

ARTICLE 8

SPECIFIC USE REGULATIONS

§ 208-801. Applicability.

- A. In addition to the general regulations for principal, accessory, and temporary uses or structures set forth in the base zoning districts and overlay zoning districts established in Articles 3 and 4 of this Chapter, and the additional general regulations for principal, accessory, and temporary uses or structures established in Articles 5, 6, and 7 of this Chapter, this Article sets forth specific use regulations that apply to certain principal, accessory, and temporary uses or structures, as applicable.
- B. For principal, accessory, and temporary uses or structures that may be permitted within a specific zoning district via special exception or conditional use, see also the procedures and regulations in Articles 9 or 10 of this Chapter, as applicable.

§ 208-802. Specific Residential Use Regulations.

- A. Conversions of Existing Principal Residential Building to Increase the Number of Dwelling Units. Where permitted, the use shall comply with the following regulations:
 - (1) Conversion of an existing principal residential building to increase the number of dwelling units to create a two-family dwelling or a multi-family dwelling, such building shall comply with the dimensional requirements of the applicable base zoning district.
 - (2) Utility Connections.
 - (a) Additional dwelling units shall physically be connected to the existing residential building's sewage system and water supply system.
 - (b) No separate utility system or connection serving the additional dwelling units shall be constructed or used, unless required by the MCHD or PA DEP.
 - (c) If other than public sewer and water system are to be used, the applicant shall submit evidence that the total number of occupants of all the dwelling units on the site will not exceed the maximum capacities for which the systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing individual on-lot sewage system shall be subject to the review and approval of the MCHD.
- B. Flag Lot Residence. Where permitted, the use shall comply with the following regulations:

(1) General Design Standards.

(a) A flag lot may be permitted when direct lot frontage and lot access cannot be provided by an existing or new street. A flag lot shall not be utilized as a means of avoiding such lot frontage and lot access.

(b) Maximum Number of Tiers of Flag Lots. A maximum of one (1) tier of flag lots per tract may be permitted (i.e., a flag lot shall not be permitted to be located behind or between another flag lot). (See Figure 8-2.1)

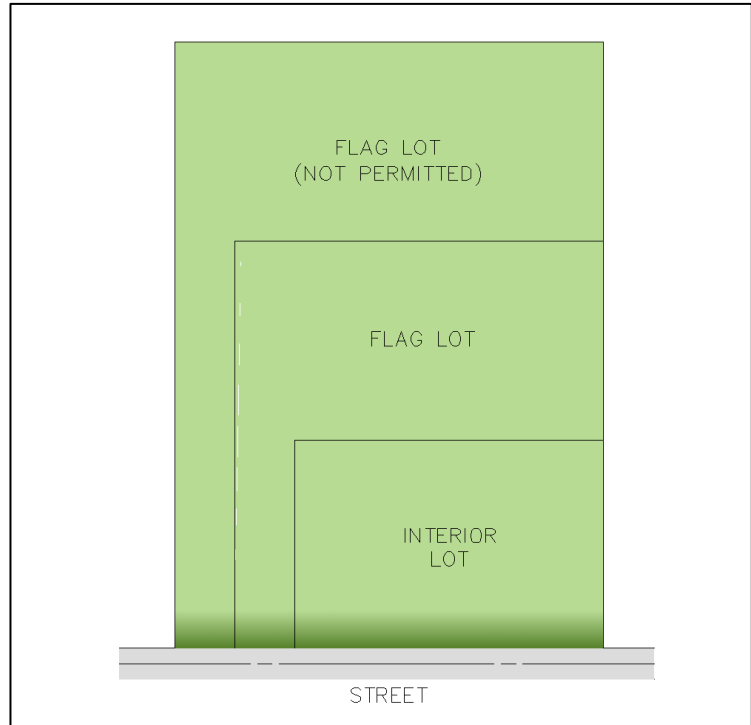


Figure 8-2.1

(2) Dimensional Requirements.

(a) Minimum Lot Width. The flag lot shall have a minimum continuous width of no less than the required minimum lot width for single-family detached dwellings in the applicable zoning district, measured entirely on the “flag” portion of the flag lot.

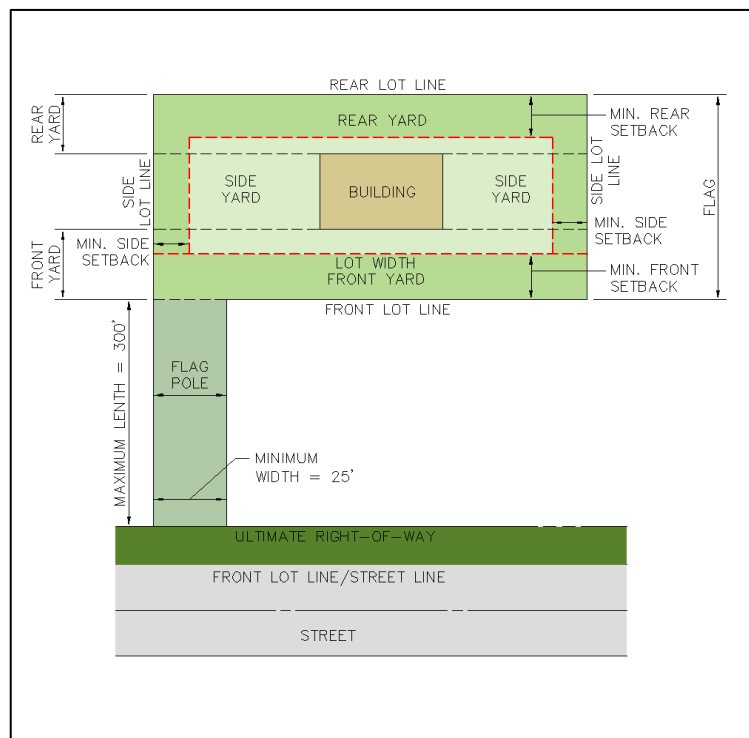


Figure 8-2.2

- (b) Minimum Lot Area. The flag lot shall have a minimum lot area of one and one-half (1½) times the required minimum lot area for single-family detached dwellings in the applicable zoning district, measured entirely on the “flag” portion of the flag lot.
 - (c) Setbacks and Yards. The flag lot shall have the minimum setback and yard standards no less than those required for single-family detached dwellings in the applicable zoning district, measured entirely on the “flag” portion of the flag lot.
- (3) “Flagpole” Design Standards. The “flagpole” portion of the flag lot shall comply with the following regulations:
- (a) See Table 8-2.1 in this subsection below for the minimum continuous width of the “flagpole” portion of the lot:

**TABLE 8-2.1
 WIDTH REQUIREMENTS - FLAGPOLE**

USE/ZONING DISTRICT	FLAGPOLE - MINIMUM CONTINUOUS WIDTH ¹
Flag Lots within Traditional Neighborhood Developments (TNDs)	20 ft.
Flag Lots within All Zoning Districts (except as provided for TNDs)	25 ft.

NOTES:

1 Measured both at the lot frontage, and its entire length from the street line to the “flag” portion of the flag lot.

- (b) Additionally, “flagpole” portion of the flag lot shall:
 - [1] Not exceed three hundred (300) feet in depth as measured from the street right-of-way to the “flag” portion of the flag lot.
 - [2] Not be excessively irregular in shape.
 - [3] Be capable of providing driveway and utility access to the “flag” portion of the flag lot (i.e., shall not be blocked by natural barriers, such as lakes, or natural steep slopes of twenty-five [25] percent or more).
 - [4] Be reasonably suited for the construction and use as a private driveway and emergency vehicle access. No building or structure shall be permitted so as to obstruct or encroach into same.
 - [5] Be included as part of the total lot area for the purpose of calculating maximum permitted lot coverage.
 - [6] Not adjoin more than one (1) other “flagpole” portion of another flag lot.

(4) Driveway Design Standards. In addition to the standards set forth in Article 6 of this Chapter relating to *Driveway Requirements (§ 208-602.)*, driveways serving flag lots shall comply with the following regulations:

- (a) The driveway servicing a flag lot shall be a minimum twelve (12) feet in width with stabilized shoulders three (3) feet in width on both sides, extending from the edge of the cartway at the street line into the “flag” portion of the flag lot.
- (b) If the “flagpole” portion of the flag lot exceeds a depth of two hundred (200) feet, an emergency service vehicle turnoff with minimum dimensions of twelve (12) feet in width by thirty (30) feet in length shall be provided for passage.

C. Manufactured Home Park. Where permitted, the use shall comply with the following regulations:

(1) Eligibility and General Site Requirements.

- (a) The manufactured home park is subject to the following general site requirements set forth in Table 8-2.2 in this subsection below:

**TABLE 8-2.2
 GENERAL SITE REQUIREMENTS**

GENERAL SITE REQUIREMENTS	
Minimum Net Lot Area of the Tract	10 contiguous acres
Minimum Percentage of Net Lot Area Required to Remain in Open Space	20%

(b) Lot Access and Lot Frontage.

[1] The tract shall adjoin and have direct vehicular access to a collector or arterial street where the:

- [a] Intersection is deemed capable of accommodating the transport of manufactured home units as demonstrated by turning diagrams for the transport vehicle and the manufactured home unit; and
- [b] Street is able to accommodate the traffic that will be generated by the manufactured home park.

[2] No use in a manufactured home park shall front on an existing street.

(2) Dimensional Requirements. The subsections below (§ 208-802.C.(2)) include performance standards and requirements pertaining to dimensional requirements.

- (a) Dimensional Requirements. The following requirements in Table 8-2.3 in this subsection below shall apply to individual lots:

**TABLE 8-2.3
 DIMENSIONAL REQUIREMENTS**

DIMENSIONAL REQUIREMENTS	MANUFACTURED HOME LOT AND OTHER PERMITTED USES
Minimum Lot Area (Based on Public Water & Public Sewer Service)	5,000 sq. ft. where individual lots are provided with parking on each individual lot ¹
Minimum Lot Width	55 ft. ²
Minimum Lot Frontage	25 ft.
Minimum Front Setback ^{3, 4}	25 ft. for "long" side of manufactured home; otherwise 20 ft. of "short" side of manufactured home
Minimum Side Setback	4 ft. each side ⁵
Minimum Rear Setback	4 ft. ⁵
Maximum Building Coverage per Lot	20%
Maximum Lot Coverage per Lot	25%
Minimum Distance between Principal Buildings and between Principal Buildings and Accessory Buildings which are not Accessory to the Principal Building	20 ft. ⁶

NOTES:

- 1 May be reduced to 4,500 sq. ft. where individual lots are not provided with on-site parking on each individual lot.
- 2 May be reduced to 45 ft. where roofed additions are prohibited or where the applicant can demonstrate that roofed additions can be added without violating any required minimum setback or minimum distance between building requirement.
- 3 Includes setbacks from the edge of the curb or cartway (if no curb is provided) along common interior streets, roadways, accessways, pedestrian pathways, bicycle/pedestrian pathways, and parking lots.
- 4 No more than 4 manufactured homes in a row shall have the same setback. Where varied setbacks are utilized, the setback variance shall be a minimum of 4 ft.
- 5 Accessory buildings may be located on the lot line if physically joined to each other with a common wall located on the lot line.
- 6 Whenever 2 manufactured homes have their "long" sides parallel or essentially parallel to each other for more than 25% of the length of either, the minimum horizontal distance between the 2 manufactured homes shall be 30 ft.

(3) Travel trailers and motor homes shall be expressly prohibited from having permanent or temporary occupancy within a manufactured home park.

(4) Additional Lot Frontage, Lot Line, Setback, and Yard Requirements.

(a) Additional Setback Requirements.

[1] The following minimum setbacks in Table 8-2.4 this subsection below shall apply:

**TABLE 8-2.4
 ADDITIONAL SETBACK REQUIREMENTS**

FEATURE	MINIMUM SETBACK ¹
Boundary Line of the Site or Tract	40 ft.

NOTES:

- 1 Any required additional setback shall include required screening, buffering, and buffer yards.

- (5) Buffer Yard and Screening Requirements. Manufactured home parks shall be provided with Class C type buffers in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*.
 - (6) Open Space Areas. Open space areas required to be set aside as permanent, usable outdoor open space shall be in compliance with Article 5 of this Chapter relating to *Open Space (§ 208-512.)*.
- D. Multi-Family Dwelling (includes Conversions). Where permitted, the use shall comply with the following regulations:
- (1) Distance Between Buildings in the Development.
 - (a) Non-Parallel Building Walls. The minimum horizontal distance between any two (2) buildings, measured at the closest point between any two (2) buildings, shall be the height of the taller building.
 - (b) Parallel or Nearly Parallel Building Walls. Notwithstanding the regulations of the subsection above (§ 208-802.D.(1)(a)), where two (2) or more buildings have overlapping, parallel or nearly parallel building walls, the minimum horizontal distance between the two (2) buildings shall be two (2) times the height of the taller building.
 - (2) As set for in Table 8-2.5 in this subsection below, the minimum amount of the net lot area of the tract shall be set aside as permanent, usable outdoor open space in compliance with Article 5 of this Chapter relating to *Open Space (§ 208-512.)*:

**TABLE 8-2.5
 MINIMUM REQUIRED OPEN SPACE**

AVERAGE DENSITY	MINIMUM PERCENTAGE OF OPEN SPACE
Less than or equal to 4.0	10%
More than 4.0 but less than 6.0	15%
6.0 and more	20%

- (3) Multi-family conversions shall also comply with the standards set forth in Article 8 of this Chapter relating to *Conversion of Existing Principal Residential Building to Increase the Number of Dwelling Units in Specific Residential Use Regulations (§ 208-802.A.)*.
- E. Open Space Development (OSD). Where permitted, the use shall comply with the following regulations:
- (1) General Site Requirements. The use is subject to the following general site requirements set forth in Table 8-2.6 in this subsection below:

**TABLE 8-2.6
 GENERAL SITE REQUIREMENTS**

GENERAL SITE REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS			
	RSD-1 (LL)	RSD-2 (L)	RSD-3 (L)	RSD-4 (M)
Minimum Base Site Area	5 contiguous acres	5 contiguous acres	5 contiguous acres	5 contiguous acres
Maximum Open Space Development Density (Based on Public Water & Public Sewer Service)	3.0	4.5	5.5	6.5
Minimum Percentage of Open Space	70%	60%	50%	40%

- (2) Permitted Uses. See Table 8-2.7 in this subsection below for the types of uses permitted in and as part of the development:

**TABLE 8-2.7
 PERMITTED USES –
 OSDs**

USE	RESIDENTIAL ZONING DISTRICTS			
	RSD-1 (LL)	RSD-2 (L)	RSD-3 (L)	RSD-4 (M)
PERMITTED USES – DWELLING TYPES				
Quadraplex Dwelling	Yes	Yes	Yes	Yes
Single-Family Attached Dwelling	Yes ¹	Yes ¹	Yes ¹	Yes ¹
Single-Family Detached Dwelling	Yes	Yes	Yes	Yes
Single-Family Semi-Detached	Yes	Yes	Yes	Yes
Two-Family Detached Dwelling	Yes ²	Yes ²	Yes ²	Yes ²

NOTES:

- 1 Although there may be permitted more than 1 individual grouping of contiguously attached and semi-detached buildings, each individual grouping of contiguously attached and semi-detached buildings shall have a maximum of 4 contiguously attached and semi-detached buildings in a row.
- 2 Limited to side-by-side configuration, and each dwelling unit shall have an individual entrance.

