

# **Douglass Township, Montgomery County**

1320 EAST PHILADELPHIA AVENUE, GILBERTSVILLE, PENNSYLVANIA 19525

## **ZONING ORDINANCE**

Revised 2007

# Chapter 27 ZONING

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## Part 1 GENERAL PROVISIONS

**Section 100. Short Title.** This Chapter shall be known and may be cited as the Douglass Township Zoning Ordinance of 1982. (Ord. 82-4, 6/7/1982)

**Section 101. Statement of Community Development Objectives.** This Chapter is enacted in conformance with the requirements of Act 247, The Municipalities Planning Code, as amended. It is the intent of this Chapter to implement the goals and objectives set forth in the Douglass Township Comprehensive Plan, as updated in 1988, in such a way that land uses appropriate for the character of the Township are encouraged and environmentally sensitive areas such as steep slopes and floodplains are protected from inappropriate development. The following specific development goals and objectives are intended to serve the needs of Douglass Township's future. (Ord. 94-2)

1. Residential Goals and Objectives:

- A. To encourage the maintenance of the rural character of the Township while providing a variety of housing types and densities.
- B. To provide for low density residential development in areas which are removed from the Gilbertsville core area and which neither have, nor are planned to have, centralized sewer or water service.
- C. To allow for timing of growth at a rate consistent with recent past growth and the availability of appropriate community facilities and municipal services.
- D. To channel higher densities of development into areas which provide adequate community facilities and municipal services or are planned for their expansion.
- E. To direct manufactured home park development into areas most suited for it in terms of required community facilities and municipal services as well as other medium density residential land use requirements.

2. Industrial Development Goals and Objectives:

- A. To provide adequate land for all types industrial development.
- B. To adequately protect surrounding development from the noxious effects of heavy industry.
- C. To permit light industrial and research and development uses to be located on appropriate sites which are consistent with surrounding development patterns.

3. Commercial Development Goals and Objectives:

- A. To make provisions for adequate commercial facilities to serve the present and projected population of Douglass Township.
- B. To permit the development of planned convenience centers which would permit easy access for convenience goods.

- C. To limit "strip commercial" uses in mixed commercial and residential areas to uses which do not attract large volumes of traffic and continuous customer turnover, including uses such as specialty and personal service shops, especially when located in the conversions of existing buildings.

4. Environmental and Open Space Goals and Objectives:

- A. To adopt zoning which encourages preservation and protection of environmental amenities.
- B. To encourage the retention of appropriate open space by means of innovative development techniques.
- C. To ensure that inappropriate development will not occur in floodplains, areas of steep slopes or other environmentally-sensitive areas.

5. Institutional Goals and Objectives:

- A. To encourage institutional uses needed and desired by Township residents.
- B. To provide guidance and standards for locating and development institutional uses.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, Sect. 11; and by Ord. 94-2, 3/7/1994, Sect. 1)*

**Section 102. Establishment of Controls.**

- 1. For New Structures, Subdivision and Uses. All new buildings or other structures shall be constructed, and all parcels of land shall be subdivided, developed and/or used only in accordance with the regulations specified for each district. Any new building, other structure, or tract of land approved after the effective date of this Chapter, as a result of the granting of a variance or other appropriate, lawful form of relief, shall be deemed nonconforming and subject to the regulations of Part 17 of this Chapter.
- 2. For Existing Structures, Parcels and Uses. Any lawful buildings, other structures, parcels or uses of land in existence on the effective date of this Chapter, which are not in conformance with the applicable regulations contained herein, shall be deemed nonconforming, and subject to the regulations of Part 17 of this Chapter.

*(Ord. 82-4, 6/7/1982)*

**Section 103. Establishment of Districts and Other Regulations.**

- 1. For the purposes of this Chapter, the Township of Douglass is hereby divided into districts, which shall be designated as follows:

R-1	Agricultural-Residential District	CC	Convenience Commercial District
R-1A	Agricultural-Residential Alternative District	GC	General Commercial District
R-2	Residential District	M-1	Office and Light Industrial District
R-3	Residential District	M-2	Manufacturing Industrial District
R-4	Residential District	FL	Flood Plain Conservation District
IN	Institutional District	MU	Office and Mixed-Use District
LC	Limited Commercial District		

*(Ord. 90-8)*

2. In addition, there shall be two parts which provide for other development options within the framework of several of the residential districts listed below. These parts shall be designated as follows:

Cluster Development Regulations

Manufactured Home Park Regulations

(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, Sect. 11; by Ord. 90-1, 7/16/1990, Sect. 15; and by Ord. 90-8, 11/19/1990, Sect. 2)

**Section 104. Adoption of Zoning Map.** The areas with the Township limits as assigned to each district and the location of boundaries of the districts established by this Chapter are shown upon the Zoning Map, which is declared to be part of this Chapter and shall be kept on file by the Township Secretary. (Ord. 82-4, 6/7/1982)

**Section 105. District Boundary Lines.** Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to the following centerline.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such boundaries.
3. Boundaries indicated as approximately following township boundaries shall be construed as following such boundaries.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks; or following the centerline of the right-of-way if the tracks are removed.
5. Boundaries indicated as following streams and rivers shall be construed to follow centerlines of the same.
6. Boundaries indicated as parallel to or extensions of features indicated in 5 and 6 above shall be so constructed to the Township. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
7. When a district boundary line divides a lot held in single and separated ownership at the time this Chapter becomes effective, the regulations as to use in the less restrictive district may, when authorized as a special exception, extend over a portion of the lot in the more restrictive district, not to exceed 50 feet.

(Ord. 82-4, 6/7/1982)

**Section 106. Lot Sizes.** Any lot, as well as the open space reserved on it, must equal or exceed the minimum sizes prescribed in this Chapter for the district in which the lot is located.

(Ord. 82-4, 6/7/1982)

**Section 107. Lots of Record, Nonconforming.** A lot of public record, in single and separate ownership at the time of enactment of this Chapter, or amendments thereto, which is not in conformance with the area or other dimensional requirements of the district in which it is located, shall be deemed nonconforming, and shall be subject to the regulations of Section 1705 of this Chapter. (Ord. 82-4, 6/7/1982)

**Section 108. Reduction of Lot Area.** No lot shall be so reduced that the area of the lot or the dimensions of the required open space shall be less than herein prescribed. (Ord. 82-4, 6/7/1982)

**Section 109. Obstruction to Vision at Intersections Prohibited.** On corner lots, no physical improvements or planting areas shall be erected, altered or maintained within the required yards which shall cause obstruction to driver vision from the abutting intersection. (Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)

**Section 110. Access to Public Streets.** All lots shall have direct access to a public street in compliance with the minimum lot width regulations of the district in which they are located. In the R-1 and R-2 Zoning Districts access may be provided by a strip of land at least 50 feet wide, provided that the area of the access trip is not calculated in the minimum lot area, and that the lot or lots comply with the requirements of Section 128, Rear Lotting. In the R-3 District, single-family attached dwelling units may share common access driveways or roads which serve clusters of dwelling units. (Ord. 82-4, 6/7/1982)

**Section 111. Existing Interior Lots.** In computing the area of such lots, the area of the access strip shall not be included. The access strip shall be used as access to only the particular lot of which it is a part, except when other lots, with street frontage and lot width in compliance with this Chapter, obtain access via the access strip for safety or convenience purposes. (Ord. 82-4, 6/7/1982)

**Section 112. Accessory Uses.** Accessory uses authorized in the Chapter shall include any of the following or similar uses:

1. Uses accessory to agricultural use:
  - A. Greenhouses.
  - B. Preparation of products produced on the premises.
2. Uses accessory to dwelling:
  - A. Private garage, children's' playhouse, private swimming pool, parking space, private stables, barn, shelter for pet, storage shed.
  - B. Non-commercial greenhouses.
  - C. Home gardening.
  - D. Home occupations as defined in Section 201 and as limited by Section 135. (Ord. 91-8)
  - E. Any and all of the above listed accessory uses shall employ no more than one individual, not a residential in the dwelling, and shall be under the supervision of the resident practitioner of the business.

(Ord. 82-4, 6/7/1982; as amended by Ord. 85-5, 8/19/1985; by Ord. 90-1, 7/16/1990, Sect. 1; and by Ord. 91-8, 10/22/1991, Sect. 1)

**Section 113. Minimum Setback for Accessory Buildings.**

1. An accessory building having less than 150 square feet may be erected within side or rear yards, provided:



- A. It is located at least as far back from the street line as the foremost portion of the principal building, and
  - B. The distance from the accessory building to the side and rear property line is at least 10 feet.
2. There shall be no distinction between permanent accessory buildings and non-permanent accessory building.
  3. Accessory buildings having 150 square feet or more shall comply with the yard regulations applicable to the principal building on the lot.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 86-8, 7/21/1986; and by Ord. 87-4, 11/16/1987)*

**Section 114. Projections into Required Yards.** No structure and no part of a structure shall be erected within or shall project into any minimum required yard in any district except that:

1. An enclosed porch, not more than 14 feet in height may be erected to extend into a required front or rear yard a distance of not more than 10 feet, provided that the remaining setback from a property line is not less than 5 feet.
2. An uncovered terrace that does not extend above the level of the first floor of the building may be erected to extend into a required yard a distance of not more than 10 feet, provided that the remaining setback from a property line is not less than 5 feet.
3. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 18 inches into a required yard.
4. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than 3 feet into a required yard.

*(Ord. 82-4, 6/7/1982)*

**Section 115. Height Exceptions.** Exception to the maximum height specified in each district shall be governed by the following:

1. Chimneys, skylights, tanks, radio or television receiving antennas or similar uses or structures shall not be included in calculating the height where such structures are customarily vertical projects of a permitted building.
2. In any residential district that prescribed basic height limit may be exceeded by one foot for each foot by which the width of each side yard and the depth of each front and rear yard are increased beyond the minimum requirements up to a maximum of 10 feet.
3. Vertical projections of buildings described in 1 above, and self-supporting structures of other types when permitted (e.g. windmills, radio or water towers) may exceed the maximum permitted height limits, provided that the setback from all property lines of the lot on which the structure

*(Ord. 82-4, 6/7/1982)*

**Section 116. Minimum Habitable Floor Area.** No dwelling, dwelling unit, or other structure designed for residential occupancy shall be constructed or occupied for residential purposes unless the same shall contain an inhabitable floor area of not less than 600 square feet. (Ord. 82-4, 6/7/1982)

**Section 117. Manufactured Home and Manufactured Home Parks.** Manufactured homes are a permitted use in R-1, R-1 Alternate, R-2, and R-3 Residential District, subject to the following regulations:

1. In R-1, R-1A, R-2 and R-3 Districts a manufactured home may be located on a lot as a single-family detached dwelling, in compliance with the applicable provisions of the respective district, provided it is permanently installed on a building foundation constructed in compliance with the Township's Building Code.
2. In the R-2 District, in addition to being permitted as specified in Section 117.1 above, manufactured homes are a permitted use under the provisions of Part 7, "Cluster Development," in compliance with the regulations of that part and subsection 2 above.
3. In the R-3 District, manufactured home parks are permitted as a conditional use when developed in compliance with the regulations of Part 14, "Manufactured Home Park Development," and subsection 4 below.
4. The undercarriage of all manufactured homes shall be screened from view by means of foundation walls or appropriate skirting, and wheels shall be removed.
5. Sewer and water facilities shall be required for manufactured homes in accordance with the provisions of the respective districts in which they are located.

(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/1987, Sect. 11; and by Ord. 90-1, 7/16/1990, Sect. 17)

**Section 118. Exceptions for Public Utility Corporations and Township.** This Chapter shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of such corporation the Pennsylvania Public Utility Commission, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public; nor shall this Chapter apply to any building of the Township, or extension thereof, or to the use of any premises by the Township. (Ord. 82-4, 6/7/1982)

**Section 119. Condominium Ownership Plans.** No section of this Chapter shall be construed to prohibit condominium ownership as permitted by the applicable enabling legislation of the Commonwealth of Pennsylvania. (Ord. 82-4, 6/7/1982)

**Section 120. Prohibition of Public Nuisances.** The following standards shall be followed throughout the Township.

1. No building may be erected, altered or used and no lot or premises may be used, for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise.
2. No lot or premises shall be used for storage, deposit or disposal of rubbish, junk or any noxious, offensive or otherwise objectionable material.

(Ord. 82-4, 6/7/1982)

**Section 121. Garage or Yard Sales.** No person shall conduct more than two garage sales or yard sales on any lot in an R-1, R-2, R-3 or R-4 District during any calendar year. Each sale shall be limited to a maximum of 10 days. (Ord. 82-4, 6/7/1982)

**Section 122. Heliports.** Recognizing the increasing use of heliports in personal transportation, commercial, public safety and emergency operations, the following provisions shall apply to the establishment of heliports in Douglass Township.

1. Personal use heliports shall be permitted as a Special Exception in the M-1 and M-2 Districts, only when licensed by the Bureau of Aviation of the Pennsylvania Department of Transportation (PENNDOT), and subject to the standards of the district in which it is located. In addition, no personal use heliport shall be located closer than 50 feet from the property line of the parcel on which it is located or 100 feet from a residential district or use.
2. Commercial heliports shall be permitted as a Special Exception in the M-2 District only when licensed by the Bureau of Aviation of PENNDOT and complying with all pertinent PENNDOT standards, and subject to the standards of the M-2 District. In addition, no structure or storage area for helicopters shall be located closer than 100 feet from any residential district or use, of which at least 50 feet shall be maintained as a green area and planted in grass, shrubs and/or trees.
3. Signs, parking for cars, screening and green area must conform to the requirements for the district in which it is located.
4. Fencing, which does not interfere with the landing of the helicopters, shall be required whenever necessary to restrict pedestrian access.

(Ord. 82-4, 6/7/1982; as amended by Ord. 88-1, 4/18/1988)

**Section 123. Required Permit.**

1. It shall be unlawful to take off or land a helicopter anywhere within Douglass Township except at a site for which a permit, issued by the Township as hereinafter provided, is in force unless landing or takeoff is done:
  - A. When necessary for law enforcement purposes or for emergencies; or
  - B. On an occasional basis (nor more than 2 landings and takeoffs per year in one location) not including the activities listed under 1(A) above.
2. Permits for establishing, using and maintaining sites shall be issued to the owner or leasee of a site by a Zoning Officer within 30 days after the granting of a Special Exception by the Zoning Hearing Board. Notwithstanding the locational requirements set forth herein, a permit will be issued for a helicopter landing and takeoff in conjunction with a special event such as an athletic contest, a holiday celebration, commercial promotion, parade or similar activity provided that the Township is given at least one week's notice and the landing area is approved by a safety specialist from the Pennsylvania Department of Transportation Bureau of Aviation.

(Ord. 82-8)

3. The permit shall be deemed automatically revoked if:

- A. The Pennsylvania Department of Transportation Bureau of Aviation revokes the license or refuses to re-license the site after one of its periodic inspections (said inspections are made at least annually); or
  - B. Thirty days after the Zoning Officer has notified the permit holder in writing that the site is no longer in compliance with the requirements set forth herein for the initial granting of the permit, provided the alleged defect has not been cured within said 30-day period.
4. Procedure After Revocation. When the site permit has been revoked, the owner or leasee shall forthwith cause the site to be closed to all helicopter operations by publishing such notices and warnings, and employing such markings as are customary to accomplish this purpose.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 82-8, 11/1/1982, Sect. 11)*

**Section 124. Modification of Requirements.** *(Repealed) (Ord. 82-4, 6/7/1982; repealed by Ord. 90-1, 7/16/1990, Sect. 11)*

**Section 125. Interpretation of Regulations.** The interpretation of this Chapter is intended to be such that whenever these requirements are at variance with the Township Subdivision and Land Development Ordinance or any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirements shall govern. *(Ord. 82-4, 6/7/1982)*

**Section 126. Severability.** Should any section or provision of this Chapter be declared by a court to be unconstitutional or invalid for any reason, such shall not affect the validity of the Chapter as a whole nor the validity of any other section or provision of this Chapter other than the one so declared. *(Ord. 82-4, 6/7/1982)*

**Section 127. Repealer.** The Douglass Township Zoning Ordinance of 1968 as amended, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed. *(Ord. 82-4, 6/7/1982)*

**Section 128. Rear Lotting.** Rear lots, as defined in Part 2 of this Chapter, upon recommendation of the Township Planning Agency and Engineer, subject to the following criteria:

- 1. For each rear lot created, there must be a corresponding road frontage lot containing the minimum building setback line, if a majority of the land area of the parent lot is being lotted off.
- 2. If only a minor portion of an existing tract is being subdivided, rear lots may be used under the following conditions:
  - A. When it serves to preserve existing farmland and rural appearance by locating building lot area remote from existing roads.
  - B. When existing road frontage does not permit creation of a new, standard-width lot, but does permit use of an access strip which is reserved for future use as a street for access to the remainder of the tract.
  - C. Where future subdivision of a tract is contemplated, and supported by a tentative overall sketch plan; and when rear lotting serves to reduce the number of access

points from existing, through-roads by providing for a common access driveway along an access strip which is reserved for future use as a street right-of-way.

3. Not more than two real lot access strips will be permitted to abut one another unless some form of guarantee is made for a right-of-way for future use as a public street, upon recommendation of the Township Planning Agency and Engineer.
4. In reviewing applications for rear lots, the Board of Supervisors, Township Planning Agency and Engineer shall consider the following factors:
  - A. The configuration of the property being subdivided.
  - B. The amount of existing road frontage.
  - C. The number of lots involved, both the total number and the amount that would be rear lots.
  - D. The size of the proposed lots.
  - E. The topography, vegetation and other environmental characteristics of the parcel being divided.
  - F. The type and character of the road the tract abuts.
  - G. The character of surrounding area, from two aspects:
    - 1) Its physical characteristics and whether the subdivision site is distinguishable from it.
    - 2) Its planned future character, that is, whether in a growth area, on the edge of a growth area or in a rural area.
  - H. The development status of surrounding sites.
  - I. Whether multiple rear lots would set a bad precedent for nearby sites.
  - J. The visual character desired for the tract, that is, whether it's better to see all the houses near the road, or to "hide" some in back and have less perceivable density.
  - K. Whether a public road would appear "forced" either on the plan or on the ground (considering configuration, alignment, natural features, etc.).
  - L. Economics, that is, the number of lots in the rear versus the cost of the new road.
5. If rear lotting is to be permitted, the following criteria shall be used for the design of the plan:
  - A. The access strip should be a fee simple part of the rear lot.
  - B. The area in the access strip should not be a part of the minimum lot area calculation.
  - C. The length of the access strip should be kept a part to a minimum.

