuant to Article 9 of this Chapter relating to *Special Exceptions in Zoning Hearing Board's Functions (§ 208-905.B.)* in accordance with the following regulations:

[1] Nonconforming Buildings.

[a] Nonconforming Building with Nonconforming Use.

[i] A nonconforming building which contains a nonconforming use may be extended or expanded to a maximum of five (5) percent of the total lot area.

[ii] Any such extension or expansion shall conform with the density and dimensional requirements of the applicable zoning district.

[b] Nonconforming Building with Conforming Use.

[i] The floor area of a nonconforming building which contains a conforming use may be extended or expanded by a maximum of fifty (50) percent of the floor area of the existing nonconforming building.

[ii] Any such expansion or enlargement shall conform with the density and dimensional requirements of the applicable zoning district.

[2] Other Nonconforming Structures.

[a] The area or size of a nonconforming structure, other than a building, may be extended or expanded to a maximum of twenty-five (25) percent of the area or size of the existing nonconforming structure.

[b] Any such extension or expansion shall conform with the density and dimensional requirements of the applicable zoning district.

D. Nonconforming Uses.

- (1) If a use is nonconforming because of regulations of the applicable zoning district or any other applicable regulations of this Chapter, nothing in this Chapter shall prohibit extension or expansion of the nonconforming use, provided that the extension or expansion otherwise complies with the regulations of:
 - (a) This subsection (§ 208-511.D.); and
 - (b) The applicable zoning district.
- (2) Extension or Expansion of Nonconforming Uses. A nonconforming use may be extended or expanded in accordance with the following regulations:
 - (a) Nonconforming Use Extension or Expansion within an Existing Structure. A nonconforming use within a portion of an existing structure may be extended or expanded throughout the existing structure by right.
 - (b) Other Nonconforming Use Extension or Expansion. A nonconforming use, other than those listed in the subsection immediately above (§ 208-511.D.(2)(a)), may be extended or expanded as a special exception pursuant to Article 9 of this Chapter relating to *Special Exceptions in Zoning Hearing Board's Functions* (§ 208-905.B.) in accordance with the following regulations:
 - [1] A nonconforming use in a structure shall not be extended or expanded to a maximum of five (5) percent of the total lot area.
 - [2] Any such extension or expansion shall conform with the density and dimensional requirements of the applicable zoning district.
 - (c) Once an extension or expansion of a nonconforming use is permitted, no further extension and expansion shall be permitted.
- (3) Discontinuance and Abandonment of a Nonconforming Use. If a nonconforming use of a building or land is discontinued for a continuous period of one (1) year, subsequent use of such building or land shall be in conformity with the provisions of this Chapter, unless the owner of the building or land can establish through objective facts or evidence that he intended to continue the nonconforming use of the building or land beyond the one (1)-year period of discontinuance.
- (4) Nonconforming Business Uses in MU-REV or Prior Applicable Zoning District.
 - (a) The following provisions shall establish additional flexibility for an existing business use that is made nonconforming by the creation of the MU-REV. Where the provisions of the subsection above relating to *Nonconforming Uses* (§ 208-511.D.) and the provisions of the subsections below (§ 208-511.D.(4)(b) and § 208-511.D.(4)(c)) apply to the same property, the nonconforming use provision that is less restrictive upon development, permitting and use of the property shall apply.

- (b) Unless specified elsewhere in this Chapter including Article 3 of this Chapter relating *Permitted Uses - Mixed Use Zoning Districts* in *Mixed Use Zoning Districts* for the MU-REV (§ 208-303.B.), Table 5-11.1 in this subsection below sets forth lawful, existing nonconforming business uses in this zoning district that had existed in the B-IND (previously the “I Industrial District”) and that existed prior to July 13, 2010 that may be permitted to continue or to be changed or expanded to include any one (1) or more of the following uses as a use permitted by right:

**TABLE 5-11.1
 NONCONFORMING BUSINESS USES**

USE	NAICS CODE
NON-RESIDENTIAL USES	
Manufacturing - Sectors 31 - 33	
Food Manufacturing (excluding Animal Slaughtering and Processing [3116])	311
Beverage and Tobacco Product Manufacturing	312
Textile Mills	313
Textile Product Mills	314
Apparel Manufacturing	315
Leather and Allied Product Manufacturing (excluding Leather and Hide Tanning [316110])	316
Wood Manufacturing	321
Paper Manufacturing (excluding Pulp Mills [32211])	322
Printing and Related Support Activities	323
Pharmaceutical and Medicine Manufacturing	3254
Clay Product and Refractory Manufacturing	3271
Glass and Glass Product Manufacturing	3272
Fabricated Metal Product Manufacturing	332
Machinery Manufacturing	333
Computer and Electronic Product Manufacturing	334
Electrical Equipment, Appliance, and Component Manufacturing	335
Transportation Equipment Manufacturing	336
Furniture and Related Product Manufacturing	337
Miscellaneous Manufacturing	339
Wholesale Trade - Sector 42	
Merchant Wholesalers, Durable Goods	423
Merchant Wholesalers, Nondurable Goods	424
Wholesale Electronic Markets and Agents and Brokers	425
Transportation and Warehousing - Sectors 48 - 49	
Warehousing and Storage	493

USE	NAICS CODE
Real Estate and Rental and Leasing - Sector 53	
Lessors of Mini-Warehouses and Self-Storage Units	53113
Professional, Scientific, and Technical Services - Sector 54	
Scientific Research and Development Services	5417
ACCESSORY USES	
Accessory uses and structures customarily incidental and subordinate to the principal uses permitted in the applicable Zoning District, other than specified elsewhere in this Chapter including but not limited to Article 5, Article 8, or elsewhere of this Chapter including offices, meeting space, lunchrooms, break rooms, locker areas, training rooms, demonstration and showrooms, and retail sales.	N/A

- (c) Expansion of a Nonconforming Business Use. A lawful, existing nonconforming business use shall be allowed to expand the building floor area occupied by such use over the lifetime of the use as a use permitted by right, provided that the expansion complies with all density and dimensional requirements and all parking requirements of either the MU-REV or the applicable zoning district prior to July 13, 2010, whichever is less restrictive.

E. Nonconforming Signs (including Supporting Structures).

- (1) If a sign is nonconforming because of regulations of the applicable zoning district or any other applicable regulations of this Chapter, the sign shall be brought into conformance with all regulations of this Chapter when and if the following occurs:
 - (a) The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign panel on a nonconforming sign shall not be considered a significant alteration.
 - (b) The sign is damaged or destroyed by fire, explosion, accident or calamity (as contrasted to deterioration due to time or neglect) to the extent that the sign does not comply with the regulations set forth in Article 5 of this Chapter relating to *Nonconforming Signs in Restoration and Reestablishment in General in Nonconformities* (§ 208-511.A.(4)(a)).
 - (c) An alteration in the supporting structure of the sign.
 - (d) A change in the mechanical facilities or type of illumination.
 - (e) A change in the material of the sign.
 - (f) The applicant of the property on which the nonconforming sign is located, submits a subdivision or land development application requiring Township of Lower Moreland review and approval as set forth in Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land.

- (g) The property on which the nonconforming sign is located undergoes a change of use requiring the issuance of either a new zoning permit and related zoning certificate, or a change of use and occupancy permit under the provisions of the IBC as referenced in the PA UCC as adopted pursuant to Chapter 82 of the LMT Codified Ordinances relating to Building Construction.
- (2) Prior to the events listed in the subsection immediately above (§ 208-511.E.(1)), nonconforming signs may be repainted or repaired a maximum of fifty (50) percent of the replacement cost of the sign, the sign copy may be changed, and sign panels may be replaced provided that these actions do not increase the dimensions of the existing sign or supporting structure, and do not in any way increase the extent of the sign's nonconformity.
- (3) Nonconforming signs shall be exempt from the provisions of the subsection above (§ 208-511.E.(1)), under the following conditions:
 - (a) The nonconforming sign possesses documented historic value as designated by the LMT HARB and approved by the LMT BOC, or as designated by the PHMC.
 - (b) The nonconforming sign is of a unique nature or type by virtue of its architectural value or design as recommended by the LMT PC and designated by the LMT BOC.
 - (c) When a nonconforming sign is required to be moved because of public right of way improvements.
- (4) Signs on the Premises of Legally Nonconforming Uses.
 - (a) Signs on the premises of legally nonconforming uses (such as a factory in a residential zoning district) may remain until the existing use of the premises is discontinued.
 - (b) If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Chapter was adopted.

§ 208-512. Open Space.