- (3) Purpose and Intent. The purpose of the use is to:
- (a) Provide standards to:
- [1] Foster the amount of open space and to control impervious surfaces within a development;

- [2] Control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts;
 - [3] Protect the people's right to clean air, pure water and the natural, scenic, historic, recreation and aesthetic values of the environment; and
 - [4] Protect natural and agricultural resources which are a part of the ecological system to which the residents are all bound and, therefore, are the common property of all people, including generations yet to come, and which shall be protected to ensure the health, safety and welfare of all the people.
- (b) Provide incentives to meet housing and environmental goals or to provide public or special facilities.
 - (c) Provide standards of performance which make the unique characteristics of the land or site the determinants of its capacity for residential use.
- (4) Natural Resource Protection Requirements. The use shall be subject to the following natural resource protection requirements:
- (a) Site alterations, regrading, filling or clearing of vegetation initiated two (2) years or less prior to the submission of plans for subdivision or land development in accordance with the provisions of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land is presumed to be in anticipation of development and shall preclude the application of the use on the particular property.
 - (b) In order to assure the protection of natural resources, a maximum amount of natural resources may be permitted to be altered, regraded, cleared, built upon, or "disturbed" in accordance with Table 8-2.8 in this subsection below:

**TABLE 8-2.8
 NATURAL RESOURCE PROTECTION REQUIREMENTS**

NATURAL RESOURCE FEATURE	MAXIMUM PERCENTAGE OF NATURAL RESOURCE PERMITTED TO BE DISTURBED ¹
HYDROLOGIC SURFACE FEATURES	
Lands within the O-FC as indicated in Article 4 of this Chapter relating to <i>Floodplain Conservation Overlay Zoning District/O-FC (§ 208-402.)</i>	0% ²
Lakes or Ponds	0%
Streams or Watercourses	0%
Wetlands	0% ³
NATURAL STEEP SLOPES (CONTIGUOUS AREAS OF MORE THAN 3,000 SQ. FT.)	
Natural Slopes 15% or more but less than 25%	30%
Natural Slopes 25% or more	15%
FORESTS	20%

NOTES:

- 1 "Disturbed" shall include altering, regrading, clearing, or building upon.
- 2 Except as permitted in Article 4 of this Chapter relating to *Floodplain Conservation Overlay Zoning District/O-FC (§ 208-402.)*.
- 3 "Disturbed" shall also include developing, filling, piping, or diverting.

(5) Determining Maximum Site Capacity, Natural Resource Protection Areas, Open Space Requirements.

(a) In determining the maximum site capacity, or maximum number of dwelling units permitted, number of dwelling units which may be permitted for a tract or site under these regulations, the following method shall be used:

[1] Calculate Total Acreage of Base Site Area. The Total Acreage of Base Site Area shall first (1st) be calculated for the tract, site or portion of the site to be considered for the development.

[2] Calculate Total Minimum Natural Resource Protection Area. In order to assure the protection of natural resources, a minimum amount of natural resources shall be protected as required in accordance with Table 8-2.9 in the subsection below. The Total Minimum Natural Resource Protection Area within the Total Acreage of Base Site Area shall be determined as follows:

[a] The Total Minimum Acreage of Natural Resource Protection Area is equal to the product of multiplying the Total Acreage of Natural Resource on Site by the Minimum Percentage of Natural Resource to be Protected as indicated in Table 8-2.9 in the subsection below.

- [b] In the event that two (2) or more natural resources overlap, only the natural resource with the highest natural resource protection minimum percentage shall be used in the calculations.

**TABLE 8-2.9
 NATURAL RESOURCE PROTECTION CALCULATIONS AND TOTALS**

NATURAL RESOURCE FEATURE	B ¹	C ²	D ³
	TOTAL ACREAGE OF NATURAL RESOURCE ON SITE	MINIMUM PERCENTAGE OF NATURAL RESOURCE TO BE PROTECTED	TOTAL MINIMUM ACREAGE OF NATURAL RESOURCE PROTECTION AREA
HYDROLOGIC SURFACE FEATURES			
Lands within the O-FC as indicated in Article 4 of this Chapter relating to <i>Floodplain Conservation Overlay Zoning District/O-FC (§ 208-402.)</i>		100%	
Lakes or Ponds		100%	
Streams or Watercourses		100%	
Wetlands		100%	
NATURAL STEEP SLOPES (CONTIGUOUS AREAS OF MORE THAN 3,000 SQ. FT.)			
Natural Slopes 15% or more but less than 25%		70%	
Natural Slopes 25% or more		85%	
FORESTS		80%	
TOTALS			

NOTES:

- 1 Column B: Based on the existence of natural resources on the specific site.
- 2 Column C: Fixed minimum percentage.
- 3 Column D: Product of multiplying Column B by Column C.

[3] Recreational Land.

- [a] Calculate Total Minimum Acreage of Recreation Land Area. In order to assure the provision of usable open space as near to each dwelling as possible, a minimal amount of recreation land shall be required in accordance with Table 8-2.10 in this subsection below. The Total Minimum Acreage of Recreation Land shall be determined as follows:

- [i] Calculate the Total Acreage of Unrestricted Land. The Total Acreage of Unrestricted Land is equal to the difference of subtracting the Total Minimum Acreage of Natural Resource Protection Area from the Total Acreage of Base Site Area.

- [ii] The Total Minimum Recreation Land is equal to the product of multiplying the Total Acreage of Unrestricted Land by the Minimum Percentage of Recreation Land.

**TABLE 8-2.10
 UNRESTRICTED LAND AND RECREATION LAND CALCULATIONS AND TOTALS**

	D ¹	E ²	F ³	G ⁴	H ⁵
	TOTAL MINIMUM ACREAGE OF NATURAL RESOURCE PROTECTION AREA	TOTAL ACREAGE OF BASE SITE AREA	TOTAL ACREAGE OF UNRESTRICTED LAND	MINIMUM PERCENTAGE OF RECREATION LAND	TOTAL MINIMUM ACREAGE OF RECREATION LAND
TOTALS				10%	

NOTES:

- 1 Column D: Based on Column D in Table 8-2.9.
- 2 Column E: Previously determined, based on the specific site.
- 3 Column F: Difference of subtracting Column D from Column E.
- 4 Column G: Fixed minimum percentage.
- 5 Column H: Product of multiplying Column F by Column G.

- [b] Recreation land shall be included as part of and reserved as minimum required open space.

- [4] Calculate the Total Minimum Acreage of Required Open Space. The Total Minimum Acreage of Required Open Space shall be determined as the greater result of the following two (2) methods in accordance with Table 8-2.11 in this subsection below:

- [a] Method 1. The sum of adding the Total Minimum Acreage of Natural Resource Protection Area with the Total Minimum Acreage of Recreation Land; or
- [b] Method 2. The product of multiplying the Total Acreage of Base Site Area by the Minimum Percentage of Open Space.

**TABLE 8-2.11
 MINIMUM REQUIRED OPEN SPACE CALCULATIONS AND TOTALS**

	D ¹	E ²	H ³	I ⁴	J ⁵	K ⁶
	TOTAL MINIMUM ACREAGE OF NATURAL RESOURCE PROTECTION AREA	TOTAL ACREAGE OF BASE SITE AREA	TOTAL MINIMUM ACREAGE OF RECREATION LAND	METHOD 1: TOTAL MINIMUM ACREAGE OF REQUIRED OPEN SPACE	MINIMUM PERCENTAGE OF OPEN SPACE	METHOD 2: TOTAL MINIMUM ACREAGE OF REQUIRED OPEN SPACE
TOTALS						

NOTES:

- 1 Column D: Based on Column D in Table 8-2.9.
- 2 Column E: Previously determined, based on the specific site.
- 3 Column H: Based on Column H in Table 8-2.10.
- 4 Column I: Method 1: Sum of adding Column D and Column H.
- 5 Column J: Based on fixed minimum percentage of open space in Table 8-2.6.
- 6 Column K: Product of multiplying Column E by Column J.

[5] Calculate Net Buildable Site Area. The net buildable site area shall be determined as the lesser result of the following two (2) methods in accordance with Table 8-2.12 in this subsection below:

- [a] Method 1. The difference of subtracting the Total Minimum Acreage of Natural Resource Protection Area and the Total Minimum Acreage of Recreation Land from the Total Acreage of Base Site Area; or
- [b] Method 2. The difference of subtracting the Total Minimum Acreage of Required Open Space from the Total Acreage of Base Site Area.

**TABLE 8-2.12
 NET BUILDABLE SITE AREA CALCULATIONS AND TOTALS**

	D ¹	E ²	H ³	J ⁴	L ⁵	M ⁶
	TOTAL MINIMUM ACREAGE OF NATURAL RESOURCE PROTECTION AREA	TOTAL ACREAGE OF BASE SITE AREA	TOTAL MINIMUM ACREAGE OF RECREATION LAND	TOTAL MINIMUM ACREAGE OF REQUIRED OPEN SPACE	METHOD 1: NET BUILDABLE SITE AREA	METHOD 2: NET BUILDABLE SITE AREA
TOTALS						

NOTES:

- 1 Column D: Based on Column D in Table 8-2.9.
- 2 Column E: Previously determined, based on the specific site.
- 3 Column H: Based on Column H in Table 8-2.10.
- 4 Column J: Based on Column K in Table 8-2.11.
- 5 Column L: Method 1: Difference of subtracting Column D and Column H from Column E.

6 Column M: Difference of Subtracting Column J from Column E.

[6] Calculate Maximum Site Capacity. The maximum site capacity, or maximum number of dwelling units permitted, shall be the product of multiplying the Net Buildable Site Area by the Maximum Open Space Development Density for the use in accordance with Table 8-2.13 in this subsection below.

**TABLE 8-2.13
 MAXIMUM SITE CAPACITY CALCULATIONS AND TOTALS**

	L or M ¹	N ²	O ³
	NET BUILDABLE SITE AREA	MAXIMUM OPEN SPACE DEVELOPMENT DENSITY	MAXIMUM SITE CAPACITY
TOTALS			

NOTES:

- 1 Column L or M: The lesser result of the two (2) methods in Table 8-2.12.
- 2 Column N: Based on maximum open space development density in Table 8-2.6.
- 3 Column O: Product of multiplying Column L or M by Column N.

(b) Performance Standards and Dimensional Requirements. The subsections below (§ 208-802.E.(5)(b)) include performance standards and requirements pertaining to dimensional requirements

[1] All dwellings shall be provided with public water and public sewer facilities.

[2] Dimensional Requirements. The following requirements in Tables 8-2.14.a, 8-2.14.b, and 8-2-14.c in this subsection below shall apply to individual lots, as applicable:

**TABLE 8-2.14.a
 SINGLE-FAMILY ATTACHED DWELLING UNIT, SINGLE-FAMILY SEMI-DETACHED DWELLING UNIT, AND
 QUADRAPLEX DWELLING UNIT DIMENSIONAL REQUIREMENTS**

DIMENSIONAL REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS			
	RSD-1 (LL)	RSD-2 (L)	RSD-3 (L)	RSD-4 (M)
Average Lot Area per Dwelling Unit (Based on Public Water & Public Sewer Service)	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Minimum Lot Area per Dwelling Unit (Based on Public Water & Public Sewer Service)	3,200 sq. ft.	3,200 sq. ft.	3,200 sq. ft.	3,200 sq. ft.
Minimum Lot Width	28 ft.	28 ft.	28 ft.	28 ft.
Minimum Front Setback	25 ft.	25 ft.	25 ft.	25 ft.

DIMENSIONAL REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS			
	RSD-1 (LL)	RSD-2 (L)	RSD-3 (L)	RSD-4 (M)
Minimum Side Setback	0 ft. attached side, 10 ft. non-attached side	0 ft. attached side, 10 ft. non-attached side	0 ft. attached side, 10 ft. non-attached side	0 ft. attached side, 10 ft. non-attached side
Minimum Rear Setback	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Building Coverage	55%	55%	55%	55%
Maximum Lot Coverage per Lot	60%	60%	60%	60%

TABLE 8-2.14.b
SINGLE-FAMILY DETACHED DWELLING
DIMENSIONAL REQUIREMENTS

DIMENSIONAL REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS			
	RSD-1 (LL)	RSD-2 (L)	RSD-3 (L)	RSD-4 (M)
Average Lot Area per Dwelling Unit (Based on Public Water & Public Sewer Service)	14,500 sq. ft.	9,700 sq. ft.	7,900 sq. ft.	6,700 sq. ft.
Minimum Lot Area per Dwelling Unit (Based on Public Water & Public Sewer Service)	11,500 sq. ft.	7,500 sq. ft.	6,500 sq. ft.	5,500 sq. ft.
Minimum Lot Width	80 ft.	70 ft.	60 ft.	50 ft.
Minimum Front Setback	40 ft.	30 ft.	30 ft.	25 ft.
Minimum Side Setback	25 ft. total both sides, with a minimum of 10 ft. for one side	20 ft. total both sides, with a minimum of 8 ft. for one side	20 ft. total both sides, with a minimum of 8 ft. for one side	15 ft. total both sides, with a minimum of 5 ft. for one side
Minimum Rear Setback	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Building Coverage per Lot	25%	30%	40%	45%
Maximum Lot Coverage per Lot	30%	35%	45%	50%

**TABLE 8-2.14.c
 TWO-FAMILY DETACHED DWELLING
 DIMENSIONAL REQUIREMENTS**

DIMENSIONAL REQUIREMENTS	RESIDENTIAL ZONING DISTRICTS			
	RSD-1 (LL)	RSD-2 (L)	RSD-3 (L)	RSD-4 (M)
Average Lot Area per Dwelling Unit (Based on Public Water & Public Sewer Service)	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
Minimum Lot Area per Dwelling Unit (Based on Public Water & Public Sewer Service)	3,200 sq. ft.	3,200 sq. ft.	3,200 sq. ft.	3,200 sq. ft.
Minimum Lot Width	80 ft.	70 ft.	60 ft.	50 ft.
Minimum Front Setback	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Setback	25 ft. total both sides, with a minimum of 10 ft. for one side	20 ft. total both sides, with a minimum of 8 ft. for one side	20 ft. total both sides, with a minimum of 8 ft. for one side	15 ft. total both sides, with a minimum of 5 ft. for one side
Minimum Rear Setback	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Building Coverage per Lot	55%	55%	55%	55%
Maximum Lot Coverage per Lot	60%	60%	60%	60%

[3] Additional Setback Requirements. Where individual setback requirements are not applicable, the following minimum setbacks in Table 8-2.15 this subsection below shall apply:

**TABLE 8-2.15
 ADDITIONAL SETBACK REQUIREMENTS**

FEATURE	MINIMUM SETBACK
Ultimate ROW of External Streets	100 ft.
Boundary Line of the Site or Tract	50 ft.
Stream, Watercourse, Lake or Pond	50 ft. ¹

NOTES:

1 For purposes of this regulation, the minimum setback shall be measured perpendicular to and horizontally from the established ordinary high water mark of a stream, watercourse, lake, or pond.

(c) Lot Averaging. In order to allow flexibility to address unusual site conditions and irregularly shaped parcels and to preserve trees, watercourses and other natural features, the minimum and average lot area requirements may be employed. The minimum individual lot area for any permitted dwelling type may be utilized,

provided that the average lot area requirement for each dwelling unit as set forth in Tables 8-2.14.a, 8-2.14.b, or 8-2-14.c in the subsection above (§ 208-802.E.(5)(b)[2]) is complied with, as applicable. The lot width and the other setback and yard requirements for any individual lot for a permitted dwelling which is less than the required average may be reduced by a maximum of twenty (20) percent.

- (6) Open Space, Natural Resource Protection, and Recreation Land Areas. Open space and natural resource protection areas required to be set aside as permanent, usable outdoor open space shall be in compliance with Article 5 of this Chapter relating to *Open Space* (§ 208-512.).