- D. There should be no sharp turns (greater than 45°) in the access strip.
- E. The location of the access strip should be logical relative to the body of the rear lot, surrounding property configurations, and environmental features such as woods, steep slopes, streams, floodplains, etc.
- F. When two access strips abut, they should preferably have a common physical drive constructed using cross-easements.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 82-8, 11/1/1982, Sect. 1)*

**Section 129. On-Lot Sewage Disposal.** The use of on-lot sewage disposal, where permitted by this Chapter, shall comply with the regulations herein, but shall not be permitted to be used unless a permit has been issued by the Montgomery County Health Department, which has certified that the proposal meets or exceeds all applicable state regulations pertaining to on-lot disposal systems. *(Ord. 82-4, 6/7/1982; as amended by Ord. 94-2, 3/7/1994, Sect. 2)*

**Section 130. Commercial Vehicles in Residential Districts.** Overnight parking of commercial vehicles over 10,000 pounds gross vehicle weight is prohibited in residential districts, except in compliance with the following regulations:

- 1. In the R-1 District one vehicle may be parked on each conforming lot, provided the vehicle is owned or operated by a person residing on the lot. Vehicles used for agricultural purposes on the premises where they are parked are exempt from this regulation.
- 2. For more than one vehicle on a conforming R-1 lot, or for one or more vehicles on a conforming lot in the R-1 Alternate, R-2, R03 or R-4 Districts, approval as a Special Exception must be granted by the Zoning Hearing Board, with the right to review of the Township Planning Agency and Engineer, in compliance with the following criteria:
  - A. Sufficient turning area must be provide and used on the lot so that the vehicle(s) will not have to back onto or off of the street; this requirement does not apply to residential streets.
  - B. No such vehicles shall be parked in a front yard area.
  - C. A minimum setback of 10 feet shall be required from a side or rear property line, which area shall be provided with an opaque fence or screen planting to a height of at least 6 feet.
  - D. Any such vehicle which creates noise louder than a typical automobile shall not be left running on the lot for a period exceeding 10 minutes. A typical automobile shall not be left running on the lot for a period exceed 10 minutes.

*(Ord. 90-1)*

- 3. All other township regulations regarding noise, sanitation, etc., shall be strictly enforced.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 82-8, 11/1/1982, Sect. 1; and by Ord. 90-1, 7/16/1990, Sect. 16)*

**Section 131. Adult Use Standards and Criteria.** Adult uses, as defined in this Chapter, are permitted in the General Commercial District only when authorized by the Zoning Hearing Board as a Special Exception in compliance with the standards and criteria of this section and Part 11, General Commercial District.

1. Any adult use shall not be located within 100 feet of a residential zone, church, playground, park or any other adult use unless a waiver is obtained as provided for in subsection 3 hereof.
2. Any adult use shall not be located within 1,000 feet of a school unless a waiver is obtained as provided for in subsection 3 hereof.
3. A waiver shall be granted upon the following conditions:
  - A. In the case of an adult use to be located within 500 feet of a residential zone, church, playground, park or any other adult use:
    - 1) when 51 percent of the persons owning real estate or residing on real estate or operating a business, within 500 feet of the proposed adult use have approved of the waiver allowing such use in writing; and
    - 2) when the applicant for the proposed adult use has complied with Section 132 of this Chapter where applicable.
  - B. In the case of an adult use to be located within 1,000 feet of a school:
    - 1) when 51 percent of the persons owning real estate or residing on real estate or operating a business, within 500 feet of the proposed adult use have approved of the waiver allowing such use in writing; and
    - 2) when 51 percent of the parents of minor children who attend any school located within 1,000 feet of the proposed adult use have approved of the waiver allowing such use in writing; and
    - 3) when the applicant for the proposed adult use has complied with Section 132 of this Chapter where applicable.

*(Ord. 82-4, 6/7/1982)*

**Section 132. Review by Planning Agency; Approval or Disapproval by Board of Supervisors.**

1. Plans for any institutional, commercial or industrial use shall be submitted to the Planning Agency prior to the issuance of any zoning permit and such plans shall include the following:
  - A. A plot plan of the lot showing the location of all present and proposed buildings and other improvements, drives, parking lots, drainage facilities and sanitary sewage facilities, together with all buildings, streets, alleys, highways, drainage facilities and other topographical features located within 200 feet of any lot line.
  - B. Architectural plans for the proposed buildings and other improvements.

- C. A description of the commercial operations proposed in sufficient detail to indicate the effects of those operation sin producing traffic congestion, noise, glare, air pollution, water pollution, drainage problems, fire hazards or safety hazards.
  - D. Engineering and architectural plans for the treatment and disposal of sanitary sewage and surface water drainage.
  - E. The proposed number of employees and the estimated number of patrons or customers.
  - F. Any other pertinent data or information that the Planning Agency may require.
2. The Planning Agency shall review all plans for institutional, commercial or industrial uses submitted to them within 45 days of such submission and shall transmit such plans with recommendations thereof to the Board of Supervisors for final approval.
  3. Upon receipt of plans for any institutional, commercial or industrial use together with recommendations thereon by the Planning Agency or without such recommendations if the Planning Agency has failed to act within 45 days as hereinabove required, the Board of Supervisors shall have the power to approve or disapprove such plans. The Secretary of the Board of Supervisors shall notify the Zoning Office of its final decision and any special conditions agreed upon in writing regarding any institutional, commercial or industrial use. The Zoning Officer shall issue no zoning permit for any institutional, commercial or industrial use before receiving such written approval from the Board of Supervisors.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 85-3, 3/4/1985)*

**Section 133. Keeping of Livestock.** Except as otherwise regulated by this Chapter as an agricultural use, the keeping of livestock, other than common domestic house pets, shall require a minimum one acre lot area, provided that less than 50 percent of the lot area is used for livestock purposes. *(Ord. 82-4, 6/7/1982)*

**Section 134. Provisions for Day Care Facilities.** Day care facilities shall conform to the following criteria and standards as well as the requirements of the district in which they are located.

1. Registration. Each operator of a child or adult day care center, family day care home or group day care home shall register with Douglass Township prior to the initiation or modification of such use. The operator must certify compliance with all aspects of this Chapter as well as all other applicable Douglass Township requirements and Commonwealth of Pennsylvania requirements for child and adult care. *(Ord. 94-2)*
2. Inspection. The operator of a child or adult day care facility shall permit authorized agents of Douglass Township to enter the property to inspect such use for compliance with requirements of this section and all other applicable township ordinances and state statutes and regulations. *(Ord. 94-2)*
3. Day care facilities must hold an approved Pennsylvania Department of Public Welfare (child day care) or Department of Aging (adult day care) certificate or license, as appropriate and comply with all applicable state regulations, including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes. Administrators providing day care services



must conduct background checks on all job applicants to determine their suitability for employment in a day care program. (Ord. 94-2)

4. Family day care homes shall meet the following requirements:

- A. For residences abutting residential streets, permitted on-street parking areas may be used for non-resident employee parking and passenger drop off space, provided that the child drop off is conducted on the same side of the road as the subject property.
- B. For residences abutting semi-controlled access and collector streets, one additional off-street parking space shall be provided for non-resident employee and one safe passenger drop off space measuring at least 10 feet by 20 feet shall be provided. In addition, the off-street parking area shall be designed so that vehicles can turnaround in the parking area in order to avoid the danger of backing onto a street.
- C. Each home shall have a minimum of 40 square feet of indoor space for each child, measured wall-to-wall, inclusive of space occupied by cupboards, shelves, furniture and equipment, but exclusive of halls, bathrooms, offices, kitchens, locker rooms and related areas. (Ord. 91-11)
- D. Each home shall have a minimum of 30 square feet of outdoor play space for each child, to be located only in the rear yard of the residence. (Ord. 91-11)
- E. The outdoor play area shall not be located within 10 feet of an adjoining property line. (Ord. 91-11)
- F. The outdoor play area shall be surrounded by a safety fence impenetrable by children or small animals, with a minimum height of 4 feet and constructed of materials suitable to the existing residential environment. (Ord. 91-11)
- G. Time of operation shall be limited to the hours between 6:30 A.M. and 7:00 P.M. (Ord. 91-11)
- H. Outdoor play shall be limited to the hours between 8:00 A.M. and 7:00 P.M. (Ord. 91-11)

5. Group day care homes and day care centers shall meet the following requirements:

- A. The requisite outdoor play area shall only be located in the rear yard of the subject property.
- B. The outdoor play area shall be located within the building setback lines of the property on which it is located.
- C. One off-street parking space shall be provided for each employee, and one safe passenger unloading space measuring 10 feet by 20 feet shall be provided for each 10 children that the center is licensed to accommodate. (Group day care homes only need one passenger unloading space, regardless of the number of children.) In addition, the off-street parking area shall be designed so that vehicles can turnaround or otherwise avoid backing onto a street to exit.
- D. The outdoor play area shall be surrounded by a safety fence impenetrable by children or small animals, with a minimum height of 4 feet. The Board of Supervisors may increase the minimum height when necessary for safety reasons.

- E. Any signs shall comply with standards in this Chapter governing the use of signs.
  - F. Outdoor play shall be limited to the hours between 8:00 A.M. and 7:00 P.M.
  - G. In residential and institutional districts, no group day care home or child day care center shall be established within 500 feet of another such use, private nursery or kindergarten.
  - H. For group day care homes, there shall be no external alteration of existing buildings, except as may be necessary for reasons of safety. Fire escapes and outside stairways, where practicable, shall be located on the rear of the building.
  - I. For group day care homes, the time of operation shall be limited to the hours between 6:30 A.M. and 7:00 P.M.
6. Adult day care centers shall comply with the requirements of Section 134.5.C (parking), Section 134.5.E (signs), and Section 134.5.I (hours of operation). (Ord. 94-2)

*(Ord. 90-1, 7/16/1990, Sect. 2; as amended by Ord. 91-11, 10/22/1991, Sects. 1-3; and by Ord. 94-2, 3/7/1994, Sects. 3, 6)*

**Section 135. Provisions for Home Occupations.**

- 1. All home occupations shall meet the following requirements:
  - A. The home occupation shall not occupy more than 25 percent of the total floor area of the dwelling or 500 square feet, whichever is less.
  - B. There shall be no exterior displays of goods visible from the outside.
  - C. There shall be no storage of materials or products outside a principal or accessory building or other structure.
  - D. There shall be no external alterations which are not customary in residential buildings.
  - E. There shall be no impact on abutting properties.
  - F. There shall be no required deliveries or trash pick-up in excess of that required normally in residential areas.
  - G. There shall be no direct retail sales on the premises.
- 2. Office or studio of a doctor, dentist, teacher, artist, architect, tutor, landscape architect, musician, lawyer, engineer or practitioner of similar character, barber shop, beauty shop, shop of dressmaker or tailor, and family day care homes shall be the following additional requirements:
  - A. There shall be no more than one employee who does not reside in the dwelling.
  - B. There shall be no more than four visitors associated with the home occupation at any one time.

C. Signs must meet the requirements of Section 1505.

(Ord. 96-1)

3. Family day care homes must also meet the following requirements:

A. They are only permitted in the R-1, R-2 and R-3 Residential Districts and the LC-Limited Commercial Districts.

B. They must meet the requirements of Section 134.

4. Home occupations not specifically listed above shall meet the following requirements:

A. There shall be no employees other than residents of the dwelling.

B. There shall be no visitors at any time associated with the home occupation.

C. There shall be no parking spaces required in addition to those required for the residence.

D. There shall be no sign.

(Ord. 91-8, 10/22/1991, Sect. 2; as amended by Ord. 96-1, 1/15/1996)

**Section 136. Regulations for Communications Antennae.**

1. Purpose.

A. To accommodate the need for communications antennae while regulating their location and number in the Township.

B. To minimize adverse visual effects of communications antennae and antenna support structures through proper design, siting and vegetation screening.

C. To avoid potential damage to adjacent properties from antenna support structure failure and falling ice through engineering and proper siting of antenna support structures.

D. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.

2. Use Regulations.

A. An antenna that is attached to an existing communications tower, smoke stack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than 15 feet. If the antenna is to be mounted on an existing structure a full site plan is not required.

B. An antenna that is either not mounted on an existing structure, or is more than 15 feet higher than the structure on which it is mounted, is permitted in all zoning districts, but requires a special exception in all districts except for the M-1 Office and Light Industrial and M-2 Manufacturing Industrial Districts.

- C. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited, unless otherwise permitted in the zoning district in which the antenna is located.

3. Standards of Approval of Special Exceptions.

- A. The applicant is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.
- B. If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communications providers, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

4. Standards of Approval of All Communication Antennae.

- A. Antenna Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
- B. Setbacks from Base of Antenna Support Structure. The minimum distance between the base of the support structure and any property line shall meet the requirements of Section 115.
- C. Antennae Support Structure Safety. The applicant shall demonstrate that the proposed antennae and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- D. Fencing. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of 8 feet in height.
- E. Screening/Softening Buffer. A screening/softening buffer shall be provided for the support structure, the fence surrounding the support structure and any other ground level features (such as a building). The applicant may use any combination of existing vegetation, new vegetation, topography, walls, decorative fences or other features, provided an effective buffer is created. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, buffering is not required.
- F. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communication companies, and local police, fire and ambulance companies.

- G. The applicant must demonstrate that it is licensed by the Federal Communication Commission.
- H. Parking. If the antenna site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- I. Antenna support structures under 200 feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA.
- J. A full site plan submission is required for all antenna sites except those utilizing existing structures. The plan shall show the antenna, antenna support structure, building, fencing, buffering, access and all other applicable items required in the Township Subdivision and Land Development Ordinance (Chapter 22).

*(Ord. 82-4, 6/7/1982; as amended by Ord. 96-4, 9/16/1996)*

**Section 137. Recreation Facilities.** Developers submitting residential proposals with a required Common Open Space element shall provide space and install the following recreational facilities or an equivalent acceptable to Douglass Township:

<u>Number of Dwelling Units</u>	<u>Recreational Requirements</u>
0 - 99	1 playfield, 1 tot lot, 1 gazebo/picnic area or the equivalent
100 - 199	2 playfields, 1 basketball or tennis court, 2 tot lots or the equivalent
200 - 400	2 playfields, 2 basketball or tennis courts, 3 tot lots or the equivalent
over 400	swimming pool minimum (40' x 75'), 2 basketball or tennis courts, 4 tot lots, 4 playfields or the equivalent

**Section 138. Ownership and Maintenance of Common Open Space and Recreation Facilities.** All common open space and recreation facilities required by this Chapter shall be offered for dedication to the Township, although the Township need not accept any such offers.

- 1. Ownership. The following methods may be used, either individually or in combination, to own common facilities or open space:
  - A. Fee Simple Dedication to the Township. Douglass Township may, but shall not be required to, accept any portion of the common facilities.
  - B. Homeowner's Association. Common facilities may be held in common ownership by a homeowner's association, provided the following regulations are met:
    - 1) The applicant shall provide to Douglass Township a description of the organization, including its bylaws, and all documents governing ownership, maintenance and use restrictions for common facilities. These items must be submitted to the Township prior to the release of final building permits.

- 2) The organization shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
  - 3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
  - 4) The organization shall be responsible for maintenance and insurance of common facilities.
  - 5) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the organization and to the Township no less than 30 days prior to such event.
  - 6) The organization shall have or hire adequate staff to administer, maintain and operate such common facilities.
- C. Transfer to a Private Conservation Organization. With permission of Douglass Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or easements to a private nonprofit conservation organization, provided that:
- 1) The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence.
  - 2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - 3) A maintenance agreement acceptable to the Township is established between the owner and the organization.
2. Access. Access to, and use of open space or recreation facilities, when held in private ownership, may be restricted to the following:
- A. Property owners or renters within the development.
  - B. Nearby property owners who wish to join.
3. Maintenance. Perpetual maintenance of common open space and recreation facilities shall be guaranteed by trust indenture or similar instrument, approved by the Board of Supervisors, upon recommendation of the Township Solicitor, which instrument:
- A. Shall be held with the Recorder of Deeds of Montgomery County simultaneously with the recording of the final subdivision plan.
  - B. Shall restrict the open space by deed restrictions for a minimum period of 99 years.
  - C. May include provisions for:
    - 1) Bonds posted by the developer to cover expenses incurred before formation of a homeowner's association.
    - 2) Adjustment of association fees to account for inflation.

- 3) A reserve fund to cover capital improvements and/or unforeseen major maintenance requirements.
  - 4) Funds for professional management.
- D. Shall authorize the Township to maintain the common elements and assess the private ownership accordingly if private ownership fails to function and permits a hazard to health and safety. This shall include but need not be limited to:
- 1) Failure to clear streets and parking areas of snow.
  - 2) Failure to maintain stormwater control facilities.
  - 3) Failure to correct other hazardous conditions.
4. Fee in Lieu. Where the Board of Supervisors determine that it is impractical to set aside the required open space area or provide required recreational facilities, a fee in lieu of such land and recreational facilities shall be required to help the Township defray the eventual costs of providing open space and recreation facilities to serve the residents of the development. The fee shall be payable to the Township prior to approval of the final plan by the Board of Supervisors.
- A. The amount of the fee shall be equal to the value of the land and recreational facilities required by Sections 707 and 137. The cost of determining the value of the land and recreational facilities shall be borne by the developer, and shall result in a reasonable value acceptable to the Board of Supervisors.
- B. All monies collected in lieu of land or facilities shall be kept in a Township Open Space Capital Reserve Fund, which shall only be used for the acquisition of open space land or capital improvements for open space and park and recreation purposes at a location within the Township selected by the Board of Supervisors upon recommendation of the Planning Commission.