- A. Required open space facilities shall comply with the applicable standards and requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land. Deviations from the standards and requirements listed in Chapter 180 that are proposed during the:
- (1) Subdivision/land development process may be requested and may be permitted as a modification according to the provisions set forth in Chapter 180.
 - (2) Zoning permit process that do not involve the subdivision/land development process may be requested and may be permitted as a variance according to the provisions for a variance set forth in Article 9 this Chapter relating to *Variances in Zoning Hearing Board's Functions (§ 208-905.C.)*.
- B. All developments shall provide park and/or open space land or fees-in-lieu of dedication in accordance with the provision of Chapter 180 which shall be in addition to any open space requirements required under this Ordinance.
- C. Required open space:
- (1) Shall not include:
 - (a) Non-recreational or non-open space related structures, streets, street rights-of-way, accessways, driveways, parking lots, and other improved surfaces, including any required landscaping within parking lots;
 - (b) Non-recreational or non-open space related improvements or lot coverage, except where such specifically serves the open space use as noted; and
 - (c) The required setbacks, yards, minimum separation distances between buildings, or lots of dwelling units or non-residential buildings where such building does not serve the open space use.
 - (2) May include a maximum of:
 - (a) Twenty-five (25) percent of the area to be used for permanent erosion, sedimentation control and stormwater management facilities limited to approved stormwater/water quality BMPs designed to:
 - [1] Promote recharge of the groundwater system; and
 - [2] Be available and appropriate for active or passive recreational use or scenic enjoyment
 - (b) One-third (0.33) of a required boundary line setback; and
 - (c) One-third (0.33) of a required buffer yard.

§ 208-513. Sewage and Water Systems Standards.

- A. All lots or development shall be served consistent with the Lower Moreland Township Act 537 Plan.
- B. If, however, a lot or development is permitted without having public water or public sewage services, then:
 - (1) The minimum lot area of the applicable zoning district may be increased if the MCHD determines that based upon the results of the test probes and percolation testing, the additional area is required in accordance with PA DEP's Act 537, the Pennsylvania Sewage Facilities Act of 1966, as amended.
 - (2) The applicant shall demonstrate compliance with, as applicable:
 - (a) PA DEP's sewer module standards and review process; and
 - (b) Chapter 15 of the Montgomery County Public Health Code relating to On-Lot Sewage Disposal.

§ 208-514. Temporary Structures and Uses.

- A. Temporary Construction Buildings and Trailers.
 - (1) Temporary construction buildings and trailers may be permitted, but only during the period that the construction work is in progress.
 - (2) Temporary construction buildings and trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
 - (3) Temporary construction buildings and trailers may be permitted to be used as a temporary sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet.
 - (4) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* for specific setback and yard modifications.
- B. Temporary Non-Residential Display.
 - (1) See regulations set forth in Article 8 relating to *Outside Display in Specific Accessory Use Regulations (§ 208-804.J.)*, except that the use may be located within the front yard.
 - (2) In the Residential Zoning Districts, MU-RO, or the SP-PRO:

- (a) The use is limited to being operated by a well-established non-profit establishment which demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose; and
- (b) The setback and yard exemptions/modifications for the use shall be the same as for the other zoning districts.
- (c) The use shall not be required to be located on an improved surface in accordance with Article 5 of this Chapter relating to *Improved Surfaces* (§ 208-508.).

C. Temporary Personal Waste Disposal Container Bags (including those commercially known as “Bagsters”).

- (1) Temporary personal waste disposal container bags may be permitted, but for a maximum period of sixty (60) consecutive days in any one (1) calendar year.
- (2) No temporary personal waste disposal container bags shall be used for permanent storage.
- (3) Temporary personal waste disposal container bags shall be required to be located on an improved surface in accordance with Article 5 of this Chapter relating to *Improved Surfaces* (§ 208-508.).
- (4) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications* (§ 208-507.B.(5)) for specific setback and yard modifications.

D. Temporary Portable Storage Units (including those commercially known as “PODS” or containers of a box trailer).

- (1) Temporary portable storage units may be permitted, but for a maximum period of sixty (60) consecutive days in any one (1) calendar year.
- (2) No temporary portable storage unit shall be used for permanent storage or a dwelling use.
- (3) Temporary portable storage units shall be required to be located on an improved surface in accordance with Article 5 of this Chapter relating to *Improved Surfaces* (§ 208-508.).
- (4) See Article 5 of this Chapter relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications* (§ 208-507.B.(5)) for specific setback and yard modifications, provided they are located on an improved surface in accordance with Article 5 of this Chapter relating to *Improved Surfaces* (§ 208-508.).