F. Single-Family Attached Dwelling. Where permitted, the use shall comply with the following regulations:

- (1) Standards and regulations of this Chapter shall apply to individual dwelling units, whether on a common lot or on individual lots.
- (2) The maximum length and width of an individual building or individual grouping of contiguously attached and semi-detached buildings shall be one hundred sixty (160) feet
- (3) Although there may be permitted more than one (1) individual grouping of contiguously attached and semi-detached buildings, each individual grouping of contiguously attached and semi-detached buildings shall have a maximum of eight (8) contiguously attached and semi-detached buildings in a row.
- (4) Within one (1) individual grouping of contiguously attached and semi-detached buildings, there shall be a maximum of two (2) contiguously attached or semi-detached buildings that may have a uniform front setback or front building line (façade). For purposes of this subsection, "uniform" shall mean a maximum three (3) foot variation.
- (5) Within one (1) individual grouping of contiguously attached and semi-detached buildings, each attached or semi-detached building shall be distinguished from contiguously attached or semi-detached buildings by one (1) or more of the following methods of variation:
 - (a) Building widths;
 - (b) Exterior materials and colors;
 - (c) Arrangements of entrances or windows;
 - (d) Building heights; or
 - (e) Roof lines.

- (6) Distance Between Two (2) or More Individual Groupings of Contiguously Attached and Semi-Detached Buildings in the Development.
- (a) Non-Parallel Building Walls. Except as provided in the subsection below (§ 208-802.F.(6)(b)), the minimum horizontal distance between two (2) buildings or more containing five (5) or more dwelling units, measured at the closest point between the buildings, shall be:
- [1] Twenty-five (25) feet where facing building walls do not contain windows or doors; or
 - [2] Fifty (50) feet where one (1) or more facing building walls contain a window or a door.
- (b) The minimum horizontal distance between the end units of two (2) or more buildings containing four (4) or less dwelling units, measured at the closest point between the applicable end units of each building, shall be the height of the taller building. In no case, however, shall the minimum distance be less than twenty-five (25) feet.
- (c) Parallel or Nearly Parallel Building Walls. Notwithstanding the regulations of the subsections above (§ 208-802.F.(6)(a) and § 208-802.F.(6)(b)), where two (2) or more buildings have overlapping, parallel or nearly parallel building walls, the minimum horizontal distance between the two (2) buildings (Y) shall be no less than the length of the portion of the building walls which are overlapping, parallel or nearly parallel (X). In no case, however, shall these regulations require the minimum horizontal distance between the buildings (Y) to be greater than one hundred (100) feet. (See Figure 8-2.2)

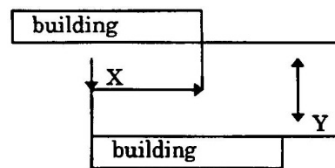


Figure 8-2.2 Typical Minimum Distance between Parallel or Nearly Parallel Building Walls of Single-Family Attached Dwelling Buildings

- (7) The maximum amount of the front yard area permitted to be covered by improved surfaces dedicated to driveways, parking, or storing of motor vehicles shall be fifty (50) percent.
- (8) As set forth in Table 8-2.16 in this subsection below, the minimum amount of the net lot area of the tract shall be set aside as permanent, usable outdoor open space in compliance with Article 5 of this Chapter relating to *Open Space* (§ 208-512.):

**TABLE 8-2.16
 MINIMUM REQUIRED OPEN SPACE**

AVERAGE DENSITY	MINIMUM PERCENTAGE OF OPEN SPACE
Less than or equal to 4.0	10%
More than 4.0 but less than 6.0	15%
6.0 and more	20%

- (9) In the MU-REV, each single-family attached dwelling shall have a:
 - (a) Minimum lot width of twenty-five (25) feet; and
 - (b) Private outdoor area of at least one hundred fifty (150) square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, or a similar feature.
- (10) Where individual yard requirements are not applicable, a 40-foot setback shall be required from any zoning district boundary line or property line.

G. Traditional Neighborhood Development (TND). Where permitted, the use shall comply with the following regulations:

- (1) Eligibility and General Site Requirements.
 - (a) The TND is subject to the following general site requirements set forth in Table 8-2.17 in this subsection below:

**TABLE 8-2.17
 GENERAL SITE REQUIREMENTS**

GENERAL SITE REQUIREMENTS	
Minimum Net Lot Area of the Tract	35 contiguous acres
Maximum Density (Based on Public Water & Public Sewer Service)	See <i>Maximum Density</i> in the subsection below (<i>§ 208-802.G.(1)(d)</i>).
Minimum Percentage of Net Lot Area of Tract Required to remain in Open Space	30%

- (b) Utilities.
 - [1] Public Water and Public Sewer Service. The entire TND shall be served by public water and public sewer service deemed acceptable by the Township of Lower Moreland.

[2] Electric.

[a] Electric service facilities shall be provided with all aboveground transformers incorporated into the design so as not to occupy any required front or side yard of any lot.

[b] Transformers shall not be placed on any lot in residential use.

(c) Lot Access and Lot Frontage.

[1] The tract shall adjoin and have direct vehicular access to a major collector or arterial street able to accommodate the traffic that will be generated by the TND.

[2] No residential use in a TND shall front on an existing street other than to be separated from an approved open space area or non-residential use which takes access from an internal street.

(d) Maximum Density. The maximum permitted density of single-family detached dwellings in the TND shall be calculated as follows:

[1] The maximum number of single-family dwelling lots permitted in the TND shall not be more than the number of single-family dwelling lots that could be achieved for a standard subdivision based upon the regulations of the applicable zoning district.

[2] In computing the maximum number of single-family detached dwellings which may be permitted in the TND, the following method shall be utilized:

[a] The maximum number of single-family detached dwelling lots shall be determined by submitting a sketch plan in accordance with the sketch plan requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land, showing the number of single-family detached dwelling lots designed in accordance with the dimensional requirements of the applicable zoning district.

[b] The Township shall review the sketch plan and shall verify the maximum number of dwelling units attainable via a standard subdivision.

[c] When the maximum density for the entire tract or site under a standard subdivision has been verified in accordance with the procedure set forth in the subsection above (§ 208-802.G.(1)(d)), the tract or site shall become eligible for development as a TND at the same maximum density indicated on the verified standard

subdivision plan set forth in the subsection above (§ 208-802.G.(1)(d)).

(2) Permitted Uses.

- (a) See Table 8-2.18 in this subsection below for the types of uses permitted in and as part of the TND:

**TABLE 8-2.18
 PERMITTED USES –
 TNDs**

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
RESIDENTIAL USES			
Flag Lot Residence	N/A	Yes	(§ 802.B.)
Single Family Detached Dwelling	N/A	Yes	N/A
NON-RESIDENTIAL USES			
Utilities - Sector 22			
Electric Power Transmission, Control, and Distribution	22112	Yes	N/A
Water Supply System Transmission	22131	Yes	N/A
Sewage System Collection	22132	Yes	N/A
Retail Trade - Sectors 44 - 45			
Grocery Stores	4451	Yes	N/A
Specialty Food Stores	4452	Yes	N/A
Health and Personal Care Stores	446	Yes	N/A
Clothing and Clothing Accessories Stores	448	Yes	N/A
Hobby, Toy, and Game Store	45112	Yes	N/A
Sewing, Needlework, and Piece Goods Stores	45113	Yes	N/A
Musical Instrument and Supplies Stores	45114	Yes	N/A
Book Stores and News Dealers	4512	Yes	N/A
Florists	4531	Yes	N/A
Office Supplies, Stationery, and Gift Stores	4532	Yes	N/A
Antique Dealers (except motor vehicles)	45331	Yes	N/A
Antique Shops	45331	Yes	N/A
Art Dealers	45392	Yes	N/A

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
Information - Sector 51			
Wireless Telecommunications Facilities (WTF)	517	Yes as applicable, See § 208-803.1.(1) for specific WTF type, use, locational, and other requirements.	
Libraries and Archives	51912	Yes	N/A
Finance and Insurance - Sector 52			
Credit Intermediation and Related Activities	522	Yes	N/A
Finance Companies or Personal Credit Institutions (i.e., providing unsecured cash loans)	522291	NP	N/A
Pawnshops	522298	NP	N/A
Securities, Commodity Contracts, and Other Financial Investments and Related Activities	523	Yes	N/A
Insurance Carriers and Related Activities	524	Yes	N/A
Funds, Trusts, and Other Financial Vehicles	525	Yes	N/A
Real Estate and Rental and Leasing - Sector 53			
Real Estate	531	Yes	N/A
Professional, Scientific, and Technical Services - Sector 54			
Professional, Scientific, and Technical Services	541	Yes	N/A
Management of Companies and Enterprises - Sector 55			
Management of Companies and Enterprises	551	Yes	N/A
Administrative and Support and Waste Management and Remediation Services - Sector 56			
Office Administrative Services	5611	Yes	N/A
Business Support Services	5614	Yes	N/A
Travel Arrangement and Reservation Services	5615	Yes	N/A
Educational Services - Sector 61			
Elementary and Secondary Schools	6111	Yes	N/A
Health Care and Social Assistance - Sector 62			
Offices of Physicians	6211	Yes	N/A
Offices of Dentists	6212	Yes	N/A
Offices of Other Health Practitioners	6213	Yes	N/A
Outpatient Mental Health Centers (except Substance Abuse)	6214	Yes	N/A
Home Health Care Services	6216	Yes	N/A
Day Care Centers, Adult	62410	Yes	(§ 803.P.(4))
Child Day Care Services	6244	Yes	(§ 803.P.(5))

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
Accommodation and Food Services - Sector 72			
Full-Service Restaurants	722511	Yes	N/A
Limited-Service Restaurants	722513	Yes	N/A
Snack and Nonalcoholic Beverage Bars	722515	Yes	N/A
Other Services - Sector 81			
Religious Organizations	81311	Yes	N/A
Public Administration - Sector 92			
Municipal Uses	N/A	Yes	N/A
Administration of Human Resource Programs	923	Yes	N/A
Administration of Environmental Quality Programs	924	Yes	N/A
Administration of Housing Programs, Urban Planning, and Community Development	925	Yes	N/A
Administration of Economic Programs	926	Yes	N/A
SPECIFIC ACCESSORY USES			
Day Care, Family	N/A	Yes	(§ 804.B.)
Home Occupation	N/A	Yes	(§ 804.E.)
No-Impact Home Occupation	N/A	Yes	(§ 804.G.)
Outside Dining	N/A	Yes	(§ 804.I.)
Personal Care Home Occupation	N/A	Yes	(§ 804.M.)

(b) Maximum Amount of Permitted Non-Residential Uses. The total amount of permitted non-residential uses shall be limited to a maximum of one hundred (100) square feet of gross floor area per each one (1) principal single-family detached dwelling in the TND.

(3) Dimensional Requirements. The subsections below (§ 208-802.G.(3)) include performance standards and requirements pertaining to dimensional requirements.

(a) Dimensional Requirements. The following requirements in Table 8-2.19 in this subsection below shall apply to individual lots:

**TABLE 8-2.19
 DIMENSIONAL REQUIREMENTS**

DIMENSIONAL REQUIREMENTS	SINGLE-FAMILY DETACHED DWELLING	SINGLE-FAMILY DETACHED DWELLING WITH HOME OCCUPATION	NON-RESIDENTIAL USE
Minimum Lot Area (Based on Public Water & Public Sewer Service)	4,000 sq. ft.	5,000 sq. ft.	8,000 sq. ft.
Minimum Lot Width	40 ft.	50 ft.	80 ft.
Minimum Front Setback	15 ft. ¹	15 ft. ¹	15 ft. ¹
Minimum Side Setback	4 ft. each side	4 ft. each side	4 ft. each side
Minimum Rear Setback	10 ft.	10 ft.	10 ft.
Maximum Building Coverage per Lot	50%	50%	60%
Maximum Lot Coverage per Lot	65%	65%	75%

NOTES:

1 1 story porches shall be set back a minimum of 5 ft.

(b) Additional Lot Frontage, Lot Line, Setback, and Yard Requirements.

[1] Lot Frontage and Access to a Public Street for Residential Lots. All residential lots shall have lot frontage on a public street or on an open space area located between and adjoining both such lot and a public street, provided that easements are furnished as necessary for public access and the provision of utilities.

[2] Lots Adjoining Accessways or Alley Rights-of-Way.

[a] For lots adjoining both a street and an accessway or alley right-of-way, the rear lot line and related rear yard and rear setback shall be the lot line and related yard and setback adjoining the accessway or alley right-of-way, and which is parallel or essentially parallel to the street line.

[b] For lots adjoining a street and two (2) or more accessways or alley right-of-ways:

[i] The rear lot line and related rear yard and rear setback shall be interpreted as the lot line and related yard and setback adjoining the accessway or alley right-of-way, and which is parallel or essentially parallel to the street line; and

[ii] The side lot line and related side yard and side setback of a lot shall be interpreted as the other lot line and related

yard and setback adjoining the other accessway or alley right-of-way.

[3] Lots Adjoining an Open Space Area when Such Open Space Area is Located Between and Adjoins Both Such Lot and a Street. For lots adjoining an open space area when such open space area is located between and adjoins both such lot and a street, the front lot line and related front yard and front setback shall be the lot line and related yard and setback adjoining the open space area located between and adjoining such lot and such street. The applicant shall designate one (1) rear lot line and related rear yard and setback, and one (1) or more side lot line and related yard and setback and such designation shall be reviewed and deemed acceptable by the Township of Lower Moreland.

[4] Accessory Buildings and Other Similar Roofed Structures for Single-Family Detached Dwellings.

[a] The setback and yard requirements of Article 5 relating to *Permitted Accessory Use or Structure Setback and Yard Exemptions/Modifications in Lot Frontage, Lot Line, Setback, Yard, and Lot Width Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.B.(5))* shall not apply to accessory buildings and other similar roofed structures for single-family detached dwellings, except that accessory buildings and other similar roofed structures shall not be permitted to be located within the front yard.

[b] Except as provided in the subsections below (§ 208-802.G.(3)(b)[4]), all accessory buildings and other similar roofed structures for single-family detached dwellings shall comply with the setback requirements for the single-family detached dwelling as specified in Table 8-2.19 in the subsection above (§ 208-802.G.(3)(a)).

[c] Rear setbacks for accessory buildings and other similar roofed structures for single-family detached dwellings may be reduced to a minimum of six (6) feet where the rear yard adjoins an accessway or alley right-of-way, and any accessory building and other similar roofed structure is offset laterally from any accessory building and other similar roofed structure located less than ten (10) feet from the opposite side of the accessway or alley right-of-way.

[d] Accessory garages and off-street parking spaces for single-family detached dwellings shall be located a minimum of thirty (30) feet from the front building line (building façade) of the principal building, except in the case of a corner lot, where accessory garages may have a front setback equal to or greater than the

principal building and off-street parking may be located in a front yard if said spaces are in a driveway serving an accessory garage.

[5] Maximum Number of Flag Lots. Flag lots may be permitted, but there shall be a maximum of four (4) percent of the total number of lots of the TND that may be permitted to be flag lots. Any flag lot shall meet the dimensional requirements as set forth in Article 8 of this Chapter relating to *Flag Lot Residence in Specific Residential Use Regulations* (§ 208-802.B.).

[6] Additional Setback Requirements.

[a] Except as provided in the subsection below (§ 208-802.G.(3)(b)[6][b]), the following minimum setbacks in Table 8-2.20 in this subsection shall apply:

**TABLE 8-2.20
 ADDITIONAL SETBACK REQUIREMENTS**

FEATURE	MINIMUM SETBACK ¹
Boundary Line of the Site or Tract	40 ft.

NOTES:

1 Any required additional setback shall include required screening, buffering, and buffer yards.

[b] Under the following conditions, the required additional setback may be reduced in accordance with the following:

[i] Where the tract adjoins an existing railroad right-of-way or single-family detached lot, provided that the Township of Lower Moreland:

[A] Determines that the additional setback is either unnecessary or inappropriate; or

[B] Requires that a covenant or easement of an appropriate depth be provided in the tract or in the adjoining lot for the purpose and intent of the required additional setback.