#### **Section 139. Parking Recreational Vehicle Restrictions**

1. In accordance with any existing development containing a Homeowners Association, residents of such Douglass Township developments so established or which shall be established in the future shall not be permitted to park, store, load, prep or maintain any Recreational Vehicle (RV) as so defined under the Douglass Township Zoning Code, as amended, within the development or on a roadway of the development for a period greater than seventy-two (72) consecutive hours or for more than three (3) days within any ten (10) day period. The ten (10) day period shall be counted from the first day of parking during the seventy-two (72) hour period and for nine days thereafter.





## Part 2

### DEFINITIONS

**Section 200. Language Interpretation.** For the purpose of this Chapter, certain words shall have the meaning assigned to them, as follows:

1. Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
2. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for.”
3. The word “person” includes an individual, corporation, partnership, incorporated association or any other similar entity.
4. The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

*(Ord. 82-4, 6/7/1982)*

**Section 201. Definitions.** The following words and phrases shall have the meaning given in this section as follows:

**ACCESS STRIP** – a piece of land which provides physical access to, and legal road frontage for a lot, but which does not comply with the minimum lot width regulations of this Chapter. Access strips provide access to “rear” and “interior” lots. The area of an access strip shall not be included in the minimum lot area required under the provisions of this Chapter.

**ACCESSORY BUILDING** – a building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building. There shall be no distinction between a permanent or non-permanent accessory building. *(Ord. 86-8)*

**ACCESSORY USE** – a use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

**ACT 247** – the Pennsylvania Municipalities Planning Code, originally enacted as Act 247 of 1968, which establishes the basic authority for the exercise of municipal land use controls in Pennsylvania. All subsequent amendments are included.

**ADULT DAY CARE CENTER** – a facility in which adult daily living services are provided for four or more adults not related to the operator. *(Ord. 94-2)*

**ADULT USES** –

- A. **ADULT BOOK STORE** – an establishment which has as a substantial or significant portion of its stock in trade, books, magazines or other periodicals and which excludes minor by virtue of age.
- B. **ADULT MOVIE HOUSES** – an enclosed building with a capacity of 50 or more persons used for presenting motion pictures, films, movies, slides or similar

photographic reproductions for observation by persons therein and which excludes minors by virtue of age.

- C. ADULT MINI-THEATER – an enclosed building with the capacity for less than 50 persons used for presenting motion pictures, films, movies, slides or other similar photographic reproductions for observation by persons therein, and which excludes minors by virtue of age.
- D. MASSAGE PARLORS – any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items, by a member of the opposite sex.
- E. OTHER ADULT USES – any business, activity or use similar to or of the same general nature as the uses listed above. This sections hall include, but shall not be limited to, rap centers, nude wrestling studios, sensitivity centers and escort bureaus, all of which exclude minors by virtue of age as patrons thereof.

AGRICULTURAL USE – the active use of land for growing and harvesting of crops, as food for humans or animals, and also including nursery, horticulture, and forestry uses; and/or the raising, consumption and/or selling of livestock as a source of meat, poultry, dairy products, hides or other animal products. At least 50 percent of a parcel, lot or tract must be actively used as described in this definition to qualify as an agricultural use. Agricultural use and agricultural purpose shall be interchangeable terms.

AGRICULTURAL SUBDIVISION – the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, which, according to Act 247, the Pennsylvania Municipalities Planning Code, is exempted from zoning and subdivision requirements. Land divided for agricultural purposes must be used in compliance with the definition of AGRICULTURAL USE, herein, or the division shall be considered null and void.

ALLEY – a minor vehicular right-of-way, public or private, on which no principal structures front, which serves as a secondary means of access to two or more properties which otherwise front on a public street.

ANCILLARY USE – a subordinate use that is controlled by a larger permitted use. AN example is a public garage (tires, batteries and accessories) or garden shop controlled by a department store.

ANTENNA HEIGHT – the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Ord. 96-4)

ANTENNA SITE – a tract or parcel of land that contains the communication antenna, its support structure, accessory building(s) and parking. (Ord. 96-4)

ANTENNA SUPPORT STRUCTURE – any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy. (Ord. 96-4)

**APPLICANT** – the person, persons or legal business organization of any type responsible for submission of a proposal for subdivision, land development, zoning amendment, building permit, variance, special exception or conditional use. For the purposes of this Chapter, “applicant” and “owner” may be used interchangeably.

**BUILDING** – any structure located on or under the land. (*Ord. 86-8*)

**BUILDING ENVELOPE** – that area of a lot, circumscribed by the yard lines, within which a building(s) may be built.

**BUILDING FRONTAGE** – for calculating maximum total sign area, building frontage is defined as the maximum horizontal dimension measured along the wall of the building which serves as the principal approach to the building, excluding eaves, overhangs, buttresses and other non-occupiable building extensions. The principal approach to a building shall be that side which contains the main entrance doors. For corner lots the additional sign area shall be calculated along the side of the building which faces the second street.

**BUILDING LINE** – the line which serves as the rear boundary of the minimum front yard. For the purpose of measuring lot width at the building line the following apply:

- A. For wedge-shaped lots which are narrower at the street than at the rear property line, the building line may be moved back from the minimum front yard depth to a point where the lot width equals the minimum required for the district, provided that at least 50 feet of street frontage are provided and the lot complies with all other dimensional requirements of the district; and
- B. Where “rear” or “interior” lots are permitted, the building line shall be oriented as parallel or concentric to the street from which access is provided as is feasible, and set back from the intervening property line at least the minimum front yard depth.

**CAR WASH** – a commercial facility and/or structures used for the purpose of cleaning the exterior and/or interior surfaces of motor vehicles, whether self-service or operated by attendants or employees.

**CEMETERY** – land used or intended to be used for the burial of the deceased, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with the cemetery and within its boundaries.

**CENTRALIZED SEWER OR WATER** – a sewage disposal network and facilities, or water supply network serving a group or series of property owners in common; may be publicly or privately owned.

**CLUSTER DEVELOPMENT** – an alternative development method where in structures are arranged in closely related groups, reducing lot sizes, preserving land for open space and permitted more imaginative site design than may be possible under standard development.

**COMMON FACILITIES** – All the real property and improvements set aside for the common use and enjoyment of the residents, including, but not limited to, buildings, open land, private roads, parking areas, walkways, recreation areas, landscaped areas, drainage easements, and any utilities that service more than one unit, such as sewer and water facilities.

COMMON OPEN SPACE – That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Open land may include recreational uses and be accessible to the residents of the development and/or the Township.

COMPREHENSIVE PLAN – the Douglass Township Comprehensive Plan, as updated in 1988. (Ord. 44-2)

CONDITIONAL USE – a form of permitted use, authorized by this Chapter, under the jurisdiction of the Board of Supervisors. The Board of Supervisors is empowered to grant permission for conditional uses, consistent with the public interest, in compliance with the standards and procedures established in this Chapter, following thorough examination of the proposal, and under any reasonable safeguards necessary to implement the purposes and intent of this Chapter and to protect the general welfare.

CONSTRUCTION – the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

CONVENIENCE COMMERCIAL SHOPPING CENTER – a small-scale shopping center located in an area of the Township which is not conveniently served by commercial development in the Gilbertsville core area, and which is designed to satisfy the routine, daily needs of nearby residents for goods and services.

CONVERSION – the remodeling or alteration of a structure so as to accommodate more leasable or salable units or a different use than what had originally been intended for the structure. Conversions include the alteration of a nonresidential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into commercial uses, and the alteration of an existing dwelling into a mixed commercial and residential use.

CORNER LOT – a lot having contiguous frontage on two or more intersecting roads.

COUNTRY RESIDENCES – Single family detached homes on lots of at least 4 acres in the R-1 District and 2 acres in the R-1A District. Country Residences with no open space is an option for development on tracts greater than 20 acres in the R-1 and R-1A Districts as a conditional use in the Residential Cluster District Overlay.

DAY CARE FACILITY – any dwelling or building which provides child or adult care services. Child day care facilities shall be further differentiated by the following three classifications:

- A. DAY CARE CENTER – a facility in which care is provided for seven or more children at any one time, where the child care areas are not being used as a family residence.
- B. FAMILY DAY CARE HOME – any family residence other than the child's own home, in which child day care is provided at any one time to 4, 5 or 6 children, who are not relatives of the resident caregiver.
- C. GROUP DAY CARE HOME – a facility in which care is provided by a resident caregiver for more than 6 but less than 12 children at any one time, where the child care areas are being used as a family residence.

(Ord. 94-2)

DENSITY – the number of dwelling units per developable acre.

DEVELOPABLE ACREAGE – for the purpose of calculating density per developable acre, the developable acreage should equal the gross land area of the proposal, minus the following acreage:

- A. All land within existing and/or proposed rights-of-way for all public and/or private roads.
- B. All overhead and underground utility easements and/or rights-of-way.
- C. Soils with slopes of 15 percent or greater as defined by the Soil Survey of Montgomery County, 1967.
- D. All alluvial soil floodplain or the extent of the 100-year floodplain delineated in the Flood Insurance Study for Douglass Township, Montgomery County, Pennsylvania, dated November 15, 1983, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

*(Ord. 94-2)*

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

DRIVEWAY – a private cartway providing vehicular access between a public street and a lot, property or development, and/or providing vehicular circulation within a lot, property or development.

DWELLING TYPES – for the purposes of this Chapter, the following are the definitions of the various types of dwelling units:

- A. SINGLE-FAMILY DETACHED DWELLING UNIT – a building designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.
- B. TWO-FAMILY BUILDING – a residential building containing two dwelling units and which is not attached to any other building. A two-family building counts as two dwelling units for density purposes.
  - 1. Twin (Single-Family Semi-Detached) – a two-family building with dwelling units placed side-by-side, with each occupying the total space from ground to roof, and joined to each other by a vertical, common party wall, but otherwise surrounded by yard areas. When lotted, each dwelling unit may be on a separate lot, with the common boundary between the two lots running along the common party wall.
  - 2. Duplex (Two-Family Detached) – a two-family building with one dwelling unit placed above the other so that they share a common horizontal partition. When lotted, a duplex shall be entirely on one lot.
- C. SINGLE-FAMILY ATTACHED DWELLING UNIT – a dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and have party walls in common with at least one but not more

than three adjacent similar dwelling units. This dwelling type shall include, but not be limited to dwelling units commonly known as townhouses, rowhouses, triplexes, quadruplexes and multiplexes.

- D. **MULTIFAMILY** – a detached residential building containing three or more dwelling units characterized as follows:
1. **Garden Apartment** – a multifamily building permitted only in the R-4 Zoning District, in which the dwelling units are generally placed one entirely above or below another. The dwelling units share the lot or tract in which the building is located, are oriented towards open yard areas which surround the building, and often share a common entrance hall and/or other common facilities.
  2. **Apartment** – a dwelling unit in a multifamily building or a mixed-use building permitted in the Limited Commercial District, or as a conversion of any large residence when permitted by the Zoning Hearing Board.
- E. **MANUFACTURED HOME** – a mobile home or a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers and other similar vehicles which are placed on a site for more than 180 consecutive days. (*Ord. 91-5*)
- F. **MODULAR HOME** – a dwelling unit for permanent occupancy, made by assembling one or more factory-produced, three-dimensional sections into one integral building, not capable of easily being separated for conventionally-built units, as required by the Township's Building Code, and must be placed on a permanent foundation. A copy of the Structural Engineering Bulletin(s) must be provided to the Board of Supervisors, indicating approval of the dwelling or its components by the U.S. Department of Housing and Urban Development.

**DWELLING UNIT** – one or more rooms with cooking and sanitary facilities provided solely for the living purposes of one family.

**FACING WALLS** – the exterior walls of any two buildings are considered to be “facing walls” when a straight line drawn perpendicular to, and extending outward from any point on an exterior wall of one building intersects an exterior wall of another building.

**FAMILY** – a single housekeeping unit functioning as a family within that household, with the composition of the group sufficient stable and permanent so as not to be fairly characterized as transient and such unit being a single, nonprofit housekeeping unit and functioning as a family within the household. (*Ord. 05-02, 2/21/2005*)

#### **FLOODPLAIN RELATED DEFINITIONS –**

- A. For the purpose of this Chapter, the definition of floodplain is that found in Part 16, the Flood Plain Conservation District, and B. below, whichever is greater.
- B. For the regulatory purposes of the National Flood Insurance Program and the “Pennsylvania Flood Plain Management Act” additional definitions are found in the Township's Subdivision and Land Development Regulations, as amended, and the

Township's Building Code, as amended, and are hereby made a part of the definitions of this Chapter, by reference.

**FLOOD PROOFING** – any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (Ord. 91-5)

**FLOODWAY** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (Ord. 91-5)

**FRONT FAÇADE** – The face of a building that is closest to a street and contains the front door or other features identifying it as the primary face of the building.

**GARAGE** –

- A. **PRIVATE** – an accessory building or a part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises. Not more than one commercial vehicle or truck may be stored in a private garage.
- B. **PUBLIC** – a building, other than a private or storage garage, one or more stories in height, used solely for the commercial parking, service or repair of motor vehicles.
- C. **STORAGE** – a building, not a private or public garage, one story in height, used solely for the storage of motor vehicles and for the service or repair of only the vehicles kept therein, and not for the sale of fuel, accessories or supplies.

**GASOLINE SERVICE STATION** – an area of land, together with any structure thereon, used for:

- A. The retail sale of motor fuel and lubricants and ancillary services, such as lubrication and washing of motor vehicles; and
- B. The sale, installation or minor repair of tires, batteries or other automobile accessories.
- C. Routine servicing and mechanical repair of motor vehicles, excluding major body, upholstery and restoration work.

**GROSS ACREAGE** – the total acreage of a property, tract, lot or parcel proposed for subdivision or land development, including lands within existing street rights-of-way, floodplains and steep slopes.

**GROSS LEASABLE AREA** – the total floor area designed for owner or tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the centerline of partitions and from outside wall faces; not including public or common areas, such as public toilets, corridors, stairwells, elevator lobbies or enclosed mall spaces. Also known as gross floor area.

**HEIGHT OF BUILDING** – the vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building no intended for human occupancy, shall not be

included in the calculating the height. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

HEIGHT OF SIGN – the vertical distance measured from ground level to the highest point on the sign, or its supporting structure.

HELIPORT –

- A. PERSONAL USE HELIPORT – a helicopter landing area (sometimes known as a helistop) licensed by the Pennsylvania Department of Transportation for the purpose of picking up and discharging passengers or cargo. No fueling, helicopter repair or storage area(s) are permitted in conjunction with the operation of a personal use heliport.
- B. COMMERCIAL HELIPORT – a landing area for helicopter which includes facilities for fueling, repair and storage of helicopters and which is licensed by the Pennsylvania Department of Transportation.

HIGHWAY ACCESS POINT – the point at which vehicular traffic enters or exits a public right-of-way from an abutting land use.

HISTORIC STRUCTURES – any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determine by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior; or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

*(Ord. 91-5)*

HOME OCCUPATION – any lawful occupation or business activity performed for financial gain which is conducted in whole or in part by the resident(s) from his/her primary residence, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. *(Ord. 91-8)*

HOMEOWNER'S ASSOCIATION – A community association combining individual homeownership with shared use or ownership of common property and facilities. The homeowner owns the lot, including the interior and exterior of the individual home, while the association owns and maintains the common facilities.



HOTEL – a building which provides six or more rental rooms with private sleeping facilities for transient guests and which has the following characteristics:

- A. Access to rental rooms via internal, common hallways leading to and from one central lobby.
- B. Parking in a lot(s) convenient to the main building entrance(s).
- C. Two or more stories in height.
- D. Few, if any, outdoor recreational facilities.
- E. Small landscaped areas.

JUNK YARD – an area of land, with or without buildings, used for storage of used and discarded materials, including but not limited to waste paper, rags, metal, building material, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a JUNK YARD.

LOT – a contiguous tract, parcel or unit of land intended for use, development, leasehold or transfer or ownership, and for which a deed description is recorded or is intended to be recorded at the office of the Recorder of Deeds for Montgomery County, and/or Berks County if the lot overlaps the county boundary.

LOT AREA – the horizontal land area of a lot, further defined as follows:

- A. GROSS LOT AREA – the total horizontal land area lying within the lot or tract boundaries.
- B. NET LOT AREA – gross lot area minus:
  - 1. The area lying between the street centerline and the ultimate right-of-way line or equivalent right-of-way line.
  - 2. The land area of the access strip to rear, flag or interior lots.
  - 3. One-half of all land area within slopes of 15 percent or greater, as defined by the soil survey or by accurate contour mapping.
  - 4. The entire surface area of all lakes or ponds.

*(Ord. 97-4, 11/3/1997)*

LOT, INTERIOR – also known as rear or flag lot. A lot which conforms in all respects to the dimensional requirements of the district in which it is located, except that road frontage and access is limited to an access strip, as defined herein. This definition does not include the commonly-used, wedge-shaped lots located on a cul-de-sac turnaround.

LOT LINE – any property boundary line of a lot, further defined as follows:

- A. Front lot line is the line identical with the ultimate right-of-way line. (Also known as street line.)

- B. Rear lot line is the line or lines most nearly parallel or concentric to the front lot line.
- C. Side lot lines are the lines most nearly perpendicular or radial to the front lot line. On a corner lot, the side lot line shall be the line or lines most nearly perpendicular or radial to the higher classification of street, where applicable, as described in the Township Comprehensive Plan. The remaining line shall be considered the rear lot line.
- D. A lot which fronts on more than one street shall have a front lot line on each street frontage.