[ii] Where a public street is located in the additional setback, in which case a covenant or easement of an appropriate depth shall be created in the adjacent lot for the purpose and intent of the required buffer yard, subject to the approval of the Township of Lower Moreland.

- (4) Sign Requirements. Signs for permitted non-residential uses within the TND shall comply with the sign regulations for the MU-REV as set forth in Article 7 of this Chapter.

- (5) Parking Requirements.
 - (a) Common parking facilities shall be provided throughout the TND. On-street parking may qualify as common parking to meet this requirement, if deemed acceptable by the entity having jurisdiction of approval of the TND.
 - (b) No off-street parking spaces for non-residential uses shall be permitted in required setbacks except that off-street parking spaces may be located within any yard adjoining a railroad right-of-way as long as the parking spaces are set back a minimum of fifty (50) percent of the required setback.
 - (c) An on-street parking space may be credited towards the required number of off-street parking spaces for a non-residential use if such on-street parking space complies with *Parking for Non-Residential Uses and Other Uses Providing Parking Facilities with a Capacity of Three (3) or More Vehicles Other than Individual Single-Family Dwellings on Individual Lots in Specific Parking Requirements in Additional Parking Requirements in Parking Requirements (§ 208-603.B.(2)(b))*, except that the maximum distance shall be reduced to two hundred (200) feet.
 - (d) On-street perpendicular parking space may be permitted in the public right-of-way only along the lot frontage or front lot line of a lot with a non-residential use and only on one (1) side of any street. Perpendicular parking spaces shall not occupy any portion of such lot. The maintenance and upkeep of on-street perpendicular parking spaces shall be the sole responsibility of either the owner of the non-residential use or the homeowners' association, condominium association or similar legal entity approved by the Township of Lower Moreland. A document establishing the maintenance obligations for the on-street perpendicular parking spaces shall be filed with the Montgomery County Recorder of Deeds in a form which is acceptable to the Township of Lower Moreland and shall be noted on the final recorded plan.

- (6) Site Design Requirements. The site design of a TND shall be regulated as follows:
 - (a) Street Network. The street network shall be a hierarchy of streets generally laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provide multiple routes from origins to destinations.
 - (b) Open Space. Open space areas are required to be set aside as permanent, usable outdoor open space in compliance with Article 5 of this Chapter relating to *Open Space (§ 208-512.)*.
 - (c) Clear Sight Triangle Modifications. The size or shape of a clear sight triangle, as required by Article 5 of this Chapter relating to *Clear Sight Triangles in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.C.)*, may be

modified for streets within a TND if the intersection in question is designed pursuant to the recommendations of a qualified traffic engineer and said design is deemed acceptable by the Township of Lower Moreland.

(7) Design Criteria and Review Process.

- (a) At the time of application for conditional use approval, and in addition to the information required as part of the conditional use application set forth in Article 10 of this Chapter relating to *Conditional Uses (§ 208-1006.)*, the applicant shall submit the following:
 - [1] A complete and detailed set of design criteria shall be submitted with an application for a conditional use permit for a TND.
 - [2] The design criteria shall include, but not be limited to:
 - [a] Required architectural standards, elements, materials and configurations.
 - [b] Administrative provisions, including architectural review, enforcement and appeals procedures.
- (b) The design criteria shall be administered and enforced by a homeowners' association, condominium association or similar legal entity approved by the Township of Lower Moreland.
- (c) The design criteria shall be subject to the review and approval of the Township of Lower Moreland in the granting of a conditional use permit pursuant to Article 10 of this Chapter relating to *Conditional Uses (§ 208-1006.)*. In considering the design criteria, the Township of Lower Moreland may consult with the LMT PC, the MCPC, the Township Engineer, Township Planner, the LMT HARB or other technical experts to determine whether the design criteria contains all required elements and meets the objectives of this use.
- (d) The design criteria approved during the Preliminary Plan approval process as set forth in Chapter 180 relating to Subdivision of Land shall be submitted with any modifications proposed by the developer/applicant as part of the Final Plan approval application process as set forth in Chapter 180 relating to Subdivision of Land. The design criteria, as finally approved, shall be recorded against each lot or unit as an exhibit to the declaration establishing the association or similar legal entity approved by the Township of Lower Moreland, for the TND.

H. Two-Family Detached Dwelling (includes Conversions). Where permitted, the use shall comply with the following regulations:

- (1) Two-family conversions shall also comply with the standards set forth in Article 8 of this Chapter relating to *Conversion of Existing Principal Residential Building to Increase the Number of Dwelling Units in Specific Residential Use Regulations (§ 208-802.A.)*.

I. Active Adult Housing Development

- (1) Active Adult Housing Developments shall be permitted by conditional use on tracts of land consisting of at least 50 acres, the calculation of which may include land separated by roads.
- (2) Where permitted, an Active Adult Housing Development shall follow the criteria set forth as follows:
 - (a) Compliance with Sections 208-802. E. (4) and (5) except for natural resources required to be disturbed due to compliance with PaDEP Act 2 remediation standards.
 - (b) Additional Setback Requirements. (i) minimum setback from the ultimate right-of-way of external streets is 30 ft. and, (ii) the minimum setback from a boundary line of the site or tract when not adjacent to a right-of-way shall be 50 ft.
 - (c) 20% of the lot area proposed to be developed as an Active Adult Housing Development may be developed with single family attached and single family semi-detached residential uses.
 - (d) Notwithstanding other provisions in this Chapter to the contrary, where an Active Adult Housing Development is proposed, the following provisions shall apply:
 - [1] The minimum lot width for semi-detached attached buildings shall be 45 ft. and the single family detached buildings shall be 36 feet.
 - [2] The minimum horizontal distance between the end units of two (2) or more buildings containing four (4) or less dwelling units, measured at the closest point between the applicable end units of each building, shall be no less than 20 ft.
 - [3] The maximum amount of front yard area permitted to be covered by improved surfaces dedicated to driveways, parking, or storing of motor vehicles may exceed 50% for the interior units of contiguously attached buildings containing three (3) or more dwelling units.
 - [4] The maximum density for an Active Adult Housing Development shall be 5.5 dwelling units per acre with a minimum open space requirement of 60%

- (e) Notwithstanding any subdivision regulation to the contrary, cul-de-sac lengths may exceed 500' and provide access to more than 20 dwelling units provided there is alternative emergency access from such cul-de-sacs.
- (f) Utilities. Both public water and public sanitary sewer shall serve all units within the community. All utility lines shall be installed underground.
- (g) All open space and recreational uses such as golf courses shall be restricted from further residential, commercial or industrial development in a form and manner to be approved by the Township during the conditional use hearing process. Additionally, no skeet shooting or similar activity shall be permitted.
- (h) Declaration. Prior to the recording of a finally approved plan, the developer shall prepare a Declaration to be recorded against the property in a form acceptable to the Township Solicitor pursuant to the Federal Housing for Older Persons Act which requires that: (a) 80% of the owners of the dwelling units within the development be age 55 or older, and (b) prohibits any person under the age of 19 from residing in a dwelling unit longer than three (3) months in a calendar year. The Declaration shall be recorded prior to the sale of any unit.
- (i) Homeowners Association. Prior to the recordation of a finally approved plan, a Homeowners Association Declaration in a form acceptable by the Township Solicitor shall be provided. Such Declaration shall form an association which provides for the maintenance and ownership of all common elements and the operation of the association. The Declaration shall be recorded prior to the sale of any unit within the development.
- (j) Parking Requirements. There shall be overflow parking at a rate of .5 spaces per residential unit.
- (k) Vegetative buffer. No minimum vegetative buffer along natural perennial watercourse shall be required in the event the existing vegetation will be removed in compliance with PaDEP Act 2 remediation standards, provided that a riparian restoration plan is implemented.
- (l) Wetland setback. No vegetative buffer within a wetland setback area shall be required in the event disturbance is required for compliance with PaDEP Act 2 remediation standards, provided that a riparian restoration plan is implemented.
- (m) Natural steep slopes.
 - [1] Proposed building areas may include an average slope greater than 15%.
 - [2] No maximum disturbance of steep slope areas shall apply.

§ 208-803. Specific Non-Residential Use Regulations.

A. Agriculture, Forestry, Fishing and Hunting - Sector 11.

(1) Animal Production and Aquaculture (112). Where permitted, the use shall comply with the following regulations:

- (a) The minimum lot area shall be three (3) acres, of which a minimum of eighty thousand (80,000) square feet of contiguous land shall be dedicated to keeping of the livestock/animals.
- (b) All structures, other than a permitted dwelling or residential accessory structure, shall be set back a minimum distance of one hundred (100) feet from any lot line. The minimum setback requirements shall not apply to fences used for the keeping of livestock/animals.
- (c) In accordance with Article 5 of this Chapter relating to *Height Exemptions/Modifications in Lot and Structure Regulations and Exemptions/Modifications (§ 208-507.D.)*, the maximum height restriction of the applicable base zoning district may be increased for any structure used as part of the operation, other than a dwelling or residential accessory use.
- (d) All exhaust or ventilation fans used as part of the operation shall be oriented and directed away from adjacent residential uses.
- (e) To prevent the escape of livestock/animals kept as part of the operation:
 - [1] Livestock/animals shall not be permitted to run at large outside of a completely enclosed structure; and
 - [2] All grazing and pasture areas shall be securely fenced.
- (f) The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act. Notwithstanding anything contained in this Chapter to the contrary, all manure shall be managed in a manner that complies with the Clean Streams Law and the practices prescribed by the most recent version of the Pennsylvania Manure Management Manual.

(2) Fishing, Hunting and Trapping (114). Where permitted, the use shall comply with the following regulations:

- (a) No hunting or trapping activity shall be permitted within three hundred (300) feet of any lot line; otherwise all other activity areas shall be setback one hundred (100) feet from any lot line.
- (b) Shooting ranges and target practice areas shall be prohibited.

- (c) All hunting or trapping areas shall be securely fenced.
- (d) Regulatory notice signs identifying the use and on-site activities shall be posted around the perimeter of the property.

B. Mining, Quarrying, and Oil and Gas Extraction - Sector 21.

RESERVED

C. Utilities - Sector 22.

- (1) Solar Electric Power Generation (221114). Where permitted, the use shall comply with the following regulations:

- (a) See Article 5 of this Chapter relating to *Solar Energy Systems in Accessory Alternative Energy Systems in Accessory Uses and Structures (§ 208-502.C.(2))*.

- (2) Wind Electric Power Generation (221115). Where permitted, the use shall comply with the following regulations:

- (a) See Article 5 of this Chapter relating to *Wind Energy Systems in Accessory Alternative Energy Systems in Accessory Uses and Structures (§ 208-502.C.(3))* except:

- [1] There shall be no maximum number of wind turbines on a lot.
- [2] The maximum height of any wind turbine regardless of lot area shall be one hundred ninety-five (195) feet.

D. Construction - Sector 23.

RESERVED

E. Manufacturing - Sectors 31 – 33.

- (1) Wineries (31213). Where permitted, the use shall comply with the following regulations:

- (a) In the RSD-1:

- [1] The minimum lot area shall be three (3) acres.
- [2] There shall be no outside entertainment, such as concerts, or outside amplification or speaker facilities, as part of the use.

F. Wholesale Trade - Sector 42.

RESERVED

G. Retail Trade - Sectors 44–45.

(1) Gasoline Stations (Fueling Stations) (447). Where permitted, the use shall comply with the following regulations:

(a) In the MU-REV:

[1] The use shall be located on a lot with lot frontage on two (2) state roadways. One (1) of the state roadways shall be classified an arterial road, and the other a major collector. A lot on two (2) arterial streets does not qualify. The use may be located only between Huntingdon Pike and Red Lion Road.

[2] The lot shall have a minimum of one hundred (100) feet of lot frontage on each street.

[3] The minimum lot area shall be sixty thousand (60,000) square feet.

[4] The minimum distance between gasoline stations (fueling stations) shall be one thousand (1,000) feet.

[5] The maximum number of fueling positions under one (1) fueling canopy shall be twelve (12).

[6] The following regulations shall apply and shall supersede any conflicting regulations:

[a] Construction, grading work, and improvements, including storage of petroleum products and utilities may be permitted by right within the floodway and other floodplain areas subject to the approval of the Township of Lower Moreland, and provided that all uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all applicable codes and ordinances enforced within Lower Moreland Township. The landowner or applicant proposing uses, activities, and/or development within the floodway and other floodplain areas shall submit the data and other information required and described in the subsection below relating to *Uses, Activities, and Development within the Floodway and other Floodplain Areas (§ 208-803.G.(1)(a)[7]*).

[b] Streets, roadways, driveways, or parking lots located within the O-FC need not be constructed with pervious surfaces, with the approval of the Township of Lower Moreland.

[c] Bollards may be installed in place of tire bumpers.

- [d] The minimum setback for buildings from an adjoining Residential Zoning District shall be twenty-five (25) feet. This minimum setback shall replace any other applicable setback for buildings along the boundary with an adjoining Residential Zoning District.
 - [e] For gasoline stations (fueling stations), no open space requirement shall apply.
 - [f] For gasoline stations (fueling stations) with fuel pumps, no maximum front setback shall apply.
 - [g] Off-street parking areas may be located in front of or to the side of a building. Off-street parking areas shall not be subject to the parking dimensional requirements set forth in Article 3 relating to *Parking in MU-REV in Additional Layout, Design, and Other Standards – Mixed Use Zoning Districts in Mixed Use Zoning Districts (§ 208-303.D.(4)(d))* provided the screening requirements of *Parking in MU-REV in Additional Layout, Design, and Other Standards – Mixed Use Zoning Districts in Mixed Use Zoning Districts § 208-303.D.(4)(d)[3]* are maintained.
 - [h] Guide rails may be permitted along parking areas if necessary to ensure public safety.
 - [i] The maximum permitted height of a freestanding sign shall be twelve (12) feet, and the maximum permitted sign area per face shall be fifty (50) square feet.
- [7] Uses, Activities, and Development within the Floodway and other Floodplain Areas. In connection with uses, activities or development within the floodway and other floodplain areas, the landowner or applicant shall submit to the Township of Lower Moreland a bound document entitled "Floodplain Impacts and Protections" including the following data and other information:
- [a] Earthwork study that proves no "net" fill is to be placed within the limits of the existing floodplain volume created by the boundaries of the subject property. Further, the site will provide a one-half (0.5) percent increase in stormwater storage volume. The study will evaluate the site from both the existing conditions and proposed final grading perspectives. The term "net" is to indicate that while some areas on the site may be filled, other compensatory areas shall be cut in order to maintain the site's ability to store floodwaters, thereby protecting and improving storm conditions for adjacent lands.
 - [b] Any occupied structure will be elevated to a height a minimum of one and one-half (1½) feet above the regulatory flood elevation.

There shall be no part of the structure below this minimum established grade, unless flood proofed in accordance with applicable standards.

- [c] All external components of the fuel storage, supply and distribution system shall be elevated to a minimum height which matches the regulatory flood elevation, unless flood proofed in accordance with applicable standards.
- [d] The volume difference comparing the stormwater runoff between the pre-development and post-development two-(2) year storm event will be stored on site.
- [e] There will be no increase in peak stormwater runoff rate between the pre- and post-development storms for all storm design periods.
- [f] Manufacturer's proof that the capping of the fuel storage tanks meets or exceeds flood proofing standards which guarantee that no floodwater can enter, and no petroleum product can exit the fuel system in the event of site stormwater inundation.
- [g] An application will be prepared for a FEMA CLOMR based on fill.
- [h] An acknowledgment that an as-built survey will be required at the close of construction that demonstrates that all site design parameters have been met, unless waived. Further, that the as-built plan will be used as an attachment to finalize LOMR application to FEMA. The LOMR application will be the task of the developer.
- [i] An emergency action plan to address operations of the facility during a high-water event, a time when operations of and access to the facility are compromised due to floodwater. The document is intended to be kept in the office of the store manager and is to be used as a template for business operations. At a minimum, the document will prohibit the distribution or delivery of fuels during a high-water event as well as access closures, employee safety, store security, and store closure conditions.
- [j] There will be no disturbance in the FEMA-defined floodway.
- [k] The grading work will not adversely alter the cross section of the floodplain as to impact adjacent lands by damming, diverting or expanding flow patterns.

H. Transportation and Warehousing - Sectors 48-49.

RESERVED

I. Information - Sector 51.

(1) Wireless Telecommunications Facilities (WTF). Where permitted, the use shall comply with the following regulations:

(a) Purpose. To establish uniform standards for the siting, design, permitting, maintenance, and use of WTFs in Lower Moreland Township. While the Township of Lower Moreland recognizes the importance of WTFs in providing high quality communications service to its residents and businesses, the Township of Lower Moreland also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

(b) Intent. The Township of Lower Moreland intends to:

[1] Promote the health, safety and welfare of Lower Moreland Township residents and businesses with respect to WTFs;

[2] Provide for the managed development of WTFs in a manner that enhances the benefits of wireless telecommunication and accommodates the needs of both Lower Moreland Township residents and wireless carriers in accordance with federal and state laws and regulations;

[3] Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WTFs in Lower Moreland Township, including facilities both inside and outside the public rights-of-way;

[4] Address new wireless technologies, including but not limited to, DAS, data collection units, cable Wi-Fi, and other WTFs;

[5] Encourage the co-location of WTFs on existing structures rather than the construction of new tower-based structures;

[6] Protect Lower Moreland Township residents from potential adverse impacts of WTFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

[7] Update the Township of Lower Moreland's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

(c) The regulations and standards of this subsection relating to *Wireless Communication Facilities (§ 208-803.1.(1))* include regulations and standards for the following conditions:

- [1] General requirements for:
 - [a] All WTFs;
 - [b] Tower-Based WTFs;
 - [c] Tower-Based WTFs Inside of Rights-of-Way;
 - [d] Non-Tower WTFs; and
 - [e] Non-Tower WTFs Inside of Rights-of-Way.
- [2] Additional specific requirements for:
 - [a] Tower-Based WTFs Outside of Rights-of-Way; and
 - [b] Non-Tower WTFs that Change Wireless Support Structure.
- (d) Non-Commercial Usage Exemption. Persons utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this subsection relating to *Wireless Communication Facilities (§ 208-803.1.(1))*.
- (e) General Requirements – All WTFs. Unless otherwise prohibited by the WBCA, all WTFs may be permitted only by 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 and standards. Where special exception approval by the LMT ZHB is prohibited by the WBCA, such covered facilities may be permitted by right. All WTFs shall be subject to the following regulations:
 - [1] Standard of Care. All WTFs shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, as applicable. Every WTF shall, at all times, be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in Lower Moreland Township.
 - [2] Wind. All WTFs and wireless support structures shall be designed to withstand the effects of wind according to the most recent version of the standards of by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and

Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended). Such structures shall be designed to withstand wind gusts of a minimum of one hundred (100) miles per hour.

- [3] Interference. No WTF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of adjacent properties.
- [4] Radio Frequency Emissions. No WTF may, by itself or in conjunction with other WTFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the most recent version of the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields".
- [5] Aviation Safety. All WTFs shall meet all FAA regulations.
- [6] Lighting. No WTF shall be artificially lighted, except when required by the FAA, except that security lighting may be used in accordance with Article 5 of this Chapter relating to *Exterior Lighting (§ 208-504.)*.
- [7] Historic Structures or Properties. No WTF may be located on a structure or property that is listed on either the National or Pennsylvania Registers of Historic Places or eligible to be so listed, or has been designated by the Township of Lower Moreland as being of historic significance.
- [8] Security. All telecommunications equipment buildings and similar structures/areas shall be equipped with an appropriate security or alarm system for detection of fire. All towers, poles, and similar structures shall be fitted with anti-climbing devices, as approved by the manufacturer.
- [9] Monitoring and Maintenance. All WTFs shall comply with the following standards:
 - [a] All WTFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [b] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the general public.
 - [c] All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- [10] Certification from a qualified, professional architect or engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the WTF 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 tower and for the suitability of the wireless support structure to which the WTF is to be mounted shall also be provided.

(f) General Requirements – Tower-Based WTFs. All Tower-Based WTFs shall be subject to the following regulations:

- [1] Locational Regulations. All Tower-Based WTFs shall be permitted only:
 - [a] Within the B-IND;
 - [b] Within the Active SEPTA regional rail corridor right-of-way traversing the southern portion of Lower Moreland Township in an east-west manner; or
 - [c] Attached to a tower or structure existing as of the effective date of this Chapter and located in any zoning district.
- [2] Gap in Coverage. An applicant for a Tower-Based WTF shall demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WTF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
- [3] Co-Location. An application for a new Tower-Based WTF shall not be approved unless the Township of Lower Moreland finds that the wireless telecommunications equipment planned for the proposed Tower-Based WTF cannot be accommodated on an existing structure or building, including, but not limited to utility or traffic light poles, water tower, or other suitable, approved “tall” structure. Any application for approval of a Tower-Based WTF shall include a comprehensive inventory of all existing towers, buildings, and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the WTF applicant can show to the satisfaction of the Township of Lower Moreland that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be used. If an existing building or structure is found, it shall be used to mount the telecommunications antenna unless the WTF applicant provides written proof to the Township of Lower Moreland that the owner denied permission to the WTF applicant to install the telecommunications antenna on this existing building or structure.
- [4] Timing of Approval. Within thirty (30) calendar days of the filing of an application for a Tower-Based WTF, the Township of Lower Moreland shall notify the WTF applicant in writing of any information that may be required to complete such application. Any application for a Tower-Based

WTF shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for a Tower-Based WTF. If Township of Lower Moreland requires additional information in order to have a complete application, the time required by the WTF applicant to provide the additional information shall not be counted toward the one hundred fifty (150) day review period. The Township of Lower Moreland shall advise the WTF applicant in writing of its decision on the application.

[5] Removal. In the event that use of a Tower-Based WTF is planned to be or is discontinued, the owner shall provide written notice to the Township of Lower Moreland of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned Tower-Based WTFs or portions of WTFs shall be removed as follows:

[a] All unused or abandoned Tower-Based WTFs and accessory facilities shall be removed within one hundred eighty (180) days of the cessation of operations at the site unless a time extension is approved by the Township of Lower Moreland.

[b] Any unused portions of Tower-Based WTFs, including telecommunications antennas, shall be removed within one hundred eighty (180) days of the time of cessation of operations. The Township of Lower Moreland shall approve all replacements of portions of a Tower-Based WTF previously removed.

[c] Removal of a Tower-Based WTF located in the right-of-way shall comply with the regulations set forth in the subsection below relating to *Relocation or Removal of Facilities in General Requirements – Tower-Based WTFs Inside of Rights-of-Way (§ 208-803.1.(1)(e)[4])*.

[6] Signs. All Tower-Based WTFs shall include one (1) security/warning sign posted in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, in accordance with Article 7 of this Chapter relating to *Security/warning signs...* in *Signs Exempt from Zoning Permit Requirements (§ 208-704.1.)*

[7] Additional Telecommunications Antennae. All Tower-Based WTF applicants shall provide the Township of Lower Moreland with a written commitment that it will allow other service providers to co-locate telecommunications antennae on its Tower-Based WTF where technically and economically feasible. The owner of a Tower-Based WTF shall not install any additional telecommunications antennae without obtaining the prior written approval of the Township of Lower Moreland.

(g) General Requirements – Tower-Based WTFs Inside of Rights-of-Way. The following regulations shall apply to all WTFs located within the public right-of-way and all such WTFs shall comply with these requirements:

- [1] Height. All Tower-Based WTFs shall be designed at the minimum functional height. All WTF applicants shall submit documentation to the Township of Lower Moreland justifying the total height of the structure. The maximum total height of any Tower-Based WTF located in the public rights-of-way shall not exceed sixty (60) feet, which height shall include all subsequent additions or alterations.

- [2] Design Requirements.
 - [a] All Tower-Based WTF installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

 - [b] Telecommunications antennae and all support equipment shall be treated to match the supporting structure. All Tower-Based WTFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the wireless support structure upon which they are mounted.

- [3] Equipment Location. All Tower-Based WTF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township of Lower Moreland or entity responsible for the right-of-way. In addition:
 - [a] In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, the nearer edge of an sidewalk or pedestrian/bike path, or any building;

 - [b] Ground-mounted equipment that cannot be located underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township of Lower Moreland.

 - [c] Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Township of Lower Moreland.

 - [d] Any underground vaults related to Tower-Based WTFs shall be reviewed and approved by the Township of Lower Moreland.

[4] Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township of Lower Moreland, or such longer period as the Township of Lower Moreland determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Tower-Based WTF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Tower-Based WTF when the Township of Lower Moreland, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- [a] The construction, repair, maintenance or installation of any Township of Lower Moreland or other public improvement in the right-of-way;
- [b] The operations of the Township of Lower Moreland or other governmental entity in the right-of-way;
- [c] Vacation of a street or road or the release of a utility easement;
or
- [d] An emergency as determined by the Township of Lower Moreland.

(h) Specific Requirements – Tower-Based WTFs Outside of Rights-of-Way. The following regulations shall apply to Tower-Based WTFs located outside of the public right-of-way of and all such Tower-Based WTFs shall comply with following additional regulations:

[1] Design Regulations and Finishes.

- [a] To promote the aesthetics and compatibility of the use within the existing areas of Lower Moreland Township, Tower-Based WTFs located outside the public rights-of-way shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WTF applicant shall be subject to the approval of the Township of Lower Moreland. At a minimum, all applications for a new Tower-Based WTF shall propose an alternate design in the form of a tree or silo where feasible.
- [b] Any height extensions to an existing Tower-Based WTF shall require prior approval of the Township of Lower Moreland, and shall not increase the overall height of the Tower-Based WTF to more than one hundred seventy-five (175) feet. The Township of Lower Moreland reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of Lower Moreland Township.
- [c] Any proposed Tower-Based WTF outside the public rights-of-way shall be designed structurally, electrically, and in all respects to accommodate both the Tower-Based WTF applicant's telecommunications antennae and comparable telecommunications antennae for future users.
- [d] At a minimum, all Tower-Based WTFs outside the public rights-of-way shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

[2] Surrounding Environs.

- [a] The WTF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Tower-Based WTF structure shall be preserved to the maximum extent possible.
- [b] The WTF applicant shall submit a soil report to the Township of Lower Moreland complying with the standards of most recent version of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, to document and verify the design specifications of the foundation of the Tower-Based WTF, and anchors for guy wires, if used.

- [3] Notice. In conjunction with an application for any Tower-Based WTF which shall be located outside the public rights-of-way, the WTF applicant shall mail notice thereof to the owners and tenants of every property

within one thousand (1,000) feet of the site of the proposed facility and shall provide proof of the mailing of such notice to the Township of Lower Moreland.

- [4] WTF as a Principal Use on a Lot. A Tower-Based WTF may be permitted as the principal use on a lot subject to the following regulations:
 - [a] Setbacks and Yards. The Tower-Based WTF shall have a minimum setback and yard measured from the security fence required by the subsection below relating to *Security Fence, Buffer Yard, and Screening* (§ 208-803.1.(1)(f)[6][a].): Thirty-five (35) percent of the height of the wireless support structure or the minimum setback and yard requirements of the applicable zoning district, whichever is greater.

- [5] Combined with Another Use. A Tower-Based WTF may be permitted on a lot with an existing permitted use, subject to the following conditions:
 - [a] The existing use on the property shall be any permitted use in the applicable zoning district, and need not be affiliated with the Tower-Based WTF.

 - [b] Minimum Lot Size. The minimum lot area shall be the area needed to accommodate the tower/pole (guy wires if used), the telecommunications equipment building, security fence, and buffer yard and screening, which shall be in addition to the required lot area for the existing permitted use.

 - [c] Setbacks and Yards. The Tower-Based WTF shall have a minimum setback and yard measured from the security fence required by the subsection below relating to *Security Fence, Buffer Yard, and Screening* (§ 208-803.1.(1)(f)[6][a].): Thirty-five (35) percent of the height of the wireless support structure or the minimum setback and yard requirements of the applicable zoning district, whichever is greater.

 - [d] Access. Vehicular access to the telecommunications equipment building shall be provided via driveways of the existing use. Where necessary, the Tower-Based WTF owner shall present documentation to the Township of Lower Moreland that the property owner has granted an access easement for the proposed facility.

[6] Security Fence, Buffer Yard, and Screening.

[a] A security fence having a maximum height of eight (8) feet shall completely surround any Tower-Based WTF, guy wires, telecommunications equipment building, or any other structure housing WTF equipment.

[b] Unless buffer yards and screening are provided along the lot lines and street lines of the site in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*, the entire perimeter of fence surrounding the Tower-Based WTF shall be provided with Class C type buffers in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*.

[7] Accessory Equipment.

[a] Ground-mounted equipment associated to, or connected with, a Tower-Based WTF shall be underground or screened from public view using stealth technologies, as described above.

[b] All telecommunications equipment buildings, utility buildings, and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback and yard requirements of the applicable zoning district.

[8] Access. Where new access to the site is required and existing driveways cannot be used, the new access shall be provided in accordance with the applicable design and construction standards and requirements of Chapter 180 of the LMT Codified Ordinances relating to Subdivision of Land (as applicable). Where necessary, the Tower-Based WTF owner shall present documentation to the Township of Lower Moreland that the property owner has granted an access easement for the proposed facility.

(i) General Requirements – Non-Tower WTFs. All Non-Tower WTFs, except for those located in the public rights-of-way, shall be subject to the following regulations:

[1] Permitted in All Zoning Districts Subject to Regulations. Non-Tower WTFs may be permitted in all zoning districts in accordance with the restrictions and conditions prescribed within this Chapter and subject to the prior written approval of the Township of Lower Moreland.

[2] Removal. In the event that use of a Non-Tower WTF is planned to be or is discontinued, the owner shall provide written notice to the Township of Lower Moreland of its intent to discontinue use and the date when the

use shall be discontinued. Unused or abandoned Non-Tower WTFs or portions of Non-Tower WTFs shall be removed as follows:

- [a] All abandoned or unused Non-Tower WTFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township of Lower Moreland.
 - [b] Removal of a Non-Tower WTF located in the right-of-way shall comply with the regulations set forth in the subsection below relating to *Relocation or Removal of Facilities in General Requirements – Tower-Based WTFs Inside of Rights-of-Way (§ 208-803.1.(1)(e)[4])*.
- [3] Permit Fees. The Township of Lower Moreland may assess appropriate and reasonable permit fees directly related to the Township of Lower Moreland’s actual costs in reviewing and processing the application for approval of a Non-Tower WTF, as well as related inspection, monitoring and related costs. Where the Non-Tower WTF does not substantially change the physical dimensions of the wireless support structure to which it is attached, the Township of Lower Moreland may assess appropriate and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of this Non-Tower WTF or one thousand (1,000) dollars, whichever is less.
- (j) General Requirements – Non-Tower WTFs Inside of Rights-of-Way. All Non-Tower WTFs located in the public rights-of-way shall be subject to the following regulations:
- [1] Co-location. Non-Tower WTFs in the right-of-way may be co-located on existing poles, such as existing utility poles or light poles.
 - [2] Design Requirements.
 - [a] All Non-Tower WTF installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - [b] Telecommunications antennae and all support equipment shall be treated to match the supporting structure. All Non-Tower WTFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the wireless support structure upon which they are mounted.