LOT LINE DEVELOPMENT – a development alternative, permitted only in specified districts, which allows a building to be constructed contiguous with one lot line, thereby increasing the yard area on the opposite side of the building for useful purposes.

LOT WIDTH – the horizontal distance between side lot lines, measured at the building line, parallel or concentric to the ultimate right-of-way line. For a corner lot, lot width shall be measured parallel or concentric to the ultimate right-of-way line of the higher classification of street, where applicable.

MANUFACTURED HOME – refer to DWELLING TYPES.

MANUFACTURED HOME PARK – a subdivision or land development planned and constructed in compliance with the requirements of the Manufacture Home Park Development Regulations, Part 14 of this Chapter.

MINI WAREHOUSE – a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods and wares. (Ord. 84-9)

MODULAR HOME – refer to DWELLING TYPES.

MOTEL – a building or group of buildings which provides rental rooms with private sleeping and bathroom facilities for transient guests, and which generally has the following characteristics:

- A. Access to the rental rooms via independent, exterior doors.
- B. Parking adjacent to the individual rental rooms.
- C. One- or two-story construction.
- D. Outdoor recreation facilities such as a swimming pool and playground equipment.
- E. Significant landscaped area.

MOTOR HOME – a self-powered recreation vehicle used to provide transient living facilities.

MOTOR VEHICLE SALES AGENCY – a commercial use for the sale and repair of motor vehicles, including new and used cars, trucks and/or farm equipment; having both indoor and outdoor display areas, and providing maintenance and repair services for vehicle owners.

NONCONFORMING LOT – a lot or site which does not comply with the applicable dimensional regulations, including those related to site area, lot area and lot width, in this Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to enactment of this Ordinance or amendments.

NONCONFORMING SIGN – any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height or size to the regulations of Chapter 15, Sign Regulations.

NONCONFORMING STRUCTURE – a structure which does not comply with the applicable dimensional regulations, including those relating to density, impervious surfaces, building coverage, building height and setbacks in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to enactment of this Ordinance. Such structures including, but are not limited to, buildings, fences and swimming pools.

NONCONFORMING USE – a use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereafter enacted where such use was lawfully in existence prior to the enactment of this Ordinance or amendments.

OUTDOOR LIVING AREA – any improved outdoor area extending from or attached to a dwelling unit and designed for the exclusive use of the residents of that dwelling unit; including balconies, patios, porches or similar areas, but not including structures such as porticos, which simply provide shelter access to a dwelling unit.

PARKING SPACE – an open or covered area with a dust-free all-weather surface which shall be at least 10 by 20 feet (10' x 20') in size for the storage of one automobile, accessible via a driveway.

PLAYFIELD – a common area with a subdivision or land development for neighborhood residents to use for informal, active recreation purposes such as “sand-lot” ball games and other activities requiring a large lawn area, away from homes or other buildings, for their proper conduct. Playfields are not included for formalized programs such as little league baseball or midget football, which should be conducted on more appropriate facilities. Standards for the playfield shall be:

- A. Minimum Area: 15,000 square feet.
- B. Minimum Horizontal Dimension: 125 feet.
- C. Maximum Grade: 3 percent.
- D. Location: Reasonably centralized on the tract.

PUBLIC UTILITY – the term public utility as used in this Ordinance shall include:

- A. Any business activity regulated by a governmental agency in which the business is required by law to (a) serve all members of the public upon reasonable request; (b) charge just and reasonable rates subject to review by a regulatory body; (c) file tariffs specifying all of its charges; and (d) modify or discontinue its service only with the approval of the regulatory agency; and
- B. Any body or board authorized to enact ordinances or adopt resolutions for Douglass Township (Montgomery County) pursuant to the provisions of the Municipalities

Authorities Act, as amended (53 Pa.C.S. §5601 et seq.)[formerly the Municipalities Authorities Act of 1945 (53 P.S. §301 et seq.)].

**PUBLIC UTILITY USE** – any business or other activity carried on by a public utility.

**RECREATIONAL VEHICLE (RV)** – An enclosed piece of equipment dually used as both a vehicle, a temporary travel home or a full time home. RV's shall include the following: truck camper, folding trailer, travel trailer, teardrop trailer, hybrid trailer, 5<sup>th</sup>-wheel trailer, park model, toterhome, toy hauler, campervan, motor coach, motor home, or any similar vehicle.

**RECREATION VEHICLE SALES AGENCY** – a commercial use for the sale and repair, and/or rental of new and/or used recreation vehicles, having both indoor and outdoor display areas, and providing maintenance and repair services.

**RESTAURANT, DRIVE-IN** – a commercial use which dispenses food and drink ready for consumption, to customers who place and receive their orders without leaving their cars or other motor vehicles. Also included are restaurants in which a drive-in facility provides only a portion of the sales.

**RESTAURANT, FAST FOOD** – any restaurant which is characterized by one or more of the following features:

- A. Orders are placed and received at a central counter.
- B. Orders are frequently packaged for takeout.
- C. Orders may be consumed at tables or booths within the facility, which must be cleared by the customers.
- D. Waiter/Waitress services is not provided.
- E. Menu selections are limited.
- F. Disposable containers and utensils are used rather than reusable dishes and table service.

**RIGHT-OF-WAY** – a strip of land, over which are provided access rights for various purposes, including vehicular travel, storm drainage and utility lines. Rights-of-way are further defined as follows:

- A. **LEGAL RIGHT-OF-WAY** – the road or street right-of-way legally in the public domain. Generally, an old, legal right-of-way will be substandard by comparison with current requirements, may overlap the lot as described by deed description and shall be superseded by the ultimate right-of-way.
- B. **ULTIMATE RIGHT-OF-WAY** – the road or street right-of-way projected as necessary for adequate handling of current or future traffic volumes, as defined in the Township's Comprehensive Plan. Upon approval of a plan in compliance with this Chapter and the Douglass Township Subdivision and Land Development Ordinance, the ultimate right-of-way shall become the legal right-of-way.
- C. **EQUIVALENT RIGHT-OF-WAY** – a road or street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the

street's function, in accordance with the Douglass Township Subdivision and Land Development Ordinance.

**ROOMING HOUSE** – a single-family detached dwelling which is used, in addition, to provide rental rooms for not more than six non-transient persons.

**SANITARY LANDFILL** – any site used to dump, bury or deposit, store or treat any waste materials constituting “solid waste” as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. 6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this Chapter, and any regulations promulgated pursuant thereto. (Ord. 85-3)

**SATELLITE USE** – a commercial establishment in the shopping center, located independent of other buildings, and frequently near the road frontage of the center. These uses are often ancillary to large stores in the center, but may also include highway-oriented or other commercial uses such as gasoline stations and fast food restaurants.

**SEWAGE FACILITEIS, CENTRAL** – a sewage disposal system in compliance with all state and local regulations, approved by the Pennsylvania Department of Environmental Resources and applicable sewer authority, and providing service to multiple customers. Public sewer systems are included in this definition.

**SHOPPING CENTER** – a group of commercial establishments, planned and developed as an integrated architectural and functional unit, providing convenient on-site parking and controlled, common vehicular and pedestrian access.

**SIGHT DISTANCE** – the distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver (Pennsylvania Code, Title 67, Chapter 441, “Access to and Occupancy of Highways by Driveways and Local Roads,” as amended). (Ord. 96-1)

**SINGLE AND SEPARATE OWNERSHIP** – the ownership of a contiguous land area as one or more lots by one owner, whether a person, partnership, corporation or other legal entity, irrespective of the fact that parts of the land may have been acquired at different times or that the area may be divided into parts on any plan or plat.

**SOIL SURVEY** – the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the United States Department of Agriculture.

**SOLID WASTE MANAGEMENT FACILITY** – a sanitary landfill, solid waste transfer station, solid waste incinerator or other facility for treating, including recycling, storing or disposition of “solid waste” as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. 6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this Chapter, and any regulations promulgated pursuant thereto. (Ord. 85-3)

**SPECIAL EXCEPTION** – a form of permitted use, authorized by this Chapter, under the jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board is empowered to grant permission for special exceptions, consistent with the public interest, in compliance with standards and procedures established in this Chapter.

**STEEP SLOPE** – a grade of 15 percent or greater as determined by the soil survey or accurate contour mapping.

**STREET OR ROAD** – a public or private right-of-way serving primarily as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and which may also be used for utilities, shade trees and stormwater control.

**STREET LINE** – a line identical with the front lot line and ultimate right-of-way line.

**SUBSTANTIAL DAMAGE** – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Ord. 91-5)

**SUPERVISORS** – the duly-elected governing body of Douglass Township. Also known as the Board of Supervisors.

**TEMPORARY** – a building, trailer or sign that is not expected to remain in place longer than one year is considered temporary. If the building or trailer is intended to be retained after one year, the building or trailer must be made permanent; or application made, in writing, to the Board of Supervisors to extend the length of the time allowed for the building or trailer to remain temporary. (Ord. 96-1)

**TOT LOT** – a confined, developed neighborhood play area primarily for use by preschool children. Low maintenance play equipment and structures shall be used and confined by a gated fence, a minimum of 3 feet high. Sitting areas shall be provided for parents' convenience while supervising children. Shade trees shall be provided for sitting and play areas. When a tot lot is placed abutting a playfield, practical measures, such as fencing and orientation of facilities, shall be used to reduce conflicts, especially from flying objects such as balls and Frisbees. Tot lot dimensions shall be:

- A. Minimum area: 2,500 square feet.
- B. Minimum horizontal dimension: 50 feet.
- C. Location: at convenient, centralized intervals.

**TOWNSHIP ENGINEER** – a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer or assistant engineer for Douglass Township. (Ord. 90-1)

**TOURIST HOME** – a single-family detached dwelling which is used, in addition, to provide sleeping accommodations for not more than ten transient persons, for compensation.

**ULTIMATE RIGHT-OF-WAY** – the dividing line between a lot and the outside limit of the ultimate right-of-way of a public street. Identical with front lot line and street line.

**USED CAR LOT or LOT FOR SALE OF RECREATION VEHICLES** – a commercial use for the sale and/or rental of used cars, trucks and/or recreation vehicles, which has only outside display areas, a small building for office purposes and generally not providing repair or maintenance services for vehicle purchasers beyond preparation for sale.

**VEGETATIVE COVER** – the land area devoted to vegetative coverage, including, but not limited to lawns, trees, shrubs, flowers and gardens.

**WATER SURVEY** – an inventory of the source, quantity, yield and use of groundwater and surface water resources with Douglass Township. (Ord. 90-1)

YARD – the area(s) of the lot which must remain free of buildings or other structures, and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of this Chapter. Yard is further defined as follows:

- A. FRONT YARD – a yard which extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by the specific regulations of this Chapter, measured from the ultimate right-of-way line.
- B. REAR YARD – a yard which extends across the full width of a lot, for a depth equal to the minimum rear yard setback distance required by the specific regulations of this Chapter, measured from the rear lot line.
- C. SIDE YARD – a yard which extends along a side lot line from the required front yard to the required rear yard, the minimum width of which shall be the minimum specified by the regulations of this Chapter, measured from the side lot line.

YARD LINE – a line which locates and delineates the minimum yard setback requirements, measured from the front, rear and side lot lines.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 84-9, 7/9/1984; by Ord. 85-3, 3/4/1985; by Ord. 85-5, 8/19/1985; and by Ord. 86-8, 7/12/1986; by Ord. 87-5, 12/7/1987, Sect. 11; by Ord. 90-1, 7/16/1990, Sects. 3, 18; by Ord. 91-5, 8/5/1991, Sects. 1, 2; by Ord. 91-8, 10/22/1991, Sect. 3; by Ord. 94-2, 3/7/1994, Sects. 7-10; Ord. 96-1, 1/15/1996; and by Ord. 96-4, 9-16-1996)*





**Part 3**  
**R-1 AGRICULTURAL-RESIDENTIAL DISTRICT**

**Section 300. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Part 1, Section 101.1 of this Chapter. The purpose of this district is:

1. To promote a transition from rural, resource conservation and agricultural areas to moderate density residential areas that are compatible with the existing neighborhoods and uses in the district.
2. To foster protection of sensitive environmental features while allowing for the development appropriate to the district.
3. To insured the conservation of resources.
4. To encourage the preservation of open space and recreational uses.
5. To maintain the rural character, discourage road frontage development, and preserve existing agriculture and conservation uses.
6. To provide for residential development at relatively low densities compatible with existing development and appropriate environmental concerns within this district.
7. To limit the residential demand for public services to avoid costly infrastructure improvements and development.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 91-6, 8/5/1991; and by Ord. 04-05, 5/3/2004)*

**Section 301. Use Regulations.**

1. By-Right Uses. A building or other structures may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:
  - A. Agricultural use provided that the tract is at least 5 acres and that buildings used as kennels or in the keeping or raising of livestock or poultry shall be set back a minimum of 100 feet from the ultimate right-of-way line and 50 feet from any other property line.
  - B. Single-family detached dwelling units.
    - 1) Residential Cluster Development in accordance with Part 7 of this Chapter.
2. Special Exception Uses. A building or other structure may be erected, altered or used, and a lot may be used or occupied for any of the following purposes when authorized as a special exception by the Zoning Hearing Board:
  - A. Commercial greenhouses.
  - B. Golf course.

- C. Stand for sale of products of the farm on which the stand and use is located.
  - D. Commercial recreational uses that are substantially open in character, such as golf course or riding academy.
3. Area, Width, Yard and Building Coverage Regulations.
- A. Minimum Lot Area. A net lot area of not less than 2 acres per residential single-family dwelling. For all other uses, a minimum of 5 acres.
  - B. Lot Width. Each lot shall have a minimum lot width at the building line of 150 feet.
  - C. Front Yard. Each lot shall have a front yard depth of not less than 50 feet measured from the ultimate right-of-way line.
  - D. Side Yard. Each lot shall have at least two side yards, each having a minimum width of 20 feet measured from the lot boundary line.
  - E. Rear Yard. Each lot shall have a rear yard depth of not less than 25 feet measured from the rear lot boundary line.
  - F. Building Coverage. Not more than 10 percent of the area of each lot shall be occupied by buildings, and not more than 15 percent of the area of each lot shall be occupied by buildings, paving and other impervious coverage.

*(Ord. 04-05, 5/3/2004)*

**Section 303. Height Regulations.** The maximum height of a building or structure erected in the R-1 Agricultural-Residential District shall be:

- 1. For any principal building: 35 feet.
- 2. Accessory farm buildings allowed only as a special exception: 75 feet, provided such accessory farm building or structure is located at least 100 feet from any property line.
- 3. Any other structure or building shall have the maximum of 20 feet.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 04-05, 5/3/2004)*

**Section 304. Signs.** Signs shall be permitted subject to the requirements of Part 15 of this Chapter. *(Ord. 82-4, 6/7/1982; as amended by Ord. 04-05, 5/3/2004)*

**Section 305. Parking.** A minimum of two off-street automobile parking spaces shall be required for each dwelling unit.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 82-8, 11/1/1982, Sect. 1; by Ord. 85-5, 8/19/1985; by Ord. 90-1, 7/16/1990, Sect. 4; and by Ord. 94-2, 3/7/1994, Sect. 11; and by Ord. 97-4, 11/3/1997; and by Ord. 04-05, 5/3/2004)*

## Part 3A R-1A AGRICULTURAL-RESIDENTIAL DISTRICT

**Section 350. Declaration of Legislative Intent.** It is the intent of the R-1 Agricultural-Residential District to establish reasonable standards that control and promote the continuation of agricultural uses and limited single-family detached dwelling unit development in Douglass Township. The district will direct low-density residential uses into areas of Douglass Township that are not now served and are not intended to be served by future extension of public sewer and water facilities.

**Section 351. Permitted Uses.** The following are the permitted uses in the R-1 Agricultural-Residential District:

1. Agricultural use provided that the tract is at least 5 acres and that buildings used as kennels or in the keeping or raising of livestock or poultry shall be setback a minimum of 100 feet from an ultimate right-of-way line and 50 feet from any other property line.
2. Single-family detached dwelling units.
  - A. Residential Cluster Development in accordance with Part 7 of this Chapter.

**Section 352. Area, Width, Yard and Building Coverage Regulations.**

1. Minimum Lot Area and Width. A net lot area of not less than 1 acre (42,560 square feet) with a minimum lot width at the building line of 150 feet. (See definition of LOT AREA.)
2. Front Yards. A front yard depth of not less than 50 feet measured from the ultimate right-of-way line.
3. Side Yards. There shall be two side yards, each having a minimum width of 20 feet.
4. Rear Yard. A rear yard depth of not less than 25 feet.
5. Deleted by Ord. 87-4.
6. Building Coverage. Not more than 10 percent of the area of any lot may be occupied by buildings.

**Section 353. Height Regulations.** The maximum height of buildings or structures, erected in the R-1 Agricultural-Residential District shall be:

1. For any principal building: 35 feet.
2. Accessory farm buildings as a special exception: 75 feet, provided it is located at least 100 feet from any property line.
3. Non-farm accessory buildings: 20 feet.

*(Ord. 05-04)*



## Part 4 R-2 RESIDENTIAL DISTRICT

**Section 400. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Part 1, Section 101.1 of this Chapter. It is intent of the R-2 District is to promote and control single-family detached dwelling unit development in the areas of the Township that are served or planned for public sewer and water service. The district will provide for differing lot sizes for provision of sewer and water facilities. In addition, the district allows for a transition of residential densities surrounding the Gilbertsville core. (Ord. 82-4, 6/7/1982)

**Section 401. Permitted Uses.** The following are the permitted uses in the R-2 Residential District:

3. Any uses permitted in the R-1 District, provided that agricultural uses shall comply with the R-1 District regulations.
4. Cluster development in accordance with Part 7 of this Chapter.
5. Accessory buildings or uses as defined herein.