- [3] Time, Place and Manner. The Township of Lower Moreland shall determine the time, place and manner of construction, maintenance, repair or removal of all Non-Tower WTFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township of Lower Moreland and PUC requirements.
- [4] Equipment Location. Non-Tower WTFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township of Lower Moreland. In addition:
- [a] In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb;
 - [b] Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township of Lower Moreland.
 - [c] Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Township of Lower Moreland.
 - [d] Any underground vaults related to Non-Tower WTFs shall be reviewed and approved by the Township of Lower Moreland.
- [5] Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township of Lower Moreland, or such longer period as the Township of Lower Moreland determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Non-Tower WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Non-Tower WTF when the Township of Lower Moreland, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following conditions:
- [a] The construction, repair, maintenance or installation of any Township of Lower Moreland or other public improvement in the right-of-way;
 - [b] The operations of the Township of Lower Moreland or other entity in the right-of-way;

- [c] Vacation of a street or road or the release of a utility easement;
or
 - [d] An emergency as determined by the Township of Lower Moreland.
- [6] Visual or Land Use Impact. The Township of Lower Moreland retains the right to deny an application for the construction or placement of a Non-Tower WTF based upon visual or land use impact.
- (k) Specific Requirements – Non-Tower WTFs that Change Wireless Support Structure. All Non-Tower WTFs located outside the rights-of-way that substantially change the wireless support structure to which they are attached shall be subject to the following additional regulations:
- [1] Development Regulations. Non-Tower WTFs shall be co-located on existing structures, such as existing buildings or Tower-Based WTFs, subject to the following conditions:
 - [a] If the WTF applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - [b] An eight (8) foot high security fence shall surround any separate telecommunications equipment building. Vehicular access to the telecommunications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - [2] Design Regulations.
 - [a] Non-Tower WTFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WTF applicant shall be subject to the approval of the Township of Lower Moreland.
 - [b] Height. Non-Tower WTFs, which are mounted to a building or similar structure, may not exceed a height of fifty (50) feet above the roof or parapet, whichever is higher.
 - [c] All WTF applicants shall submit documentation to the Township of Lower Moreland justifying the total height of the Non-Tower WTF structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - [d] Telecommunications antennae, and their respective accompanying wireless support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

[3] Removal, Replacement, and Modification.

[a] The removal and replacement of Non-Tower WTFs and accessory equipment for the purpose of upgrading or repairing the Non-Tower WTF is permitted, so long as such repair or upgrade does not increase the overall size of the Non-Tower WTF or the numbers of telecommunications antennae.

[b] Any material modification to a Non-Tower WTF shall require a prior amendment to the original permit or authorization.

(I) Special Exception Requirements. WTF applicants shall present testimony and evidence to the LMT ZHB in support of the following requirements:

[1] The WTF applicant shall present documentation that the facility shall be designed in accordance with all the standards cited in this Chapter for WTFs.

[2] The WTF applicant shall demonstrate that the telecommunications antenna/tower/pole for the WTF shall be the minimum height necessary for the service area.

[3] The WTF applicant shall demonstrate that the proposed WTF complies with all federal and state laws and regulations concerning aviation safety.

[4] The need for additional screening and buffer yard treatments shall be evaluated.

[5] The WTF applicant shall demonstrate that the WTF shall be located where proposed in order to serve the applicant's service area and that no other viable alternative location exists.

[6] Where the telecommunications facility is proposed to be located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.

J. Finance and Insurance - Sector 52.

RESERVED

K. Real Estate and Rental and Leasing - Sector 53.

RESERVED

L. Professional, Scientific, and Technical Services - Sector 54.

RESERVED

M. Management of Companies and Enterprises - Sector 55.

RESERVED

N. Administrative and Support and Waste Management and Remediation Services - Sector 56.

RESERVED

O. Educational Services - Sector 61.

(1) Elementary and Secondary Schools (6111). Where permitted, the use shall comply with the following regulations:

(a) Elementary and Secondary Schools may be developed such that two or more principal uses and buildings are established on one parcel in a campus-like setting provided the density and dimensional requirements of the zoning district and all other requirements of this Chapter shall apply to the entire development. Principal uses and buildings shall only be those uses and/or buildings that house classrooms and other instructional facilities of the applicable school owner operator.

(b) Off-street parking requirements. The number of spaces required shall not be less than the minimum requirements of this Ordinance except the Board of Commissioners may permit a reduction in the number of parking spaces to be developed as required provided that each of the following conditions are satisfied:

[1] The applicant shall demonstrate to the Board using five years of existing or projected employment, enrollment, visitor, resident, event, or other relevant data that a reduction in the off-street parking spaces requirements of this chapter is warranted.

[2] The applicant shall execute an agreement with the Township requiring the applicant to acquire, install, and/or construct additional off-street parking spaces in the event that the Board finds that additional parking is needed to service all proposed uses on a site within five years of final occupancy of such project. If additional parking is needed in accordance with this subsection, such parking shall meet all applicable area, dimensional, and buffering requirements.

(c) Buildings and structures exceeding thirty-five (35) feet in height shall be setback an additional two (2) feet beyond the required fifty (50) feet front setback for every one (1) foot of building or structure height above thirty-five (35) feet. In addition, buildings and structures exceeding thirty-five (35) feet in height shall be

setback an additional two (2) feet beyond the required side and rear setbacks for every one (1) foot of building or structure height above thirty-five (35) feet, where the proposed development site adjoins a residential zoning district or use.

- (d) Elementary and Secondary Schools shall have frontage on and have access to a street classified as an arterial or major collector.
- (e) One or more athletic fields that support the sports and recreation activities of an elementary and/or secondary school are permitted as a stand-alone accessory use on a separate lot. Such field(s) shall be served by off-street parking located on the same lot as the athletic field(s) at a rate of one (1) space for every four (4) fixed seats at the facility or where there are no fixed seats, one (1) parking space for every 500 square feet of ground area devoted to the athletic field on-site with the most intense attendance (e.g. football).
- (f) Sports field, courts and stadium lighting on school owner operator property is subject to the following:
 - [1] Maximum height of a light structure shall not exceed 85 feet.
 - [2] Light structure(s) shall be setback 600 feet from the subject site's property lines.
 - [3] Lights shall not exceed a maximum foot candle reading at the property line in excess of 0.2 fc (foot candles) unless otherwise approved by the Board of Commissioners. Fences, vegetation, or other structures may be used to restrict light spillage beyond a property line.
 - [4] Light fixtures shall be shielded to reduce light spillage beyond the extent of the subject site property line and all lamps shall be aimed directly at the field to be lit.
 - [5] Light fixtures shall be positioned so that the emanating light does not shine into streets in such a manner as to interfere with or distract a driver's vision and/or directly onto adjacent properties.
 - [6] Lights shall be turned on no earlier than dusk and turned off no later than 10:00 pm, unless otherwise approved by the Township. Each light standard shall be equipped with an automatic shut-off set for the designated turn-off time.
 - [7] Only one field is allowed to be lit at any one time.
- (g) When the wall of a building to which a wall sign is proposed to be attached, sets back at least 175 feet from a property line, then the sign area of the wall sign may be a maximum of 50 square feet.

P. Health Care and Social Assistance - Sector 62.

- (1) Outpatient Substance Abuse Center (6214). Where permitted, the use shall comply with the following regulations:
 - (a) In the B-IND, the use is limited to an area bounded on the north by the Pennsylvania Turnpike (US I-276) right-of-way, on the east by the municipal boundary line of Upper Southampton Township, on the south by the Norfolk Southern Railroad right-of-way, and the municipal boundary line of Upper Moreland Township on the west.

- (2) Nursing Care Facilities (6231). Where permitted, the use shall comply with the following regulations:
 - (a) Utilities.
 - [1] Public Water and Public Sewer Service. The entire facility shall be served by public water and public sewer services deemed acceptable by the Township of Lower Moreland.

 - (b) In the Residential Zoning Districts or Mixed Use Zoning Districts, the maximum net density shall be two (2) times the maximum permitted density in the applicable zoning district. For purposes of this subsection, each two (2) care/patient beds associated with the facility shall constitute one (1) dwelling unit.

 - (c) In the B-OI, the maximum net density shall be two (2) times the maximum permitted density in the MU-MHPC. For purposes of this subsection, each two (2) care/patient beds associated with the facility shall constitute one (1) dwelling unit.

- (3) Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly (6233). Where permitted, the use shall comply with the following regulations:
 - (a) Utilities.
 - [1] Public Water and Public Sewer Service. The entire facility shall be served by public water and public sewer service deemed acceptable by the Township of Lower Moreland.

 - (b) The facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration of the residents of the facility.

 - (c) In the Residential Zoning Districts or Mixed Use Zoning Districts, the maximum net density shall be two (2) times the maximum permitted density in the applicable zoning district. For purposes of this subsection, each two (2) care/patient beds associated with the facility shall constitute one (1) dwelling unit.

- (d) In the B-OI, the maximum net density shall be two (2) times the maximum permitted density in the MU-MHPC. For purposes of this subsection, each two (2) care/patient beds associated with the facility shall constitute one (1) dwelling unit.
- (e) Continuing Care Retirement Communities. The continuing care retirement community is subject to the following general site requirements set forth in Table 8-3.1 in this subsection below:

**TABLE 8-3.1
 GENERAL SITE REQUIREMENTS**

GENERAL SITE REQUIREMENTS	
Minimum Net Lot Area of the Tract	10 contiguous acres
Maximum Net Density (Based on Public Water & Public Sewer Service) ¹	Limited to 2 times the Maximum Permitted Density in the Applicable Zoning District
Minimum Percentage of Net Lot Area Required to remain in Open Space	30%

NOTES:

- 1 Each two (2) care beds associated with the facility shall constitute one (1) dwelling unit.

- [1] The facility and uses shall be designed and primarily oriented towards residents of the facility, aged fifty-five (55) and over.
- [2] See Table 8-3.2 in this subsection below for the types of uses permitted in and as part of the continuing care retirement community:

**TABLE 8-3.2
 PERMITTED USES -
 CONTINUING CARE RETIREMENT COMMUNITY**

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
RESIDENTIAL USES			
Limited to Dwelling Units Permitted in the Applicable Zoning District	N/A	Yes	(\$ 802.)
NON-RESIDENTIAL USES			
Utilities - Sector 22			
Electric Power Transmission, Control, and Distribution	22112	Yes	N/A
Water Supply System Transmission	22131	Yes	N/A
Sewage System Collection	22132	Yes	N/A
Retail Trade - Sectors 44-45			
Grocery Stores	4451	Yes	N/A
Specialty Food Stores	4452	Yes	N/A
Health and Personal Care Stores	446	Yes	N/A
Hobby, Toy, and Game Store	45112	Yes	N/A
Sewing, Needlework, and Piece Goods Stores	45113	Yes	N/A
Musical Instrument and Supplies Stores	45114	Yes	N/A
Book Stores and News Dealers	4512	Yes	N/A
Florists	4531	Yes	N/A
Office Supplies, Stationery, and Gift Stores	4532	Yes	N/A
Transportation and Warehousing - Sectors 48-49			
Postal Service	491110	Yes	N/A
Information - Sector 51			
Wireless Telecommunications Facilities (WTF)	517	Yes as applicable, See § 208-803.I.(1) for specific WTF type, use, locational, and other requirements.	
Libraries and Archives	51912	Yes	N/A
Finance and Insurance - Sector 52			
Credit Intermediation and Related Activities	522	Yes	N/A
Finance Companies or Personal Credit Institutions (i.e., providing unsecured cash loans)	522291	NP	N/A
Pawnshops	522298	NP	N/A
(n) Health Care and Social Assistance - Sector 62			

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
Offices of Physicians	6211	Yes	N/A
Offices of Dentists	6212	Yes	N/A
Offices of Other Health Practitioners	6213	Yes	N/A
Outpatient Mental Health Centers (except Substance Abuse)	6214	Yes	N/A
Medical and Diagnostic Laboratories	6215	Yes	N/A
Home Health Care Services	6216	Yes	N/A
Nursing Care Facilities	6231	Yes	(§ 803.P.(2))
Day Care Centers, Adult	62410	Yes	(§ 803.P.(4))
Arts, Entertainment, and Recreation - Sector 71			
Nature Parks and Other Similar Institutions	71219	Yes	N/A
Park and Other Non-Commercial Recreational Uses	N/A	Yes	N/A
Accommodation and Food Services - Sector 72			
Food Service Contractors, Cafeteria	722310	Yes	N/A
Restaurants and Other Eating Places	7225	Yes	N/A
Other Services - Sector 81			
Personal and Laundry Services	812	Yes	N/A
Religious Organizations	81311	Yes	N/A
Public Administration - Sector 92			
Municipal Uses	N/A	Yes	N/A
SPECIFIC ACCESSORY USES			
Home Occupation	N/A	Yes	(§ 804.E.)
No-Impact Home Occupation	N/A	Yes	(§ 804.G.)
Outside Dining	N/A	Yes	(§ 804.I.)

[3] Maximum Amount of Permitted Non-Residential Uses. The total amount of permitted non-residential uses shall be limited to a maximum of one hundred (100) square feet of gross floor area per two (2) dwelling units in the development, or twenty thousand (20,000) square feet, whichever is less. For purposes of this subsection, each two (2) care beds associated with the facility shall constitute one (1) dwelling unit.

[4] All indoor non-residential uses shall be located in a building occupied by residential uses or in a community activities building.

- [5] Performance Standards and Dimensional Requirements. The subsections below (§ 208-803.P.(3)(e)[5]) include performance standards and dimensional requirements.
- [a] Dimensional Requirements. Except as provided in the subsection immediately below relating to *Dimensional Modifications* (§ 208-803.P.(3)(e)[5][b]), the dimensional requirements of the applicable zoning district shall apply.
- [b] Dimensional Modification. In order to allow flexibility to address unusual site conditions and irregularly shaped parcels and to preserve trees, watercourses and other natural features, the minimum lot area, minimum lot width, and the minimum setback and yard requirements for a maximum of twenty-five (25) percent of the individual residential lots may be reduced by a maximum of fifteen (15) percent.
- [c] Distance Between Two (2) or More Buildings in the Development.
- [i] Non-Parallel Building Walls. Except as provided in the subsection below (§ 208-803.P.(3)(e)[5][c][ii]), the minimum horizontal distance between any two (2) or more buildings containing five (5) or more dwelling units, measured at the closest point between the buildings, shall be:
- [A] Twenty-five (25) feet where facing building walls do not contain windows or doors; or
- [B] Fifty (50) feet where one (1) or more facing building walls contain a window or a door.
- [ii] The minimum horizontal distance between two (2) or more buildings containing four (4) or less dwelling units, measured at the closest point between the applicable end units of each building, shall be the height of the taller building. In no case, however, shall the minimum distance be less than twenty-five (25) feet.
- [iii] Parallel or Nearly Parallel Building Walls. Notwithstanding the regulations of the subsections above (§ 208-803.P.(3)(e)[5][c][i] and § 208-803.P.(3)(e)[5][c][ii]), where two (2) or more buildings have overlapping, parallel or nearly parallel building walls, the minimum horizontal distance between the two (2) buildings (Y) shall be no less than the length of the portion of the building walls which are overlapping, parallel or nearly parallel (X). In no case, however, shall

these regulations require the minimum horizontal distance between the buildings (Y) to be greater than one hundred (100) feet. (See Figure 8-3.1)

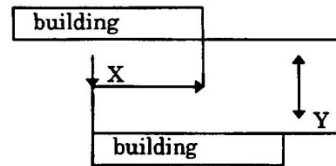


Figure 8-3.1 Typical Minimum Distance between Parallel or Nearly Parallel Building Walls of Single-Family Attached Dwelling Buildings

[d] Additional Setback Requirements.

[i] The following minimum setbacks in Table 8-3.3 this subsection below shall apply:

**TABLE 8-3.3
 ADDITIONAL SETBACK REQUIREMENTS**

FEATURE	MINIMUM SETBACK ¹
Boundary Line of the Site or Tract	40 ft.

NOTES:

1 Any required additional setback shall include required screening, buffering, and buffer yards.

[6] Open Space Areas. Open space areas required to be set aside as permanent, usable outdoor open space shall be in compliance with Article 5 of this Chapter relating to *Open Space* (§ 208-512.).

(4) Day Care Centers, Adult (6241). Where permitted, the use shall comply with the following regulations:

- (a) This use shall not include persons who need oversight because of criminal and/or violent behavior.
- (b) The use may involve occasional overnight stays, but shall not primarily be a residential or temporary or overnight accommodation type use.
- (c) The use shall involve typical stays a maximum of sixty (60) hours per week per person.
- (d) In the Residential Zoning Districts or MU-RO:

[1] The maximum number of non-resident children or adults being cared for on-site at any one (1) time during any calendar day shall be six (6).

[2] Unless buffer yards and screening are provided along the lot lines and street lines of the site in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*, the entire perimeter of an outdoor play area shall be provided with Class B type buffers in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*.

(5) Child Day Care Services (6244). Where permitted, the use shall comply with the following regulations:

(a) See regulations set forth in Article 8 of this Chapter relating to *Day Care Centers, Adult (6241) in Health Care and Social Assistance - Sector 62 in Specific Non-Residential Use Regulations (§ 208-803.P.(4))*.

(6) Senior Living Community. Where permitted, the use shall comply with the following regulations:

(a) Utilities. All facilities within a Senior Living Community shall be served by public water and public sewer service deemed acceptable by the Township of Lower Moreland.

(b) General Site Requirements. The Senior Living Community is subject to the following general site requirements set forth in Table 8-3.4:

GENERAL SITE REQUIREMENTS – Table 8-3.4	
Minimum Net Lot Area of the Tract	5 contiguous acres
Maximum Net Density	N/A
Minimum Percentage of Net Lot Area Required to Remain in Open Space	30%
Minimum Lot Width	100 feet
Maximum Lot Coverage	80%
Maximum Building Coverage	65%

(c) Dimensional Requirements. The Senior Living Community shall comply with the dimensional requirements set forth in Table 8-3.5:

DIMENSIONAL REQUIREMENTS – Table 8-3.5	
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	20 feet each side; or 50 feet if adjoining a residential zoning district.
Minimum Rear Yard Setback for Buildings	20 feet; or 50 feet if adjoining a residential zoning district.

Minimum Parking Setback	50 feet for parking spaces; provided, however, access drives within a parking lot are permitted to be located within the setback.
Maximum Building Height	45 feet. The height of a building shall be permitted to increase by 5 feet per acre over 5 acres of net lot area of the subject property, but in no event shall the building height exceed 60 feet.

(d) Other Uses Permitted within a Senior Living Community:

- [1] Uses within a Senior Living Community shall be designed and primarily serve the residents of the Senior Living Community.
- [2] All indoor non-residential uses shall be located in a building occupied by residential uses or in a community activities building.
- [3] See Table 8-3.6 in this subsection below for the types of uses permitted in and as part of the Senior Living Community.

**TABLE 8-3.6
 PERMITTED USES
 SENIOR LIVING COMMUNITY**

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
RESIDENTIAL USES			
Limited to Dwelling Units Permitted in the Applicable Zoning District	N/A	Yes	(§ 802.)
NON-RESIDENTIAL USES			
Utilities - Sector 22			
Electric Power Transmission, Control, and Distribution	22112	Yes	N/A
Water Supply System Transmission	22131	Yes	N/A
Sewage System Collection	22132	Yes	N/A
Retail Trade - Sectors 44-45			
Grocery Stores	4451	Yes	N/A
Specialty Food Stores	4452	Yes	N/A
Health and Personal Care Stores	446	Yes	N/A
Hobby, Toy, and Game Store	45112	Yes	N/A
Sewing, Needlework, and Piece Goods Stores	45113	Yes	N/A

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
Musical Instrument and Supplies Stores	45114	Yes	N/A
Book Stores and News Dealers	4512	Yes	N/A
Florists	4531	Yes	N/A
Office Supplies, Stationery, and Gift Stores	4532	Yes	N/A
Pharmacy	446110	Yes	N/A
Transportation and Warehousing - Sectors 48-49			
Postal Service	491110	Yes	N/A
Information - Sector 51			
Wireless Telecommunications Facilities (WTF)	517	Yes as applicable, See § 208-803.I.(1) for specific WTF type, use, locational, and other requirements.	
Libraries and Archives	51912	Yes	N/A
Motion Picture Theater, Indoor	512131	Yes	N/A
Finance and Insurance - Sector 52			
Credit Intermediation and Related Activities	522	Yes	N/A
Finance Companies or Personal Credit Institutions (i.e., providing unsecured cash loans)	522291	NP	N/A
Pawnshops	522298	NP	N/A
(n) Health Care and Social Assistance - Sector 62			
Offices of Physicians	6211	Yes	N/A
Offices of Dentists	6212	Yes	N/A
Offices of Other Health Practitioners	6213	Yes	N/A
Outpatient Mental Health Centers (except Substance Abuse)	6214	Yes	N/A
Medical and Diagnostic Laboratories	6215	Yes	N/A
Home Health Care Services	6216	Yes	N/A
Nursing Care Facilities	6231	Yes	(§ 803.P.(2))
Day Care Centers, Adult	62410	Yes	(§ 803.P.(4))
Arts, Entertainment, and Recreation - Sector 71			
Nature Parks and Other Similar Institutions	71219	Yes	N/A
Park and Other Non-Commercial Recreational Uses	N/A	Yes	N/A
Theater	711110	Yes	N/A
Fitness Center	713940	Yes	N/A
Game Room	713120	Yes	N/A
Accommodation and Food Services - Sector 72			

USE	NAICS CODE	PERMITTED USE	SEE ARTICLE 5, 8, OR ELSEWHERE OF THIS CHAPTER FOR ADDITIONAL SPECIFIC USE REGULATIONS
Food Service Contractors, Cafeteria	722310	Yes	N/A
Restaurants and Other Eating Places	7225	Yes	N/A
Pub/Tavern	722410	Yes	N/A
Other Services - Sector 81			
Personal and Laundry Services	812	Yes	N/A
Religious Organizations	81311	Yes	N/A
Personal services (i.e. hair salon, barber shop, nail salon)	81211	Yes	N/A
Public Administration - Sector 92			
Municipal Uses	N/A	Yes	N/A
SPECIFIC ACCESSORY USES			
Home Occupation	N/A	Yes	(§ 804.E.)
No-Impact Home Occupation	N/A	Yes	(§ 804.G.)
Outside Dining	N/A	Yes	(§ 804.I.)

(e) Design Criteria.

- [1] In order to allow flexibility to address unusual site conditions and irregularly shaped parcels and to preserve trees, watercourses, and other natural features, area containing stormwater management facilities and natural features preserved on the property may be counted towards the required amount of open space to be preserved provided that such area can be integrated as part of the passive recreation area.
- [2] In order to allow flexibility to address unusual site conditions and to preserve watercourses and other natural features, and to further the intent of the Township Greenway Plan, the Board of Commissioners shall have the right to modify the location of a public trail when located adjacent to a watercourse and waive the applicable requirements set forth in Chapter 108 of the Lower Moreland Township Code relating to the Floodplain Conservation Overlay Zoning District and Section 208-303.D.4 relating to certain design criteria in the MU-REV district.

(f) Ownership and Occupancy.

- [1] The property comprising the Senior Living Community shall be under single ownership for the maintenance, service and operation of the community. This includes all land, buildings, infrastructure and public or community utilities contained within the tract of land.

- [2] One hundred percent (100%) of the dwelling units in a Senior Living Community shall be age restricted to age fifty-five (55) or older with the exception of a certified care giver to a qualified resident or handicapped dependent.
 - [3] No property developed as a Senior Living Community shall be subdivided in the future and the owner of the Senior Living Community shall record a deed restriction prohibiting the property from being subdivided in the future.
 - [4] All buildings and infrastructure shall be designed to support handicapped adaptability and accessibility.
- (g) Conflicts. In the event of a conflict between the requirements contained in this section and other requirements contained in this Chapter, the requirements of this §208-803.P(6) shall supersede any requirements contained elsewhere in this Chapter.

Q. Arts, Entertainment, and Recreation - Sector 71.

- (1) Golf Courses and Country Clubs (71391). Where permitted, the use shall comply with the following regulations:
 - (a) In the Residential Districts:
 - [1] The golf course is subject to the following general site requirements set forth in Table 8-3.4 in this subsection below:

**TABLE 8-3.4
 GENERAL SITE REQUIREMENTS**

GENERAL SITE REQUIREMENTS	
Minimum Net Lot Area of the Tract	40 contiguous acres

- [2] Additional Lot Frontage, Lot Line, Setback, and Yard Requirements.
 - [a] Additional Setback Requirements.
 - [i] The following minimum setbacks in Table 8-3.5 this subsection below shall apply:

**TABLE 8-3.5
 ADDITIONAL SETBACK REQUIREMENTS**

FEATURE	MINIMUM SETBACK ¹
Boundary Line of the Site or Tract	100 ft.

NOTES:

1 Any required additional setback shall include required screening, buffering, and buffer yards, and may include tee box areas, fairways, and greens.

[3] No driving ranges shall be permitted.

(2) Riding Stables (731990). Where permitted, the use shall comply with the following regulations:

(a) See regulations set forth in Article 8 relating to *Animal Production and Aquaculture (112) in Agriculture, Forestry, Fishing and Hunting - Sector 11 in Specific Non-Residential Use Regulations (§ 208-803.A.(1))*.

R. Accommodation and Food Services - Sector 72.

(1) Bed-and-Breakfast Inns (721191). Where permitted, the use shall comply with the following regulations:

(a) See Table 8-3.6 in the subsection below for the maximum number of permitted overnight guest rooms of occupancy.

**TABLE 8-3.6
 BED-AND-BREAKFAST INN –
 OCCUPANCY REQUIREMENTS**

FEATURE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS
Maximum Number of Overnight Guest Rooms of Occupancy	<u>RSD-1, RSD-2, RSD-3, RSD-4, or RM-1</u> : 3 <u>RM-2 or RM-3</u> : 4	<u>MU-RO</u> : 3 <u>MU-VC, MU-REV or MU-MHPC</u> : 6

(b) All overnight guest rooms of occupancy shall be limited to a maximum of two (2) overnight guests each.

(c) The owner or resident manager of the business shall reside upon the premises. Proof of residency shall be provided.

(d) Ingress and egress to the bed-and-breakfast inn for the public or overnight guest shall be through one (1) common exterior entrance.

(e) Access to all overnight guest rooms of occupancy shall be through the interior of the building. No entrance/exit doors from individual overnight guest rooms of occupancy shall lead directly to the exterior of the building.

(f) Overnight guests shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30) day period.

- (g) No cooking facilities shall be provided or permitted in individual guest rooms of occupancy.
- (2) Rooming and Boarding Houses (7213). Where permitted, the use shall comply with the following regulations:
 - (a) See Table 8-3.7 in the subsection below for the maximum number of permitted guest rooms of occupancy.

**TABLE 8-3.7
 BOARDING HOUSE –
 OCCUPANCY REQUIREMENTS**

FEATURE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS
Maximum Net Density of Tenant Rooms of Occupancy	RM-3: 4	MU-REV or MU-MHPC: 6	B-IND: 8

- (b) All tenant rooms of occupancy shall be limited to a maximum of two (2) tenants each.
- (c) The owner or resident manager of the business shall reside upon the premises. Proof of residency shall be provided.
- (d) All tenant rooms of occupancy available for boarding shall be located within the principal building.
- (e) Ingress and egress to the boarding house for the public or tenants shall be through one (1) common exterior entrance.
- (f) Access to all tenant rooms of occupancy shall be through the interior of the building. No entrance/exit doors from individual tenant rooms of occupancy shall lead directly to the exterior of the building.
- (g) Tenants shall have on-site access to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site must be available to the tenants, or daily meals shall be provided on site for the tenants of the boarding house.
- (h) Meals for compensation shall be provided only to registered tenants of the boarding house. No cooking facilities shall be provided or permitted in the individual tenant rooms of occupancy.
- (i) All tenants shall execute a lease before occupancy.

- (j) Tenants rooms of occupancy shall be leased to the same tenant for at least seven (7) consecutive days.

S. Other Services - Sector 81.

- (1) Cemeteries and Crematories (81222). Where permitted, the use shall comply with the following regulations:

- (a) No burial plots or facilities shall be permitted in any floodplain area as set forth in Article 4 of this Chapter relating to *Floodplain Conservation Overlay Zoning District/O-FC (§ 208-402.)*.

- (2) Adult-Oriented Establishments. Where permitted, the use shall comply with the following regulations:

- (a) In the B-IND, the use is limited to an area bounded on the north by the Pennsylvania Turnpike (US I-276) right-of-way, on the east by the municipal boundary line of Upper Southampton Township, on the south by the Norfolk Southern Railroad right-of-way, and the municipal boundary line of Upper Moreland Township on the west.

- (b) Additionally, the use shall comply with the following regulations:

- [1] No person or legal entity operating an adult-oriented establishment, shall expose to public view, outside of the building or premises or in any window, in display cases or areas visible from the exterior of the building, any contents, merchandise, pictures, images, objects or persons described in the definition of "obscene" or engaged in conduct defined as "sexual conduct."

- [2] Any building or structure used and occupied as an adult-oriented establishment shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.

- [3] No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise, film, or conduct offered therein.

- [4] Each entrance to the premises shall be posted with a notice specifying that minors (persons under eighteen [18] years of age) are not permitted to enter the establishment and warning all other persons that they may be offended upon entry.

§ 208-804. Specific Accessory Use Regulations.

- A. Automated Banking/Postal Facility. Where permitted, the use shall comply with the following regulations:

- (1) In the MU-VC, in no case shall the use include drive-thru facilities.
- (2) Otherwise, the use may include drive-thru facilities subject to the regulations set forth in Article 8 of this Chapter relating to *Drive-Thru Facility for Permitted Uses in Specific Accessory Uses (§ 208-804.C.)*.

B. Day Care, Family. Where permitted, the use shall comply with the following regulations:

- (1) This use shall not include persons who need oversight because of criminal and/or violent behavior.
- (2) The use may involve occasional overnight stays, but shall not primarily be a residential or temporary or overnight accommodation type use.
- (3) The use shall involve typical stays a maximum of sixty (60) hours per week per person.
- (4) The maximum number of non-resident children or adults being cared for on-site at any one (1) time during any calendar day shall be six (6).
- (5) The owner of the business shall reside upon the premises. Proof of residency shall be provided.
- (6) Except to meet fire and safety requirements, and to accommodate permitted signs, no modification to the external appearance of the residential building which would alter its existing residential character shall be permitted. Additionally, the residential building shall maintain an exterior appearance that resembles and is compatible with most of the existing residential buildings in the neighborhood.
- (7) Unless buffer yards and screening are provided along the lot lines and street lines of the site in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*, the entire perimeter of an outdoor play area shall be provided with Class B type buffers in accordance with Article 5 of this Chapter relating to *Landscaping, Buffer Yards, and Screening (§ 208-509.)*.

C. Drive-Thru Facilities for Permitted Use. Where permitted, the use shall comply with the following regulations:

- (1) No service shall be rendered, deliveries made, or sales conducted within the front yard. Customers served in vehicles shall be stopped within the side or rear yard.
- (2) The use shall comply with Article 6 of this Chapter relating to *Vehicle Stacking Facilities (§ 208-606.)*.