(Ord. 82-4, 6/7/1982)

**Section 402. Area, Width, Yard and Building Coverage Regulations.**

1. Minimum Lot Area. Lot area for single-family detached dwellings shall be in accordance with the following table:

<u>Lot Area (See Definitions)</u>	<u>Facilities</u>
40,000 sq. ft. with	No sewer; <u>no</u> water
30,000 sq. ft. with	Central water; <u>no</u> sewer
20,000 sq. ft. with	Central sewer; <u>no</u> central water
15,000 sq. ft. with	Central sewer <u>and</u> central water

2. Width and Yard Regulations. The following table applies with respect to the lot areas specified in Section 402.1 above:

<u>Lot Size</u>	<u>Building Coverage %</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
40,000 sq. ft.	10%	150 ft.	50 ft.	20 ft.	25 ft.
30,000 sq. ft.	10%	125 ft.	45 ft.	20 ft.	25 ft.
20,000 sq. ft.	15%	100 ft.	40 ft.	20 ft.	25 ft.
15,000 sq. ft.	15%	100 ft.	35 ft.	20 ft.	25 ft.

3. Deleted by Ord. 87-4.

(Ord. 82-4, 6/7/1982; as amended by Ord. 87-4, 11/16/1987)

**Section 403. Height Regulations.** The maximum height for buildings in the R-2 Residential District shall be:

1. For any principal building: 35 feet.
2. For any accessory building: 20 feet.

*(Ord. 82-4, 6/7/1982)*

**Section 404. Sewer and Water Facilities.** Development in the R-2 District which is served by non-public sewer and/or water facilities shall have these central systems subject to approval of the Board of Supervisors, Pennsylvania Department of Environmental Resources, and appropriate sewer or water authority. Central water facilities shall conform with Section 705 of this Chapter. *(Ord. 82-4, 6/7/1982)*

**Section 405. Signs.** Signs shall be permitted subject to the requirements of Part 15 of this Chapter. *(Ord. 82-4, 6/7/1982)*

**Section 406. Parking.** A minimum of two off-street automobile parking spaces shall be required for each dwelling unit. *(Ord. 82-4, 6/7/1982)*

## Part 5 R-3 RESIDENTIAL DISTRICT

**Section 500. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Part 1, Section 101.1 of this Chapter. It is intent of this Part to establish reasonable controls in appropriate locations for single-family detached, two-family and single-family attached dwellings, as well as mixes of the above dwelling types. Furthermore, it is the intent of this Part to:

1. Encourage an appropriate mix of dwelling types and densities in Douglass Township.
2. Promote a variety of income levels, age groups and lifestyles within the Township.
3. Protect the Township from challenges to the Zoning Ordinance and map by providing for a diversity of housing types.
4. Encourage compact development thereby reducing the cost of provision of public services.
5. Encourage innovative residential development and use of a variety of building configurations.
6. Create visual interest and relate development more sensitively to environmental features.
7. Provide for more recreational facilities than would otherwise be provided.

*(Ord. 82-4, 6/7/1982)*

**Section 501. Permitted Uses.** The following are the permitted uses in the R-3 Residential District:

1. Single-family detached dwelling units.
2. Two-family dwelling units.
3. Parks, playgrounds, tot lots and open space.
4. The following uses when in compliance with the applicable additional criteria of Sections 503, 504, 505 and 507, as well as the other regulations pertaining to all R-3 uses:
  - A. Single-family attached dwelling units, including but not limited to townhouses, quadruplexes and triplexes.
  - B. Mixed dwelling type developments.
  - C. Mobile home parks as a conditional use authorized by the Supervisors, and in compliance with the provisions of Part 14, Mobile Home Parks, of this Chapter.
  - D. An indoor recreational facility, which is intended solely for residents of the development.

5. Group Day Care Home or Adult Day Care Center, when authorized as a special exception; provided, that the proposed Group Day Care Home or Adult Day Care Center complies with the standards of Section 134 of this Chapter. (Ord. 94-2)
6. Garage and storage shed located within the building envelope. (Ord. 94-2)

(Ord. 82-4, 6/7/1982; as amended by Ord.82-8, 11/1/1982, Sec. 1; by Ord. 87-4, 11/16/1987; by Ord. 90-1, 7/16/1990, Sec. 5; and by Ord. 94-2, 3/1/1994, Sec. 12, 13)

**Section 502. Minimum Tract Size.** The minimum tract size for R-3 development proposals shall be 5 acres, except lots of record containing less than 5 developable acres at the time of enactment if this Chapter. Said property shall abide by all other applicable provisions<sup>1</sup> of this district. (Ord. 82-4, 6/7/1982)

**Section 503. Density.** In the R-3 Residential District the maximum permitted densities shall be:

<u>Development Type</u>	<u>Dwelling Units per Developable Acre</u>
100% single-family detached	3
100% two-family	4
Mix of single-detached and two-family	4
100% single-family attached	5
Other mixed development, not including Mix of single-detached and two-family	5

Provided however, in addition to the maximum permitted densities set forth above, the development in all respects must conform to all other requirements of this Chapter including, but not limited to, dimensional standards set forth in Section 504, other standards set forth in Section 505, general regulations set forth in Section 506, parking regulations set forth in Section 507 and open space requirements set forth in Section 508 so that the choice of dwelling types, mixing percentages or other factors may require a lower density than the maximum indicated in the table above.

(Ord. 82-4, 6/7/1982)

**Section 504. Dimensional Standards.** The minimum dimensional standards are included on the tables below. It is emphasized that these standards are minimal and that they are intended to permit maximum flexibility in the design of the development plan.

1. Area, Width, Yard and Building Coverage Regulations.

	<u>Single-Family</u>	<u>Two-Family Dwellings</u>		<u>Single-Family Attached (when lotted)</u>
	<u>Single-Family</u>	<u>"Twin"</u>	<u>"Duplex"</u>	
Lot Area (see definition)	7,500 Sq. Ft. per Du	4,500 Sq. Ft. per Du	4,500 Sq. Ft. per Du	2,000 Sq. Ft. per DU per Du
Lot Width at Building Line	60 Ft.	30 Ft.	70 Ft.	20 Ft.

<sup>1</sup> "Portions" in original



	<u>Single-Family</u>	<u>Two-Family Dwellings</u>		<u>Single-Family Attached (when lotted)</u>
		<u>"Twin"</u>	<u>"Duplex"</u>	
Front Yard *	25 Ft.	25 Ft.	25 Ft.	25 Ft.
Side Yard	25 Ft. Agg. 10 Ft. Agg.	15 Ft. (one side)	25 Ft. Agg. 10 Ft. Agg.	15 Ft. **
Rear Yard	25 Ft.	25 Ft.	25 Ft.	25 Ft.
Building Coverage	25%	30%	30%	40%

\* Front yard setback shall be measured from the ultimate right-of-way of residential streets, equivalent right-of-way of private streets, or edge of paving of parking access driveways and parking areas.

\*\* For single-family attached dwelling units, any yard which is not clearly a front or rear yard shall be considered a side yard.

2. Building Setbacks from Nonresidential Streets.

<u>Street Classification</u>	<u>Single-Family Detached</u>	<u>Dwelling Type Two-Family</u>	<u>Single-Family Attached</u>
Semi-Controlled Access	75 Ft.	75 Ft.	75 Ft.
Collector	50 Ft.	50 Ft.	50 Ft.
Feeder	30 Ft.	30 Ft.	30 Ft.

(measured from ultimate right-of-way)

3. Additional Standards for Single-Family Attached Development. The minimum distance between buildings when lotting is not used shall be:

A. For buildings with less than 3 percent window or other transparent surface on facing walls (see definition in Part 2 the minimum distance between buildings shall be 30 feet).

B. For buildings with more than 3 percent window area or other transparent surface on facing walls the minimum distance between buildings shall be 50 feet.

4. Building Height. The maximum height of all new or enlarged buildings within the R-3 District shall be 35 feet.

(Ord. 82-4, 6/7/1982)

**Section 505. Attachment of Dwelling Units and Buildings.** The following standards are intended to regulate the attachment of dwelling, units and buildings to one another:

1. A maximum of right single-family attached dwelling units may be joined in a linear row to form a single-family attached building.

2. Single-family attached buildings in compliance with Section 505.1 above, may be attached to one another (not in a linear fashion) to form court areas provided that:

A. Not more than 24 dwelling units may be so attached to form any one court area, and;

B. Access for emergency equipment, satisfactory to the Board of Supervisors is provided.

3. Single-family attached buildings may be attached to one another to form building configurations other than court areas (such as “L”, “Y”, curved, or free-form arrangements), provided that:
  - A. Not more than 24 dwelling units may be so attached; and
  - B. A distinct change in direction between the axes of the buildings so attached shall occur no more than eight dwelling units apart; and
  - C. Access for emergency equipment satisfactory to the Board of Supervisors is provided.
4. Six or more single-family attached dwelling units may be attached in a “back-to-back” manner provide that:
  - A. Not more than 25 percent of all single-family attached buildings are so formed; and
  - B. Not more than 16 dwelling units may be located in each building; and
  - C. “Back-to-back” buildings may not be joined to any other structure; and
  - D. This subsection shall not be interpreted as a prohibition or restrictions on placing four single-family attached units in a “back-to-back” fashion, as one form of quadruplex dwelling type.

(Ord. 82-4, 6/7/1982)

**Section 506. General Regulations.** The following general regulations shall apply to all developmental proposal within the R-3 Residential District:

1. Ownership. The tract of land proposed for subdivision or land development shall be in single ownership or ownership shall be such that the tract will be developed under a single direction in accordance with an approved plan.
2. Development Plan. The application for development shall be accompanied by a plan or plans showing detailed use of the entire tract. These plans shall comply with the Douglass Township Subdivision and Land Development Ordinance and all other applicable Township ordinances. The plan or plans shall clearly designate the proposed use(s) of each area of the tract.
3. Development Stages and Permits. The development of the tract may be carried out in either a single phase or in stages. If carried out in stages the development shall be in accordance with a development agreement which shall:
  - A. Be binding to the overall tract and it’s development;
  - B. Be recorded with the final plan; and
  - C. Be acceptable to the Township Solicitor and governing body.
4. Sewer and Water Facilities. All development in the R-3 District shall be served by central water facilities and central sewer facilities acceptable to the Board of Supervisors, subject to approval of the Pennsylvania Department of Environmental Resources, appropriate sewer authority, and water authority. Central water facilities shall conform with Section 705 of this Chapter. When central water and/or sewer are not

available, development of single-family detached dwelling units may be done on lots conforming to the standards of Section 402.1 of this Chapter.

(Ord. 82-4, 6/7/1982)

**Section 507. Parking Regulations.**

1. Number of Spaces and Eligibility. A minimum of two off-street automobile parking spaces shall be required for each dwelling unit. Garages will not be counted as parking spaces. Driveways leading to the garages may be considered, when appropriate.
2. Parking Standards for Single-Family Attached Dwelling Units.
  - A. Parking for single-family attached dwelling units may be provided as privately-owned space on the individual property containing the dwelling unit, or as commonly-owned space, conveniently located among the dwelling units.
  - B. Where required parking is provided as private space on individual lots, additional guest parking facilities shall be provided in the form of commonly-owned, conveniently located parking areas, at a minimum standard of two-tenths (2/10) of a space per dwelling unit.
  - C. Any common parking facilities shall be owned and maintained by some form of corporate ownership, homeowners' association, trust, etc., acceptable to the Township Supervisors upon recommendation of the Township Solicitor.
  - D. Parking areas shall be designed to discourage through traffic flow of vehicles which to not parking with the area.
  - E. Not more than 15 parking space shall be located in an uninterrupted row. If more than 15 parking spaces are located in a cow, curbed planted areas, with a minimum size of 10 feet by 20 feet shall be located at appropriate intervals to break up the monotonous effect and provide visual interest. (Ord. 96-1)
  - F. A permanent paved turnaround area large enough to accommodate passenger cars shall be provided at the closed end of any parking area with a capacity of 50 or more spaces, and which would otherwise function as a dead-end parking lot. Parking shall be prohibited within the turnaround. Acceptable configurations include circular, "T", and "Y" shaped facilities.

(Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)

**Section 508. Open Space Requirements.** A minimum of 15 percent of the gross area of any tract proposed for R-3 District Development must be permanently preserved as open space, in compliance with Section §707, Common Open Space Standards, of Part 7 of this Chapter.

**Section 509. Signs.** Signs shall be permitted subject to the requirements of Part 15 of this Chapter. (Ord. 82-4, 6/7/1982)

**Section 510. Lighting Facilities.** Lighting facilities shall be provided as needed and shall:

1. Not produce unreasonable direct glare on the abutting roads or neighboring properties; and

2. Be installed by the developer at his expense.

*(Ord. 82-4, 6/7/1982)*

**Section 511. Buffer Requirements.** Screening and softening buffers shall be provided in compliance with the following regulations:

1. Screening Buffers. Screening buffers shall be provided when R-3 Residential developments abut single-family detached residential uses or districts. They shall also be provided when R-3 developments abut existing commercial, industrial or institutional properties that do not have existing buffers. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.
2. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 29)*

**Part 6**  
**R-4 RESIDENTIAL DISTRICT**

**Section 600. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.1 of this Chapter. It is intent of this Part to establish reasonable controls and standards of performance for garden apartment dwellings in those areas of Douglass Township where the existing community character, superior road access (to feeder or higher classification roads), proximity to commercial and employment centers, and the presence of planned extension of sewer and water facilities would most readily accommodate the highest intensity of residential dwelling type permitted in the Township.

*(Ord. 82-4, 6/7/1982)*

**Section 601. Permitted Uses.** The following are the permitted uses in the R-4 Residential District:

1. Garden apartments.
2. Parks, playgrounds, tot lots and open space.
3. An indoor recreational facility that is intended solely for the residents of the development.
4. Uses permitted in R-2 and R-3 Residential Districts on tracts of less than 10 acres existing in single and separate ownership at the time of the enactment of the amendment of this Section. Provided, however, that such uses shall comply with the regulations and standards applicable to the R-2 Residential District and R-3 Residential District, respectively, rather than the regulations and standards of the R-4 Residential District. *(Ord. 90-1)*

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-4, 11/16/1987; by Ord. 90-1, 7/16/1990)*

**Section 602. Minimum Tract Size.** The minimum tract size for development in an R-4 Residential District, except as otherwise provided in Section 601, shall be 10 acres. *(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990)*

**Section 603. Density.** Density Maximum Density in R-4 Developments: Five (5) dwelling units/1acre. *(Ord. 07-5)*

**Section 604. Dimensional Standards.**

1. Building Length. Maximum permitted building length shall be 200 feet.
2. Building Setbacks. Minimum building setback from streets, parking, driveways and property lines shall be in compliance with the following table:

<b><u>Street Classification Or Other Feature</u></b>	<b><u>Setbacks</u></b>
A. Controlled access or semi-controlled access streets	75 feet from ultimate right-of-way

**Street Classification  
Or Other Feature**

**Setbacks**

- |  |  |
|--|--|
| B. Collector streets                       | 60 feet from ultimate right-of-way       |
| C. Feeder and residential streets          | 50 feet from ultimate right-of-way       |
| D. Private streets<br>way                  | 50 feet from equivalent right-of-<br>way |
| E. Parking areas and parking access drives | 25 feet from edge of paving              |
| F. Property lines                          | 50 feet                                  |
3. Building Spacing. Minimum building spacing shall be in compliance with the following regulations:
- A. Minimum distance between buildings with less than 3 percent window or other transparent surface on facing walls: 20 feet (see definition of FACING WALLS in Part 2).
  - B. Minimum distance between buildings with more than 3 percent window or other transparent surface on facing walls: 40 feet.
  - C. Minimum distance between buildings where one or both facing wall(s) contains an outdoor living area: 60 feet.
4. Building Height. The maximum height of all new or enlarged buildings within the R-4 District shall be 35 feet.

*(Ord. 82-4, 6/7/1982)*

**Section 605. General Regulations.** The following general regulations shall apply to all development proposals within the R-4 Residential District:

1. Ownership. The tract of land proposed for subdivision or land development shall be in single ownership, or ownership shall be such that the tract will be developed under a single direction in accordance with an approved plan.
2. Development Plan. The application for development shall be accompanied by a plan or plans showing detailed use of the entire tract. These plans shall comply with the Douglass Township Subdivision and Land Development Ordinance and all other applicable Township ordinances. The plan or plans shall clearly designate the proposed use(s) of each area of the tract.
3. Development Stages and Permits. The development of the tract may be carried out in either a single phase or in stages. If carried out in stages the development shall be in accordance with a development agreement which shall:
  - A. Be binding to the overall tract and its development;
  - B. Be recorded with the final plan; and

C. Be acceptable to the Township Solicitor and governing body.

4. **Sewer and Water Facilities.** All development in the R-4 District shall be served by central water facilities and central sewer facilities acceptable to the Board of Supervisors, and subject to approval by the Pennsylvania Department of Environmental Resources, appropriate sewer authority and water authority. Central water facilities shall conform with Section 705 of this Chapter.

*(Ord. 82-4, 6/7/1982)*

**Section 606. Parking Requirements.**

1. **Number of Spaces and Eligibility.** A minimum of two off-street automobile parking spaces shall be required for each dwelling unit. Garages will not be counted as parking spaces. Driveways leading to the garages will be considered, where appropriate.
2. **Minimum Setbacks for Parking Areas:**

<b><u>From</u></b>	<b><u>Distance in Feet</u></b>
Tract Boundary Line	20
Ultimate Right-of-Way	10
Edge of Paving of a Private Street or Another Parking Area	10
Any Building	25

3. **Design Standards.**

- A. Parking areas shall be designed to discourage through traffic flow of vehicles which do not park within the area.
- B. Not more than 15 parking spaces shall be located in an uninterrupted row. If more than 15 parking spaces are located in a row, curbed planted areas, with a minimum size of 10 feet by 20 feet shall be located at appropriate intervals to break up the monotonous effect and provide visual interest. *(Ord. 96-1)*
- C. A permanent paved turnaround area large enough to accommodate passenger cars shall be provide at the closed end of any parking area with a capacity of 50 or more spaces, and which would otherwise function as a dead-end parking lot. Parking shall be prohibited within the turnaround area. Acceptable configurations include circular, "T" and "Y" shaped facilities.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)*

**Section 607. Open Space Requirements.** A minimum of 15% percent of the gross area of any tract proposed for R-4 District Development must be permanently preserved as open space, in compliance with Section §707, Common Open Space Standards, of Part 7 of this Chapter.

**Section 608. Signs.** Signs shall be permitted subject to the requirements of Part 15 of this Chapter. *(Ord. 82-4, 6/7/1982)*

**Section 609. Lighting Facilities.** Lighting facilities shall be provided as needed and shall:

1. Not produce unreasonable direct glare on the abutting roads or neighboring properties; and
2. Be installed by the developer at his expense.

*(Ord. 82-4, 6/7/1982)*

**Section 610. Buffer Requirements.** Screening and softening buffers shall be provided in compliance with the following regulations:

1. Screening Buffers. Screening buffers shall be provided when R-4 Residential developments abut residential uses or districts. They shall also be provided when R-4 developments abut existing commercial, industrial or institutional properties that do not have existing buffers. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.
2. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

*(Ord. 82-4, 6/7/1982; as amended Ord. 90-1, 7/16/1990, Sect. 30)*



## Part 7 CLUSTER DEVELOPMENT REGULATIONS

**Section 700. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.1 of this chapter. The intent of this Part is to establish standards and criteria which permit Cluster Development of lands in the R-1 and R-1A Agriculture-Residential Districts and the R-2 Residential District. In addition, the Open Space Regulations of this Part also govern the preservation and use of Common Open Space in the R-3 and R-4 Residential Districts, Parts 5 and 6 of this Chapter. Furthermore, it is the intent of this Part to:

1. Preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
2. Reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
3. Preserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
4. Provide greater design flexibility and efficiency in the siting of services and infrastructure, by reducing the road length, utility runs, and the amount of paving required for residential development.
5. Create compact neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
6. Implement the goals of the Douglass Township Open Space Plan and the Pottstown Metropolitan Regional Comprehensive Plan.
7. To provide for the preservation and maintenance of open land within Douglass Township to achieve the above-mentioned goals and for active or passive recreational use by residents.

**Section 702. Applicability.** Lots proposed for residential development within the R-1 and R-1A Agriculture - Residential Districts or the R-2 Residential District which meet the following criteria must be submitted as a Residential Cluster Development subject to the provisions of this Part.

1. Tract Location – When the land is located in the R-1, R-1A, or R-2 Districts;
2. Tract Size. When the gross area of the tract is equal to or greater than 20 acres at the time of the passage of this ordinance amendment;
3. Proposed Use. When the proposed use of a tract is for the development of single-family detached homes; and
4. Public Sewer Proximity. When any portion of the tract is within 1/3 of a mile from the nearest existing sewer line or a proposed sewer line as illustrated in the Township's Act 537 Plan.

**Section 703. Permitted Uses.** Any proposed development on a tract that conforms to the RCD Overlay applicability requirements as stated in Section 702 may be developed under the permitted uses of the underlying zoning district with the exception of a single-family detached housing residential use. A residential development within the RCD Overlay must be proposed as a residential cluster development meeting the following use requirements:

1. Single-family detached housing units subject to the provisions in Section 706, Density, Dimensional, and Design Standards.
2. Common Open Space as defined in Section 707, Open Space Standards, comprising a minimum of:
  - A. 60% of the gross lot acreage in the R-1 District.
  - B. 45% of the gross lot acreage in the R-1A District.
  - C. 15% of the gross lot acreage in the R-2 District.
3. Accessory uses on the same lot with and customarily incidental to any permitted use.

**Section 704. Conditional Use Standards.** As a conditional use, Country Residences may be allowed within the portion of the RCD that lies on top of the R-1 and R-1A Agriculture-Residential Districts, pursuant to the Dimensional Standards in Section 706.2D. In order to develop Country Residences, the applicant must demonstrate to the Township's satisfaction that all the following conditions are met, where applicable:

1. It is infeasible to develop the tract in question for cluster development under the Residential Cluster District due to factors such as the size or shape of the tract or the location of natural features.
2. The proposed development will not have a disruptive effect on the existing topography, floodplains, wetlands, mature woodlands or other natural features on the site.
3. The proposed development shall be consistent with good design principles and land development practices. Specifically, it shall be designed to minimize views of dwellings from exterior roads, and to avoid "stripping out" of lots along those roads.
4. The tract in question can be developed in a manner consistent with community goals as expressed in the Douglass Township Open Space Plan.

**Section 705. Optional Preservation Site Plan and Establishment of Open Space Goals.** Prior to submittal of preliminary plans or sketch plans showing the location of proposed lots or roads, the applicant may request that the Township provide a Preservation Site Plan and list of Open Space Goals pursuant to the following requirements:

1. The applicant will prepare a map(s) on a sheet(s) of at least 24" x 36", of a scale no greater than one inch equals one hundred feet indicating the general location of salient natural and built features. These features should include the following where applicable: 100-year floodplains, wetland areas or hydric soils, steep slopes, ponds and streams, riparian areas, woodlands, significant specimen trees, existing structures, scenic views into and from the subject tract, topography, hedgerows, abutting trails, preserved open space historic sites.

2. After submittal of the site inventory and analysis the Township will respond to the applicant with a Preservation Site Plan accompanied by a list of Open Space Goals. The plan shall show the general location of open space, and the key resources that should be preserved.

**Section 706. Density, Dimensional, and Design Standards.** Homes proposed under the RCD Overlay must meet the specific density and dimensional standards set forth in the following subsections:

1. Density. The following two steps shall be used to calculate density for clustered houses:
  - A. A yield plan, showing the maximum number of homes that could be developed in accordance with the area, width, and yard requirements of the underlying zoning district, shall be prepared for the tract proposed for subdivision. This yield plan shall be equivalent to a plan submitted for regular subdivision approval; shall meet all requirements for standard single-family detached homes as outlined in the underlying zoning district, the lot area calculation and all other applicable standards of the Township's Zoning and Subdivision and Land Development Ordinances; and must be deemed acceptable by the Township Board of Supervisors and Planning Commission, in consultation with the Township Engineer.
  - B. The number of single-family detached homes permitted under the RCD Overlay, shall not exceed the number of residential homes permitted under the yield plan.
2. Dimensional Standards. All lots created as part of a Residential Cluster Subdivision must meet the average lot size standard below. However an individual lot may be as small as the minimum lot size in order to provide flexibility to the applicant.
  - A. Residential Cluster Subdivisions within the R-1 District:
    - 1) Average lot size: 22, 000 square feet.
    - 2) Minimum lot size: 15,000 square feet.
    - 3) Minimum lot width: 100 feet.
    - 4) Minimum front yard: 30 feet.
    - 5) Minimum side yard: 20 feet.
    - 6) Minimum rear yard: 30 feet.
    - 7) Maximum building height: 35 feet.
    - 8) Maximum building coverage: 20% of gross lot area.
  - B. Residential Cluster Subdivisions within the R-1A District:
    - 1) Average lot size: 15,000 square feet.
    - 2) Minimum lot size: 12,000 square feet.
    - 3) Minimum lot width: 90 feet.
    - 4) Minimum front yard: 30 feet.
    - 5) Minimum side yard: 15 feet, 35 feet aggregate.
    - 6) Minimum rear yard: 30 feet.
    - 7) Maximum building height: 35 feet.
    - 8) Maximum building coverage: 20% of gross lot area.

C. Residential Cluster Subdivisions within the R-2 District:

- 1) Average lot size: 12,000 square feet.
- 2) Minimum lot size: 10,000 square feet.
- 3) Minimum lot width: 80 feet.
- 4) Minimum front yard: 30 feet.
- 5) Minimum side yard: 15 feet, 35 feet aggregate.
- 6) Minimum rear yard: 30 feet.
- 7) Maximum building height: 35 feet.
- 8) Maximum building coverage: 18% of gross lot area.

D. Country Residence Subdivisions, as a Conditional Use:

- 1) Country Residences shall be deed restricted from further subdivision or uses not prescribed in this ordinance. This restriction shall be conveyed to all future property owners.
- 2) Minimum lot size: 4 acres where the underlying district is the R-1 District. 2 acres where the underlying district is the R-1A District.
- 3) Minimum lot width: 200 feet.
- 4) Minimum front yard: 40 feet.
- 5) Minimum side yard: 25 feet, 60 feet aggregate.
- 6) Minimum rear yard: 40 feet.
- 7) Maximum building height: 35 feet.
- 8) Maximum building coverage: 10% of gross lot area.

E. Building setbacks:

- 1) Minimum from external semi-controlled access or scenic roads ultimate right of way: 200 feet.
- 2) Minimum from all other external road ultimate right of ways: 100feet.
- 3) Minimum from external tract boundaries: 60 feet.
- 4) Minimum from wetlands, floodplains, or watercourses: 25 feet.

3. Design Standards.

- A. All lots in Residential Cluster Developments shall take access from interior roads rather than roads exterior to the tract.
- B. Views of homes from exterior roads shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping pursuant to Section 420 of Chapter 22, Subdivision and Land Development.

**Section 707. Common Open Space Standards.** Under the standards of Section 703.2, 60 percent of the gross lot area for tracts in the R-1 District, 45 percent of the gross lot area for tracts in the R-1A District, and 15 percent of the gross lot area for tracts in the R-2 District is required to be set aside as common open space. The open space shall be deed restricted from further subdivision or uses not prescribed by this ordinance. This restriction shall be conveyed to all future property owners. The open space shall meet all of the following standards in addition to the standards as set forth in Part 1 of this Ordinance (where there is a conflict the stricter standard shall apply):

1. Permitted Uses.

- A. Central open space according to the standards in Section 707.3.
- B. Passive open space.
- C. Parks and active recreation, including trails.
- D. Stormwater management facilities including naturalized basins, ponds and other best management practices.

2. Open Space Design Requirements.

- A. Open space areas will generally conform to the areas outlined in the Preservation Site Plan as detailed in Section 705, if applicable. If a Preservation Site Plan has not been created, then the applicant shall maximize the preservation of high priority natural and built features identified by the township. These areas may include features such as 100-year floodplains, wetland areas or hydric soils, steep slopes, ponds and streams, riparian areas, woodlands, significant specimen trees, existing structures, scenic views into and from the subject tract, topography, hedgerows, abutting trails, preserved open space, or historic sites.
- B. Open space areas will maximize common boundaries with open space on neighboring tracts as part of an effort to implement the municipal and county open space and comprehensive plans.
- C. Natural features such as woodlands, meadows and streams shall remain in their natural state, but may be modified to improve the health of the ecosystem, as recommended by experts in the particular area being modified. Permitted modifications may include:
  - 1) Reforestation.
  - 2) Woodland management.
  - 3) Meadow management.
  - 4) Buffer area landscaping.
  - 5) Stream bank protection.
  - 6) Wetlands management
- D. Open space areas must be designed to maximize bulk and impact. Every open space shall generally have a length-to-width ratio of no greater than 4:1, and be at least 100 feet in width, except for such lands specifically designed as central open space or as trail links with a maximum length of 200 feet.
- E. All open space areas must be easily and conveniently accessible by sidewalk or trail from every home in the development.
- F. All open space lots shall have at least 100 feet of continuous frontage on an internal public street.

G. At least 8 percent of the total open space must be in central open space, in accordance with Section 707.3.

3. Central Open Space Requirements.

A. All central open space shall meet one or both of the following design options:

1) Village Green. Each village green shall:

- a) be at least 20,000 square feet in size;
- b) be configured so that a circle with a radius of 50 feet can fit within the confines of the green; and,
- c) be surrounded along at least 75 percent of its perimeter by roads.

2) Parkway. Each parkway shall:

- a) have a minimum average width of 20 feet and a length of at least 150 feet and shall be surrounded by streets on all sides.

B. Additional central open space standards

1) All developments with 25 or more dwelling units shall contain a primary park that meets the following criteria:

- a) it is configured as a village green
- b) it is improved with either a gazebo, pavilions, or paved patio area with a fountain to help identify this park as the central gathering place for the development. This improvement shall be a minimum of 300 square feet in size.
- c) it is located near the middle of the development
- d) it is easily and conveniently accessible by sidewalk or trail from all dwelling units in the development

2) At least 30 percent of all lots (rounded up to the nearest whole number) in the development must border central open space with the homes facing the central open space, and all dwelling units shall be located within 800 feet of some type of central open space.

4. Public Trail Option.

A. Residential Cluster Developments may include a publicly accessible trail, paved or unpaved, as a substitution for the required recreational facilities specified in Section 137 at the discretion of the township's Board of Supervisors.

- 1) The trail must be accessible to each residence in the development by either trail extension or sidewalk.
- 2) Trails must be constructed of macadam or cinder bases.
- 3) If applicable, trails should link to county trails, municipal trails or abutting neighborhood trails.

4) Trails should maximize the access and enjoyment of common open space within a Residential Cluster Development.

5. Maintenance and Ownership. Maintenance and ownership of common open space, facilities and public trails is pursuant to the provisions of Section 138.

**Section 708. Sewage and Water Facilities**. All development within the RCD Overlay shall tie into the existing public sewer and water systems and be serviced by these public systems.

**Section 709. Phasing**. Development under the standards of this ordinance may be phased prior to neighborhood development, in accordance with a unified development plan for the entire tract and the following requirements:

1. An inventory and analysis of the entire tract shall be completed in accordance with Section 705.
2. A unified development plan for the tract shall be approved as a sketch plan, and shall be made part of a binding development agreement between the applicant and the Township.
  - A. The maximum density permitted within the development shall be based upon the developable acreage of the original tract as indicated by a yield plan pursuant to Section 706.1.A.
  - B. Any future cluster development shall be consistent with the approved sketch plan and development agreement.

**Section 710. Recreational Vehicles**. In accordance with any existing development containing a Homeowners Association, residents of such Douglass Township developments so established or which shall be established in the future shall not be permitted to park, store, load, prep or maintain any Recreational Vehicles (RV) as so defined under the Douglass Township Zoning Ordinance, as amended, within the development or on a roadway of the development for a period greater than 72 consecutive hours or for more than 3 days within any 10-day period. The 10-day period shall be counted from the first day of parking during the 72-hour period and for 9 days thereafter.





## Part 8 IN - INSTITUTIONAL DISTRICT

**Section 800. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives Section 101.5 of this Chapter. It is intent of the Institutional District to permit the development of land for institutional purposes. Further, it is the intent of this Part to:

1. Ensure that institutional uses are appropriately located within the Township, in relation to population and infrastructure.
2. Minimize any adverse impacts of institutional uses on surrounding residential areas and traffic flow and safety.

*(Ord. 82-4, 6/7/1982)*

**Section 801. Permitted Uses.** Permitted uses are grouped into three classifications according to the minimum lot size required for each classification. Minimum lot sizes are 2, 4 or 10 acres depending on the type of use. *(Ord. 82-4, 6/7/1982)*

**Section 802. Class One Permitted Uses.** On lots with a minimum area of 2 acres and a minimum lot width at the building line of 200 feet, the following uses are permitted:

1. Churches or other places of worship and adjunct residential uses, but not including associated schools or cemeteries.
2. Day care centers, preschool facilities or adult day care centers, which do not use the operator's residence for these purposes, provided the day care center or adult day care center complies with the standards of Section 134 of this Chapter. *(Ord. 82-4, 6/7/1982)*
3. Libraries.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 6; and by Ord. 94-2, 3/7/1994, Sects. 15, 16)*

**Section 803. Class Two Permitted Uses.** On lots with a minimum area of 4 acres and a minimum width at the building line of 300 feet, the following uses are permitted:

1. Medical and surgical hospitals, clinics, sanitarium, rehabilitation clinics, and nursing and convalescent homes.
2. Retirement homes or similar institutions which provide housing for health, elderly residents.
3. Convents, monasteries or similar religious facilities as a primary use.
4. Institutional headquarters for nonprofit organizations.
5. Sewage treatment plants and facilities.

*(Ord. 82-4, 6/7/1982)*

**Section 804. Class Three Permitted Uses.** One lots with a minimum area of 10 acres and a minimum width at the building line of 400 feet, the following uses are permitted:

1. Schools, including elementary through college level, including theological schools, whether publicly or privately owned or operated.
2. Cemeteries or similar uses.

*(Ord. 82-4, 6/7/1982)*

**Section 805. Additional Use Regulations.**

1. Accessory uses, or buildings, as defined herein, are permitted in conjunction with the appropriate use.
2. When two or more uses of differing classifications are proposed for one lot or development, the larger minimum lot size and dimensional standards shall apply.

*(Ord. 82-4, 6/7/1982)*

**Section 806. Dimensional Standards.** The following table lists the minimum dimensional standards required of institutional uses in accordance with the classification of permitted uses:

	<u>Class One</u>	<u>Class Two</u>	<u>Class Three</u>
1. Lot Size	2 acres	4 acres	10 acres
2. Lot Width	200 ft.	300 ft.	400 ft.
3. Building Setbacks:			
A. from streets	75 ft.	75 ft.	100 ft.
B. from property lines	50 ft.	75 ft.	100 ft.
4. Parking and Driveway Setbacks:			
A. from streets*	25 ft.	50 ft.	50 ft.
B. from property lines	25 ft.	50 ft.	75 ft.
C. from buildings	15 ft.	15 ft.	25 ft.
5. Accessory Buildings or Use:			
A. from streets	50 ft.	50 ft.	75 ft.
B. from property lines	50 ft.	50 ft.	75 ft.
C. from driveways	50 ft.	50 ft.	50 ft.