D. Heliport, Private. Where permitted, the use shall comply with the following regulations:

- (1) No landing area shall be located within:
 - (a) Five hundred (500) feet of any lot line of a Residential Zoning District or residential use; or
 - (b) Two hundred (200) feet of any other lot line or street line.

E. Home Occupation. Where permitted, the use shall comply with the following regulations:

- (1) A limited range of business uses may be permitted as a home occupation as the business remains secondary and clearly incidental to and compatible with the residential dwelling, and is customarily conducted in a home, except the following uses shall not be permitted:
 - (a) Adult-Oriented Establishments;
 - (b) Outside dining; and
 - (c) Outside storage.
- (2) Any permitted display of retail goods or stockpiling or inventory shall:
 - (a) Be limited to those goods or merchandise which are produced on the premises or are customarily incidental to the business and directly related thereto, such as hair care products by a barber or beautician; and
 - (b) Not be visible from the lot line or street line.
- (3) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (4) The owner of the business shall reside upon the premises. Proof of residency shall be provided.
- (5) The business shall employ no more than one (1) non-resident employee other than family members residing in the dwelling, and the non-resident employee shall not be employed for the purposes of producing goods or providing services directly to customers/patrons, except for secretaries, receptionists, and administrative assistants.
- (6) Except to meet fire and safety requirements, and to accommodate permitted signs, no modification to the external appearance of the residential building which would alter its existing residential character shall be permitted. Additionally, the residential building shall maintain an exterior appearance that resembles and is compatible with most of the existing residential buildings in the neighborhood.
- (7) The business shall not require delivery or pickup by trucks larger than a typical box truck.
- (8) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (9) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

- (10) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area of the principal building, or six hundred (600) square feet of gross floor area, whichever is less.
- (11) The business may not involve any illegal activity.
- (12) The applicant shall submit an hours of operation and management plan in accordance with Article 5 of this Chapter relating to *Hours of Operation (§ 208-506.)*, demonstrating how on-site activities are appropriately scheduled, operated, and maintained to protect the existing neighborhood and adjacent residential uses from detrimental noise, disturbance, or interruption.
- (13) The applicant shall submit the following signed and notarized statement:

“I understand that this use has prescribed limitations that are imposed to protect the residential character of the area. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning.”
- (14) In a Traditional Neighborhood Development (TND), the use shall also comply with the following regulations:
 - (a) Minimum Lot Area and Maximum Gross Floor Area. As specified in Table 8-4.2 in this subsection below, home occupations shall comply with the following requirements:

**TABLE 8-4.2
MINIMUM LOT AREA AND MAXIMUM GROSS FLOOR AREA FOR
HOME OCCUPATIONS IN A TND**

MINIMUM LOT AREA	MAXIMUM GROSS FLOOR AREA
Less than 6,000 sq. ft.	200 sq. ft.
6,000 sq. ft. or more	600 sq. ft.

- F. In-Law Suite. Where permitted, the use shall comply with the following regulations:
 - (1) Only one (1) in-law suite may be established upon a lot. Including the principal dwelling, there shall be a maximum of two (2) dwelling units per lot.
 - (2) Occupants of the in-law suite shall be limited to family members of owner of the lot.
 - (3) The owner of the lot shall reside upon the premises. Proof of residency shall be provided.
 - (4) No in-law suite shall be subdivided from the principal use, and no in-law suite shall be sold separately from the principal use.

- (5) Additions and alterations to the principal residential building for accommodating the in-law suite shall be made to the side or rear of the building, into the side or rear yard as applicable; and no addition or alteration to principal residential building, for accommodating an in-law suite, shall be made to the building facade, into the front yard.
- (6) The in-law suite may have an entrance separate from the entrance to the principal residential building, but an entrance exclusively for an in-law suite shall not be located on the building facade.
- (7) The in-law suite shall be connected within the principal residential building to the principal use via interior doorway with a working and usable door, as means of access for purposes of supervision and emergency response.
- (8) An in-law suite shall have a maximum habitable floor area of:
 - (a) Forty (40) percent of the principal use's habitable floor area; or
 - (b) Seven hundred (700) square feet;whichever is less.
- (9) Vehicular access to the in-law suite shall be limited to the same driveway connection, as applicable with the public street right-of-way that serves the principal use.
- (10) The in-law suite shall be designed, sited, and constructed to have an appearance architecturally compatible with the principal residential building, and which can readily be (re)converted into part of the principal use when the in-law suite is discontinued.
- (11) The principal residential building shall maintain an exterior appearance that resembles and is compatible with most of the principal single-family residential buildings in the neighborhood. Except fire and safety requirements, no modification to the external appearance of the principal residential building which would alter the residential character shall be permitted.
- (12) Utility Connections.
 - (a) The in-law suite shall physically be connected to the existing principal residential building's sewage system and water supply system.
 - (b) No separate utility system or connection serving the in-law suite shall be constructed or used, unless required by the MCHD or PA DEP.
 - (c) If other than public sewer and water system are to be used, the applicant shall submit evidence that the total number of occupants of the principal use and the in-law suite on the site will not exceed the maximum capacities for which the systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an

existing individual on-lot sewage system shall be subject to the review and approval of the MCHD or PA DEP.

- (13) The record owner of the property shall grant a deed restriction limiting such use in accordance with the foregoing provisions in favor of the Township of Lower Moreland. Additionally, the record owner shall execute a separate agreement with the Township of Lower Moreland, which agreement shall:
 - (a) Describe the dimensions and location of the in-law suite.
 - (b) Identify the occupant or occupants of the in-law suite.
 - (c) Be in a recordable form acceptable to the Township of Lower Moreland so as to provide notice at the Montgomery County Recorder of Deeds office.
 - (d) All costs related to the preparation and recording of the foregoing documents are the responsibility of the applicant for the in-law suite.

G. No-Impact Home Occupation. Where permitted, the use shall comply with the following regulations:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The owner of the business shall reside upon the premises. Proof of residency shall be provided.
- (3) The business shall employ no employees other than family members residing in the dwelling.
- (4) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (5) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (6) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (7) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (8) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- (9) The business may not involve any illegal activity.

H. Non-Commercial Keeping of Livestock. Where permitted, the use shall comply with the following regulations:

- (1) As specified in Table 8-4.3 in this subsection below, non-commercial keeping of livestock shall comply with the following requirements:

**TABLE 8-4.3
 NON-COMMERCIAL KEEPING OF LIVESTOCK REQUIREMENTS**

LIVESTOCK GROUP	AVERAGE MATURE WEIGHT ¹	MAXIMUM LIVESTOCK DENSITY PER ACRE ON THE PORTION OF THE LOT AREA DEDICATED TO KEEPING OF LIVESTOCK	MINIMUM LOT AREA	MINIMUM PORTION OF THE LOT AREA DEDICATED TO KEEPING OF LIVESTOCK	MAXIMUM NUMBER OF LIVESTOCK PERMITTED TO BE KEPT	MINIMUM SETBACK FROM LOT LINE ^{2,3}
1	10 lbs. or less	10.0	3 acres	80,000 sq. ft.	80	25 ft.
2	More than 10 lbs. but less than or equal to 250 lbs.	5.0	3 acres	80,000 sq. ft.	40	50 ft.
3	More than 250 lbs.	1.0	3 acres	80,000 sq. ft.	8	100 ft.

NOTES:

- 1 Refer to the most recent version of Agronomy Facts #54 Pennsylvania’s Nutrient Management Act (Act 38): Who Is Affected?; The Pennsylvania State University, 2010.
- 2 The minimum setback requirements shall not apply to fences.
- 3 Buildings, structures (other than fences), and areas directly related to and used as part of the keeping of the livestock/animals shall not be permitted within the front yard or side yard.

- (2) Additionally, the use shall comply with the following regulations:
- (a) The keeping of a combination of livestock types (Groups 1, 2 and/or 3) shall require a livestock density equal to the ratio of the number of livestock, by type. Should one (1) lot house a combination of livestock, the most restrictive setback shall apply.
 - (b) To prevent the escape of livestock:
 - [1] Livestock shall not be permitted to run at large outside of a completely enclosed structure; and
 - [2] All grazing and pasture areas shall be securely fenced.
 - (c) The applicant shall submit a working plan that demonstrates how any areas used for riding or pasturing shall be maintained in acceptable vegetative ground cover.
 - (d) The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act. Notwithstanding anything contained in this Zoning Ordinance to the contrary, all manure shall be

managed in a manner that complies with the Clean Streams Law and the practices prescribed by the most recent version of the Pennsylvania Manure Management Manual.

I. Outside Dining. Where permitted, the use shall comply with the following regulations:

- (1) Setback and Yard Exemptions/Modifications. As specified in Table 8-4.4 in this subsection below, outside dining areas may be permitted setback and yard exemption/modifications which shall comply with the following requirements:

**TABLE 8-4.4
 OUTSIDE DINING SETBACK AND YARD EXEMPTIONS/MODIFICATIONS**

OUTSIDE DINING AREA	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS
Minimum Setback from the Lot Line	10 ft.; or the same minimum setbacks as principal use, whichever is less.	

- (2) No portion of outside dining shall be permitted within a public right-of-way.
- (3) Outside dining furnishings shall be:
 - (a) Limited to tables, chairs, umbrellas, benches, refuse collection receptacles, outdoor heaters, and reservation podiums; and
 - (b) Stored in an enclosed, secured structure from November 1 through end of February.
- (4) The limits of the outside dining area shall be defined via the use of decorative fencing and landscaping, decorative planters, posts with ropes, or other removable enclosures, as well as reservation podiums.
- (5) Advertising or promotional signage, other than permitted signs in accordance with Article 7 of this Chapter, shall be limited to umbrellas.

J. Outside Display. Where permitted, the use shall comply with the following regulations:

- (1) Setback and Yard Exemptions/Modifications. As specified in Table 8-4.5 below, outside display areas may be permitted setback and yard exemption/modifications which shall comply with the following requirements:

**TABLE 8-4.5
 OUTSIDE DISPLAY SETBACK AND YARD EXEMPTIONS/MODIFICATIONS**

OUTSIDE DISPLAY AREA	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS
Minimum Setback from the Lot Line	<p>MU-VC: Not permitted to be located in the front yard.</p> <p>MU-REV: 10 ft.; or the same minimum setbacks as principal use, whichever is less.</p>	<p>B-IND: 10 ft.; or the same minimum setbacks as principal use, whichever is less.</p>

- (2) In no case shall the location of such outside display area occur within any area required for pedestrian walkways, bicycle/pedestrian pathways, or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
- (3) Outside display areas shall be kept in an orderly fashion to permit access and circulation for customers and patrons as well as emergency response.
- (4) The regulations set forth in the subsections above (§ 208-804.J.(1) through § 208-804.J.(3)) shall apply to permitted principal uses involving outside display.

K. Outside Shopping Cart Storage. Where permitted, the use shall comply with the following regulations:

- (1) Setback and Yard Exemptions/Modifications. As specified in Table 8-4.6 below, outside shopping cart storage may be permitted setback and yard exemption/modifications which shall comply with the following requirements:

**TABLE 8-4.6
 OUTSIDE SHOPPING CART STORAGE SETBACK AND YARD EXEMPTIONS/MODIFICATIONS**

OUTSIDE SHOPPING CART STORAGE	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS
Minimum Setback from the Lot Line	<p>MU-REV: 10 ft.; or the same minimum setbacks as principal use, whichever is less.</p>	<p>B-IND: 10 ft. or the same minimum setbacks as principal use, whichever is less.</p>

- (2) Outside shopping cart storage may be located:
 - (a) On sidewalks, under canopies, or in an area immediately adjacent to the principal building’s front building wall or storefront, provided that such location provides clear pedestrian access (sidewalk or other area) at least eight (8) feet wide adjoining the principal building’s front building wall or storefront; or

- (b) Within parking lots, provided that such location does not occur within any area for required vehicular circulation, parking, and loading, or emergency vehicle access (e.g., fire lanes). Within parking lots, such shopping cart collection and storage areas shall be specifically delineated from the adjoining parking lot by the use of identifiable barriers or enclosures (e.g., roofed structures, fencing, etc.).
- (3) Outside shopping cart storage shall be kept in an orderly fashion to permit access and circulation for customers and patrons as well as emergency response.

L. Outside Storage. Where permitted, the use shall comply with the following regulations:

- (1) General. Outside storage areas shall be contained within a completely enclosed structure at least six (6) feet high.
- (2) As specified in Table 8-4.7 in this subsection below, the maximum permitted size of the outside storage area shall comply with the following requirement:

**TABLE 8-4.7
 OUTSIDE STORAGE REQUIREMENTS**

OUTSIDE STORAGE AREA	MIXED USE ZONING DISTRICTS	BUSINESS ZONING DISTRICTS
Maximum Permitted Size as a Percentage of the Total Building Coverage of the Principal Building on the site	MU-REV: 25%	B-IND: No maximum

- (3) The regulations set forth in the subsections above (§ 208-804.L.(1) and § 208-804.L.(2)) shall apply to permitted principal uses involving outside storage.

M. Personal Care Home Occupation. Where permitted, the use shall comply with the following regulations:

- (1) This use shall not include persons who need oversight because of criminal and/or violent behavior.
- (2) See Table 8-4.8 in this subsection below for the maximum number of adults who are not relatives of the operator, being cared for on-site at any one (1) time:

**TABLE 8-4.8
 PERSONAL CARE HOME OCCUPATION –
 OCCUPANCY REQUIREMENTS**

FEATURE	RESIDENTIAL ZONING DISTRICTS	MIXED USE ZONING DISTRICTS
Maximum Number of Adults Who are not relatives of the operator, being cared for on-site at any one (1) time	<p><u>RSD-1, RSD-2, RSD-3, RSD-4, or RM-1: 3</u></p> <p><u>RM-2 or RM-3: 4</u></p>	<p><u>MU-RO: 3</u></p> <p><u>MU-VC, MU-REV or MU-MHPC: 6</u></p>

- (3) Unless permitted by the PA DPW, all individual resident care bedrooms shall be limited to a maximum of two (2) adults being care for.
- (4) Except to meet fire and safety requirements, and to accommodate permitted signs, no modification to the external appearance of the residential building which would alter its existing residential character shall be permitted. Additionally, the residential building shall maintain an exterior appearance that resembles and is compatible with most of the existing residential buildings in the neighborhood.
- (5) The owner, operator, or resident staff member of the business shall reside upon the premises. Proof of residency shall be provided.
- (6) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (7) The business shall employ no more than one (1) non-resident employee other than family members residing in the dwelling.
- (8) Except to meet fire and safety requirements, and to accommodate permitted signs, no modification to the external appearance of the residential building which would alter its existing residential character shall be permitted. Additionally, the residential building shall maintain an exterior appearance that resembles and is compatible with most of the existing residential buildings in the neighborhood.
- (9) Ingress and egress to the building for the public or residents shall be through one (1) common exterior entrance.
- (10) Access to all resident care bedrooms shall be through the interior of the building. No entrance/exit doors from individual resident care bedrooms shall lead directly to the exterior of the building.
- (11) No cooking facilities shall be provided or permitted in individual resident care bedrooms.
- (12) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- (13) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (14) The business may not involve any illegal activity.
- (15) The applicant shall submit an hours of operation and management plan in accordance with Article 5 of this Chapter relating to *Hours of Operation (§ 208-506.)*, demonstrating how on-site activities are appropriately scheduled, operated, and maintained to protect the existing neighborhood and adjacent residential uses from detrimental noise, disturbance, or interruption.
- (16) The applicant shall submit the following signed and notarized statement:

“I understand that this use has prescribed limitations that are imposed to protect the residential character of the area. I also recognize that continued success of my business that requires expansion beyond such limitations at this location would constitute a zoning violation. Should expansion beyond these limitations occur, I will be required to find another, more suitable, location with the appropriate zoning.”