\* Driveway distances shall be measured from centerline to centerline of the street intersection. For Class One, the driveway distance shall be 50 feet.  
(Ord. 96-1)

*(Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)*

**Section 807. Maximum Building Height.** The maximum permitted building height shall be 35 feet, except that spires, steeples or similar non-occupied, decorative and/or symbolic architectural features may be permitted up to a height of 75 feet, provided that the setback of any such structure from property lines must equal or exceed the maximum height of the structure. (*Ord. 82-4, 6/7/1982*)

**Section 808. Building Size and Space and Impervious Coverage.**

1. The minimum spacing between any two buildings on one lot shall be equal to the height of the taller building, exclusive of spires, steeples, and other similar non-occupied projections.
2. Maximum permitted impervious coverage of any lot shall be 50 percent, including buildings, roads, driveways, parking lots, walks, patios and terraces.

(*Ord. 82-4, 6/7/1982*)

**Section 809. Parking and Service Areas.**

1. Parking capacity shall be determined by the following standards:
  - A. Churches or other places of worship: 1 space per 3 seats of seating capacity.
  - B. Institutional headquarters for nonprofit organizations; other permitted offices: 1 space per 250 square feet of gross floor area.
  - C. The following uses require one space for each employee and volunteer during most heavily-staffed periods, plus the number listed for each use:
    - 1) Libraries: 1 space per 300 square feet of public floor area.
    - 2) Hospitals, clinics, sanitarium, nursing and convalescent homes: 1 space per 4 patient beds.
    - 3) Retirement homes or similar facilities: 1 space per 2 residents at maximum capacity.
    - 4) Convents, monasteries or similar facilities as a primary use: 1 space per 4 residents at maximum capacity.
    - 5) Preschool, day care and schools permitted by Section 804.1: additional capacity to be evaluated on a case-by-case basis.
2. Design Standards.
  - A. Parking areas shall be designed to discourage through traffic flow of vehicles which do not park within the area.
  - B. Not more than 15 parking spaces shall be located in an uninterrupted row. If more than 15 parking spaces are located in a row, curbed planted areas with a minimum size of 10 feet by 20 feet (10' x 20') shall be located at appropriate intervals to break up the monotonous effect and provide visual interest. (*Ord. 96-1*)

- C. A permanent paved turnaround area large enough to accommodate passenger cars shall be provided at the closed end of any parking area with a capacity of 50 or more spaces, and which would otherwise function as a dead-end parking lot. Parking shall be prohibited within the turnaround area. Acceptable configurations include circular, "T", and "Y" shaped facilities.
3. Parking Held in Reserve. If the number of spaces required by Section 809.1 A through C, above, is substantially larger than the number anticipated by the applicant, the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria:
    - A. The total number of spaces which must be paved initially may be reduced up to 50 percent by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer.
    - B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 809.1 above, if and when they are deemed necessary by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer. In addition, a reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of residents, employees, students, congregation). Following reevaluation, the Supervisors may require installation of additional parking spaces, upon recommendation of the Township Planning Agency and Engineer.
    - C. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Agency and Engineer for their review and recommendation.
  4. Service area for loading, unloading, trash removal, etc., shall be provided when deemed necessary by the Supervisors, and shall be located to the rear or side of the proposed use whichever is least objectionable, and screened from abutting residential uses.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)*

**Section 810. Additional Controls.**

1. A planned, efficient system of ingress, egress and interior circulation shall be provided, and shall cause minimal interference with nearby traffic.
2. Lighting shall be provided and arranged in a manner which will protect adjacent streets and properties from unreasonable direct glare.
3. Signs shall be permitted in compliance with Part 15 of this Chapter.

*(Ord. 82-4, 6/7/1982)*

**Section 811. Criteria for Considering Rezoning Applications.** Applications for rezoning of a parcel of land to the Institutional District shall be considered by the Board of Supervisors in accordance with the following criteria:

1. Character of Surrounding Areas. The impact of the proposed institution of the surrounding properties shall be considered. If the proposal is adjacent to a residential district, the scale of the institution shall relate to and complement the surrounding area.

2. Sewage Disposal. All institutional uses shall be capable of being served by central sewer. A small-scale institution may be permitted to be served by an on-lot sanitary system only if deemed acceptable by the Board of Supervisors, upon recommendation of the Township Engineer, and approval of the Pennsylvania Department of Environmental Resources.
3. Water Supply. Sufficient water must be available to accommodate all the needs of the proposed institution. If public water is not available, a non-system well will be permitted only if the applicant can demonstrate to the satisfaction of the Board of Supervisors that it would not adversely affect existing water supply systems in the area.
4. Traffic. The existing road system must be able to accommodate the peak traffic generated by the institution in a safe and efficient manner. Existing residential areas shall not be infringed upon by significant volumes of traffic from the proposed facility. In order to fully evaluate this, the Board of Supervisors may request a traffic impact statement, as described below:
  - A. A traffic impact study shall present enough information to enable the Township to assess the impact of the proposed institution on the roads within the Township. The study must demonstrate that the proposed use will not adversely affect surrounding areas or traffic circulation generally in the Township; or else identify any traffic problems that might be caused or aggravated by the proposed use and delineate solutions to those problems. Based upon the findings of the study the Township may require other improvements both on-site and off-site, which would alleviate hazardous or congested situations directly attributable to the proposed development, as a condition of approval.
  - B. The traffic impact study shall be prepared for a study area extending a minimum of one mile on all abutting roads from the boundaries of the proposed institution. This area may be modified at the discretion of the Board of Supervisors.
  - C. The traffic impact study shall be prepared by the qualified traffic engineer who possesses the credentials outline for a Municipal Traffic Engineer defined in Pennsylvania Code Chapter 612, entitled "Municipal Traffic Engineering Certification."
5. Applications for any institutional use or modifications to any existing institutional use shall be submitted to the Township, accompanied by a plan or plans which shall include the following:
  - A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, and other constructional features on the lot; and all buildings, streets, alleys, highways, stream and other topographical features of the lot and within 200 feet of any lot line.
  - B. Architectural renderings or sketches for any proposed buildings.
  - C. A description of the institutional operations proposed in sufficient detail to indicate the effects of these operations in producing traffic congestion noise, glare or safety hazards.
  - D. Engineering and architectural plans for the treatment and disposal of sewage.

- E. Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare or safety hazard.

*(Ord. 82-4, 6/7/1982)*

**Section 812. Buffer Requirements.** Screening and softening buffers shall be provided in compliance with the following regulations:

1. **Screening Buffers.** Screening buffers shall be provided when institutional properties abut residential uses or districts. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.
2. **Softening Buffers.** Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 33)*

**Section 813. Landscape Planting.** Shade trees and other plant materials satisfactory to the Board of Supervisors shall be provided along the street frontage occupied by institutional development, in order non-paved areas of the site, and within traffic-barrier islands installed in the parking lots. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with driver's sight distances at driveway intersection. *(Ord. 82-4, 6/7/1982)*

**Part 9**  
**LC - LIMITED COMMERCIAL DISTRICT**

**Section 900. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.3 of this Chapter. It is hereby declared to be the intent of the LC - Limited Commercial District to establish reasonable standards that permit and control limited commercial and office uses in the Township. Furthermore, it is the intent of this Part to:

1. Encourage commercial and office uses which do not attract large volumes of traffic and continuous customer turnover.
2. Limit and discourage development of strip-type, highway-oriented commercial uses which create traffic hazards and congestion because they require numerous, individual curb cuts and generate higher traffic volumes.
3. Permit uses which promote conversion of existing buildings in a manner which maintains the visual character and architectural scale of existing development within the district.
4. Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.
5. Encourage consolidation of curb cuts for vehicular access and promote more efficient and economical parking facilities.
6. Encourage uses which minimize noise and congestion.

*(Ord. 82-4, 6/7/1982)*

**Section 901. Permitted Uses.** The following are the permitted uses in the LC - Limited Commercial District:

1. Retail specialty shops including, but not limited to, the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, tobacco and related supplies, or craft shops making articles exclusively for sale at retail on the premises.
2. Personal service shops including, but not limited to, tailor, barber, beauty salon, shoe repair, dressmaking or similar service uses.
3. Business offices including, but not limited to, security and commodity brokerage, real estate sales, travel agency, employment counseling, insurance sales, advertising, mailing and stenographic services, and other services of a similar nature.
4. Studios for dance, art, music, photography, radio or television.
5. Professional offices for lawyers, engineers, architects, landscape architects, urban planners, accountants, economists, consultants, doctors, dentists, chiropractors or other practitioners of the healing arts for humans, veterinarians or other professional similar to those listed above and animal hospitals. *(Ord. 97-4, 11/3/1997)*

6. Single-family, two-family, and multifamily apartment residences.
7. Mixed-use structures containing dwelling units and other permitted uses.
8. Telephone, telegraph or other public utility office.
9. Any use of a nature similar to the above when approved by the Zoning Hearing Board as a special exception, subject to the criteria of Section 903 of this Chapter.
10. Accessory buildings or uses as defined herein.
11. Group day care home or adult day care center, provided the group day care home or adult day care center complies with the standards of Section 134 of this Chapter. (Ord. 94-2)

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 7; and by Ord. 94-2, 3/7/1994, Sects. 17, 18)*

**Section 902. Special Exception.** The following uses may be permitted by the Zoning Hearing Board as special exceptions in accordance with the standards in Section 903 and in conformance with Part 18, Section 1813.

1. Television and appliance repair service.
2. Confectionery or bakery for production of articles to be sold at retail only on the premises.
3. Funeral home.
4. Nursery schools or day care centers, provided the day care center complies with the standards of Section 134 of this Chapter. (Ord. 90-1)
5. Club, lodge or other fraternal organizations
6. Uses permitted by Sections 901 Or 902, when located on a lot less than the minimum required 60-foot lot width, but greater than 50 feet in width.
7. Conversion of single-family houses to multifamily use provided there are no more than five dwelling units in any one building.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990)*

**Section 903. Standards and Criteria for Special Exceptions and Conditional Uses.** The Zoning Hearing Board may authorize a use as a special exception or the Supervisors may approve a use as a conditional use if it conforms with the following standards and criteria:

1. The proposed use will not attract large volumes of vehicular traffic, nor require more than one curb cut for vehicular access.
2. The proposed use is of a similar architectural scale to existing development in the district, or will utilize an existing building for its purposes.
3. Minimum visual and functional conflict will be created between the proposed use and nearby uses.



4. The proposed use will share an access driveway and/or parking with another abutting use, or is designed to permit such sharing when and if it becomes feasible.
5. Anticipated noise and congestion created by the use will be comparable to the levels created by the uses permitted in Section 901 of this Part.
6. The use shall not require servicing or deliveries of materials, stocks, or supplies by trucks having more than two axles.
7. Authorization of a special exception for use of a lot between 50 and 60 feet in width shall be granted only to uses which will be located in an existing building, and which otherwise comply with the requirements of this district.

*(Ord. 82-4, 6/7/1982)*

#### **Section 904. Dimensional Standards.**

1. Minimum Lot Area and Widths. A minimum lot area of 7,500 square feet shall be provided for each and every building used in accordance with Sections 901 and 902 of this Part, except for accessory uses. In addition, a minimum lot area of 3,000 square feet per dwelling unit must be provided for each dwelling unit more than one on any lot. Minimum lot width shall be 60 feet at the building setback line, except when the Zoning Hearing Board authorizes the use of a lot between 50 and 60 feet in width as a special exception, in accordance with Section 903.7 of this Part.
2. Percent of Coverage - Not more than eighty (80%) percent of any lot area may be covered by buildings and/or impervious paving materials, and not more than forty (40%) percent of any lot area may be occupied by buildings. A minimum of twenty (20%) percent of each lot shall be landscaped. In addition to the requirements as set forth herein, no individual commercial or office use shall be greater than thirty thousand (30,000) square feet in size.  
*(Ord.07-5)*
3. Front Yard.
  - A. The minimum required front yard shall be not less than the smaller of the front yards of the two buildings immediately adjacent (on either side) of the proposed use, or 10 feet from the ultimate right-of-way of the street, whichever is greater.
  - B. For corner lots, a front yard shall be required on each street, equal to the front yard of the adjacent building on each street frontage, or 25 feet, whichever is greater, to ensure adequate visibility at intersections.
4. Side Yards. For every building used, two side yards are required which shall not be less than 20 feet in aggregate width, nor less than 8 feet in minimum width.
5. Rear Yard. There shall be a rear yard on each lot which shall be not less than 20 feet in depth.
6. Maximum Building Dimension. In no instance shall the greatest dimension of a building exceed 100 feet, measured parallel to exterior building walls.
7. Maximum Height. No building shall exceed 3½ stores or 40 feet in height.

8. Minimum Distance Between Buildings. The minimum distance between any two buildings, or portion thereof, shall be 16 feet.
9. Accessory Use Setback. No accessory use shall be permitted within the front yard. Setback from side or rear property lines shall be a minimum of 5 feet.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 85-3, 3/4/1985, Sect. 1107; and by Ord. 90-1, 7/16/1990, Sect. 19)*

**Section 905. Parking Capacity Regulations.**

1. Minimum Number of Spaces. The minimum number of off-street parking spaces required shall be the sum total number determined by application of the following standards:
  - A. Two spaces per residential dwelling unit.
  - B. Three spaces per person performing a personal service (barber, tailor, etc.).
  - C. Seven spaces per patient-oriented professional (doctor, dentist, etc.).
  - D. One space per 4 seats or per 50 square feet of public floor area, whichever is greater, for an undertaking or funeral establishment.
  - E. One space for 250 square feet of gross floor area for a veterinarian, animal hospital or kennel.
  - F. One space per every two employees, not including persons covered by B, C, D and E above.
  - G. One space per 200 square feet of floor space devoted to active nonresidential uses not included in B and C, above. Inactive use area such as storage space or non-used basement areas need not be included.
  - H. In no case shall less than three off-street parking spaces be provided for each individual nonresidential use. The number of uses in a building shall equal the number of leasable units in the building, including owner-occupied units.

*(Ord. 97-4, 11/3/1997)*

2. Parking Held in Reserve. If the number of spaces required by Section 905.1.A through E above, is substantially larger than the number anticipated by the applicant, the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria:
  - A. The total number of spaces which must be paved initially may be reduced up to 50 percent by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer.
  - B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 905.a above, if and when they are deemed necessary by the Township Supervisors upon recommendation of the Township Planning Agency and Engineer. In addition, a reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees). Following reevaluation, the Supervisors may

require installation of additional parking spaces, upon recommendation of the Township Planning Agency and Engineer.

- C. A financial guaranty must be provided by the applicant to cover the cost of installation of the reserved parking spaces, for a period of one year following installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by the Township Supervisors upon recommendation of the Township Solicitor and Engineer.
- D. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Agency and Engineer for their review and recommendation.

*(Ord. 82-4, 6/7/1982)*

**Section 906. Parking and Vehicular Access Design Standards.**

1. All parking spaces shall be:
  - A. Located behind the building setback line or 25 feet from the ultimate right-of-way of streets, whichever is greater.
  - B. Setback a minimum of 10 feet from the edge of paving of alleys.
  - C. Setback a minimum of 8 feet from all buildings.
  - D. Setback a minimum of 25 feet from the boundary line of a more restrictive zoning district.
  - E. Setback a minimum of 5 feet from property lines except that parking shared by the uses located on two or more adjacent lots may extend to and over the boundary line of the lots it serves.
2. The following setbacks from intersections shall apply for all access driveways where feasible, measured between centerlines:
  - A. Semi-controlled access roads: 75 feet.
  - B. Other roads: 50 feet.
3. Common parking areas and/or accessways shall be permitted and encouraged provided that:
  - A. Access easements and maintenance agreements or other suitable legal mechanisms shall be provided where necessary.
  - B. Liability safeguards for all property owners and lessees served by the common parking areas and/or accessways shall be guaranteed to the satisfaction of the Township Solicitor.
4. All required parking shall be paved in accordance with the Township's Subdivision and Land Development Ordinance.
5. No parking is permitted within the front yard area.

*(Ord. 82-4, 6/7/1982)*

**Section 907. Standards for Conversions.** Any proposal which constitutes a conversion under the provisions of this Chapter shall comply with all the regulations contained herein, as if it were a proposal for new development. Exceptions to this requirement may be made by the Township Supervisors only for major existing conditions which cannot reasonably be expected to be brought into compliance, including but not limited to existing buildings. *(Ord. 82-4, 6/7/1982)*

**Section 908. Sewer and Water Facilities.** All new development and conversions shall be served by public sewer facilities; public water service shall be provided where it is available. *(Ord. 82-4, 6/7/1982)*

**Section 909. Other Development Regulations.**

1. Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground, whenever feasible.
2. Signs. All signs in the Limited Commercial District shall comply with Part 15 of this Chapter.
3. Lighting Facilities. Shall not produce unreasonable glare or hazardous interference on abutting properties or highways.
4. Landscape Planting. Shade trees and other plant materials satisfactory to the Board of Supervisors shall be provided along the street frontage occupied by developments in the Limited Commercial District, in other non-paved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with drivers' sight distances at driveway intersections.
5. Trash and Refuse Area. Trash and refuse shall either be stored inside the building or within an opaque screened area, which shall be at least 6 feet high.
6. Service Areas. Loading and unloading areas shall be provided which do not conflict with pedestrian or vehicular movement.

*(Ord. 82-4, 6/7/1982)*

**Section 910. Buffer Requirements.** Screening and softening buffers shall be provided in compliance with the following regulations:

1. Screening Buffers. Screening buffers shall be a minimum of 8 feet in width along the property line and shall contain a row of evergreen trees spaced 7 feet apart on center. Screening buffers shall be placed and maintained in:
  - A. Nonresidential Properties that Abut Residential Properties – The buffer shall be provided along each property line which is adjacent to a residential property.
  - B. Residential Properties That Have at Least Three Times as Many Dwelling Units as An Abutting Residential Property – The buffer shall be provided along each property line which is shared by these residential properties.

2. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).
3. All materials used for the buffers shall meet the following criteria:
  - A. All evergreen trees shall be at least 6 feet in height at the time of planting and shall be of such species that expected height at maturity should be at least 15 feet.
  - B. All deciduous trees shall be at least 8 feet in height and 2 ½ inches in caliper at the time of planting.
  - C. All plant material shall be guaranteed for 2 years. All plant material which dies within that time shall be replaced by the applicant at his or her cost.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-4, 11/16/1987; and by Ord. 90-1, 7/16/1990, Sect. 34)*



**Part 10**  
**CC - CONVENIENCE COMMERCIAL DISTRICT**

**Section 1000. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.3 of this Chapter. It is hereby declared to be the intent of this Part to allow the development of convenience commercial shopping centers, as defined in Part 2 of this Chapter, in locations removed from the Gilbertsville core. Furthermore, it is the intent of this Part to:

1. Allow planned, integrated centers for convenience commercial and professional office use, which are attractive and well designed.
2. Provide essential commercial services in areas that are developing and/or where the population is more dispersed.
3. Encourage commercial uses which supplement commercial development in the Gilbertsville core and adjacent municipalities.
4. Provide regulations to minimize conflict between commercial uses and abutting residential neighborhoods.
5. Regulate access to minimize traffic congestion and hazards.

*(Ord. 82-4, 6/7/1982)*

**Section 1001. Permitted Uses.** The following, and no others, are permitted uses in the Convenience Commercial District. However, no single use shall exceed 12,000 square feet in gross leasable area:

1. Retail establishment for sale of: dry goods, variety merchandise, clothing, food, beverages, flowers and plants, drugs, furnishings or other household supplies and similar uses.
2. Retail establishment for sale of: jewelry, clocks, optical goods, cameras, home appliances and similar goods, provided at least 30 percent of the gross floor area is devoted to sales and/or customer service.
3. Personal service shop, including but not limited to: barber shop and/or hairdresser, shoe repair, tailor, dry cleaning; provided that at least 30 percent of the gross floor area is devoted to customer service, and provide that the use creates no excessive fire hazards.
4. Retail bakery provided that at least 30 percent of the gross floor area is devoted to sales and/or customer service.
5. Business or professional office, studio for dance, art, music or photography.
6. Bank or other financial institution, not including drive-in banks or drive-in facilities.
7. Restaurant excluding drive-in or fast food establishments.
8. Gasoline service station or fuel service islands as accessory to another permitted use.

9. Any use of a nature similar to the above when approved by the Zoning Hearing Board as a special exception, subject to the condition that the use shall provide goods or services of interest to nearby residents, rather than attract patrons from distant areas, thereby serving a local market rather than a regional market. The Supervisors may require the applicant to provide a market study.
10. Child or adult day care centers, provided it complies with the standards of Section 134 of this Chapter.
11. Truck, van and/or trailer rental as an accessory use to a permitted retail use, in compliance with the following:
  - A. The standards of Section 1104.8.A and C are met.
  - B. Parking spaces or area must be provided for the vehicles and/or trailers in addition to those provided for principal use. The spaces or area shall be clearly designated for this purpose, through signage, pavement marking, etc.
  - C. No vehicle servicing shall occur.
  - D. The maximum number of vehicles/trailers permitted shall be limited to 1 percent of the maximum permitted paved area.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 82-8, 11/1/1982, Sect. 1; by Ord. 90-1, 7/16/1990, Sect. 9; and by Ord. 94-2, 3/7/1994, Sect. 19; Ord. 97-4, 11/3/1997)*

**Section 1002. Planned Development.** All development under the Convenience Commercial Zoning District shall be part of an integrated plan for development of the entire tract. However, the tract may be developed in stages provided each stage is in accordance with the approved Plan. *(Ord. 82-4, 6/7/1982)*

**Section 1003. Dimensional Standards.**

1. Minimum tract size: 3 acres.
2. Minimum road frontage (at the ultimate right-of-way): 250 feet.
3. Minimum building setbacks from:
  - A. the ultimate right-of-way: 100 feet.
  - B. abutting residential or institutional district: 50 feet.
  - C. Abutting commercial or industrial zoning districts and any other property line not abutting the zoning district boundary or street: 40 feet. *(Ord. 90-1)*
4. Minimum parking setback from property lines and ultimate right-of-way line: 20 feet.
5. Minimum planted buffer area: 15 feet.
6. Maximum building coverage: 15 percent.
7. Minimum area of vegetative cover: 20 percent.
8. Maximum height: 35 feet.
9. Maximum building footprint for commercial uses: 15,000 square feet. Any retail development that has a building footprint greater than fifteen thousand (15,000) square



feet to a maximum of one hundred fifty thousand (150,000) square feet may only occur if it is a part of a Specific Plan as provided in the Pennsylvania Municipalities Planning Code, as amended.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 28; as amended by Ord. (07-5))*

**Section 1004. Vehicular Access Standards.** The following standards shall apply to driveways providing vehicular access to each tract developed for convenience commercial purposes:

1. The maximum number of driveways from any one road shall not exceed two.
2. The minimum distance front he nearest ultimate right-of-way line of a street intersection shall be 100 feet to the driveway centerline.
3. The minimum distance from the tract boundary line shall be 50 feet to the driveway centerline.
4. The minimum spacing between centerlines shall be 100 feet.
5. Driveway pavement widths shall be a minimum of 22 feet, but not greater than 30 feet.
6. One a corner lot, the Township Supervisors may prohibit vehicular access to and from one of the streets if, in the opinion of the Township Engineer and/or Planning Agency, access to that street would:
  - A. Create a traffic hazard because of limited sight distances or the sharpness of a curve in the road; or
  - B. Unduly impact existing residential development.

*(Ord. 82-4, 6/7/1982)*

**Section 1005. Additional Standards for Gasoline Stations.** Gasoline stations or other uses with fuel service islands must meet the following standards:

1. All automobile servicing activities except those performed at fuel pumps, shall be performed within a completely enclosed building.
2. Minimum setback of fuel pumps from the ultimate right-of-way: 25 feet.
3. Minimum setback of parking (any portion) from fuel pumps: 30 feet.

*(Ord. 82-4, 6/7/1982)*

**Section 1006. General Regulations.**

1. Ownership. The tract of land shall be in single ownership, or ownership shall be such that the tract will be developed under a single direction in accordance with an approved plan.
2. Development Plan. The application for development shall be accompanied by:
  - A. A plan or plans showing detailed use of the entire tract, which shall:

- 1) comply with the Douglass Township Subdivision and Land Development Regulations.
  - 2) comply with all other applicable ordinances.
- B. The plan shall clearly designate the proposed use(s) of each area of the tract.
3. Development Stages and Permits. The development of the tract can be carried out in either a single phase or in stages. If carried out in stages the development shall be in accordance with a development agreement which shall:
    - A. Be binding to the overall tract and its development.
    - B. Be recorded with the final plan.
    - C. Be acceptable to the Township Solicitor and governing body.
  4. Other Development Regulations.
    - A. Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground.
    - B. Signs. All signs in the CC - Convenience Commercial District shall comply with Part 15 of this Chapter.
    - C. Lighting Facilities. Shall not produce unreasonable glare or hazardous interference on abutting properties or highways.
    - D. Landscape Planting. Shade trees and other plant materials satisfactory to the Board of Supervisors shall be provided along the street frontage occupied by a CC - Convenience Commercial District, in other non-paved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with driver's sight distance at driveway intersections.
    - E. Trash and Refuse Area. Trash and refuse shall either be stored inside the building or within an opaque screened area, which shall be at least 6 feet high.
    - F. Service Areas. Loading and unloading areas shall be provided which do not conflict with pedestrian or vehicular movement.

*(Ord. 82-4, 6/7/1982)*

**Section 1007. Parking Requirements.** Parking shall be provided in the amount specified below, in compliance with the Parking Area Design Standards and other applicable regulations of the Township's Subdivision and Land Development Ordinance.

1. Capacity. Five spaces per 1,000 square feet of gross leasable floor area is required.
2. Design Standards.
  - A. When feasible, entrance, exit and internal circulation driveways shall be separated from parking aisle driveways.

- B. Parking aisle driveways shall provide immediate access to parking spaces, and are intended to permit through traffic flow only as a convenience to parkers.
  - C. Where through-traffic circulation patterns are not feasible, a permanent paved turnaround area large enough to accommodate passenger cars shall be provided at the closed end of any parking area with a capacity of 30 or more spaces, and which would otherwise function as a dead-end parking lot. Parking shall be prohibited within the turnaround area. Acceptable configurations include circular, "T" and "Y" shaped facilities.
  - D. Not more than 15 parking spaces shall be located in an uninterrupted row. If more than 15 parking spaces are located in a row, curbed planted areas within a minimum size of 10 feet by 20 feet (10' x 20') shall be located at appropriate intervals to break up the monotonous effect and provide visual interest. (Ord. 96-1)
3. Parking Held in Reserve. If the number of spaces required by Section 1007.1 above, is substantially larger than the number anticipated by the applicant the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria:
- A. The total number of spaces which must be paved initially may be reduced up to 50 percent by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer.
  - B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 1007.1 above, if and when they are deemed necessary by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer. In addition, a reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees). Following reevaluation, the Supervisors may require installation of additional parking spaces, upon recommendation of the Township Planning Agency and Engineer.
  - C. A financial guaranty must be provided by the applicant to cover the cost of installation of the reserved parking spaces, for a period of one year following installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by the Township Supervisors upon recommendation of the Township Planning Agency and Engineer.
  - D. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Agency and Engineer for their review and recommendations.

(Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)

**Section 1008. Sewer and Water Facilities.** Convenience commercial development shall be connected to public sewer and water facilities if and when they are available. (Ord. 82-4, 6/7/1982)

**Section 1009. Buffer Requirements.** Screening buffers shall be provided along all side and rear yards of convenience commercial properties. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.

*(Ord. 82-4, 6/7/1982; as amended Ord. 90-1, 7/16/1990, Sect. 35)*



**Part 10A**  
**VCC – VILLAGE CENTER COMMERCIAL DISTRICT**

**Section 1000A. Declaration of Legislative Intent.** The following is an expansion of the community development objectives in Section 101.3 of this Chapter. It hereby is declared to be the intent of the VCC - Village Center Commercial District to establish reasonable standards that permit and control commercial, retail, office and automotive related uses in the VCC District. Furthermore, it is the intent of this Part:

1. To allow for a variety of commercial, retail, office and automotive related uses in the VCC District as defined by the northeast and northwest quadrants of the intersection of Swamp Pike and East Philadelphia Avenue (Route 73).
2. To recognize existing uses within this area and to permit their continued use and expansion while preserving, to the greatest extent possible, village character.
3. To encourage the retention of existing buildings that maintain the architectural scale and character of existing development.
4. To allow for more intensive commercial development of the area but in a scale and appearance that is in keeping with its current village character.
5. To minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.
6. To encourage the consolidation of curb cuts for vehicular access and promote more efficient parking facilities.
7. To require sufficient pedestrian access from the street and parking areas to the various permitted uses.

**Section 1001A. Permitted Uses.** The following are the permitted uses in the VCC District:

1. Retail establishments for the sale of dry goods, variety merchandise, clothing, flowers, plants, drugs, jewelry, craft shops, furnishings and other household supplies or similar uses.
2. Personal service shops, including but not limited to, tailor, barber, beauty salon, shoe repair, dry cleaning, dress making or similar service uses.
3. Business or professional office, doctors, dentists, chiropractors or other practitioners of the healing arts for humans, veterinarians, studio for dance, art, music or photography.
4. Animal hospital provided that the only boarding of animals shall be for the purpose of medical care and that all kennels shall be entirely enclosed within the primary building.
5. Television and appliance repair service.
6. Mixed-use structures containing dwelling units and other permitted uses.
7. Telephone, telegraph or other public utility offices.

8. Single-family, two-family, and multifamily residences.
9. Accessory buildings or uses as defined herein.
10. Group day care home or adult day care center, provided the group day care home or adult day care center complies with the standards of Section 134 of this Chapter. (Ord. 94.2)

**Section 1002A. Conditional Uses.** The following uses may be permitted by the Board of Supervisors as a conditional use in accordance with the standards of Section 1003A.

1. Automobile and other vehicle sales.
2. Auto parts and supplies stores, including vehicle repairs and service.

**Section 1003A. Standards and Criteria for Conditional Uses.** The Board of Supervisors may approve a use as a conditional use if it conforms with the following standards:

1. General Criteria – Automobile and Other Vehicle Sales and Auto Parts and Supplies Stores, including Vehicle Repairs and Service.
  - A. Painting and body work, and/or other service and/or repair shall be conducted only within buildings upon the property.
  - B. The sale of gasoline, diesel fuel, and kerosene shall be prohibited.
  - C. Minimum visual and functional conflict will be created between the proposed use and nearby uses.
  - D. Any new buildings shall be of such size, scale, building materials and general appearance so as to conform to the general nature of surrounding buildings and not detract from the intent of this Code to preserve the village commercial appearance.
  - E. Sidewalks shall be provided along all street frontage.
  - F. Street trees shall be required as per Section 1009A of the VCC District.
  - G. No streamers, pennants, flags, balloons or similar ornamentation shall be hung, strung or affixed to buildings, structures or vehicles.
  - H. Anticipated noise and congestion created by the use will be comparable to the levels created by the uses permitted in Section 1001A of this Part.
  - I. All applicable standards of the underlying VCC District that do not conflict with the conditional use standards contained in this Section shall apply unless otherwise noted.
2. Dimensional Standards.
  - A. Automobile and Other Vehicle Sales.
    - 1) Minimum Lot Area: 3 acres.
    - 2) Minimum Lot Width: minimum lot width shall be 150 feet at the building setback line.

- 3) Front Yard: minimum front yard setback shall be 50 feet from the ultimate right-of-way. For corner lots a 50-foot front yard setback shall be required for both street frontages.
  - 4) Side Yards: minimum side yard setback shall be 60 feet.
  - 5) Rear Yard: minimum rear yard setback shall be 75 feet.
  - 6) Building Coverage: Maximum individual building size for commercial and office uses shall be thirty thousand (30,000) square feet. (Ord. 07-5)
  - 7) Impervious Coverage: maximum impervious material coverage, including buildings, and/or impervious paving materials, including driveways and walkways, shall not exceed 75 percent of the site.
  - 8) Green Area Coverage: the minimum land area devoted to green vegetative cover shall not be less than 25 percent of the total lot area.
- B. Auto Parts and Supplies Stores, including Vehicle Repairs and Service.
- 1) The dimensional standards for auto parts and supplies stores, including vehicle repairs and service shall be the same as Section 1004A of this Part.
3. Lighting Standards – Automobile and Other Vehicle Sales and Auto Parts and Supplies Stores, including Vehicle Repairs and Service.
- A. No lighting standard shall exceed 15 feet in height from grade level.
  - B. All outside lighting, including sign lighting, shall be arranged, designed and shielded or directed so as to protect the abutting streets and highways and adjoining property from the glare of lights. All light standards or fixtures shall be shielded so that the source of the light shall not be visible off of the premises.
  - C. No flashing or intermittent or moving lights, including lights on signs, shall be permitted.
  - D. The magnitude of the lighting is subject to approval of the Board of Supervisors.
4. Access Control.
- A. Automobile and Other Vehicle Sales.
    - 1) Properties with frontage of 600 feet or less on any individual street are only permitted one drive intersection per such street. Property with frontage greater than 600 feet on any individual street may be permitted a maximum of two driveways per such street frontage, provided that such driveways are at least 300 feet apart. No more than two driveways per street frontage per development shall be permitted. Regardless of frontage a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
  - B. Auto Parts and Supplies Stores, including Vehicle Repairs and Service.
    - 1) The access control standards for auto parts and supplies stores, including vehicle repairs and service, shall be the same as Section 1006A.2 of this Part.



5. Parking Setbacks.

A. Automobile and Other Vehicle Sales.

- 1) Parking areas shall be set back a minimum of 10 feet from the ultimate right-of-way line in front yards. Parking areas shall be set back a minimum of 40 feet from the side and rear property line where it abuts a residential use or district. This distance may be reduced by 15 feet in areas where two staggered rows of evergreen trees at least 6 feet in height with a minimum height at maturity of 15 feet are planted at 7-foot intervals on center in each row and maintained continuously by the owner. Where it abuts other uses or districts, parking shall be set back a minimum of 10 feet from the property line.

B. Auto Parts and Supplies Stores, including Vehicle Repairs and Service.

- 1) The parking setback standards for auto parts and supplies stores, including vehicle repairs and service, shall be the same as Section 1006A.1 of this Part.

6. Parking Spaces.

A. Automobile and Other Vehicle Sales.

- 1) One space per 500 square feet of indoor sales area plus one space per 5,000 square feet of outdoor sales area.

B. Auto Parts and Supplies Stores, including Vehicle Repairs and Service.

- 1) Three spaces per service bay.
- 2) One parking space for every 300 square feet of gross area, exclusive of service bays.
- 3) One parking space per employee on the largest shift or during peak periods.

7. Outdoor Display of Vehicles.

A. Automobile and Other Vehicle Sales.

- 1) Vehicles shall not be displayed on above-ground platforms and shall be displayed to appear similar to customer parking.
- 2) Outdoor display shall be limited to motor vehicles.

B. Auto Parts and Supplies Stores, including Vehicle Repairs and Service.

- 1) The outdoor display of vehicles is prohibited.

8. Buffers.

A. Automobile and Other Vehicles Sales.

- 1) A continuous buffer area, a minimum width of 40 feet shall be provided along all property lines adjoining residential uses and districts. Every 100 linear feet of buffer shall contain a minimum of 1 canopy tree, 3 ornamental trees, and 6

shrubs. The buffer screen may be reduced to 15 feet provided two staggered rows of evergreen trees at least 6 feet in height with a minimum height at maturity of 15 feet are planted at 7-foot intervals on center in each row and continuously maintained by the owner.

**B. Auto Parts and Supplies Stores, including Vehicle Repairs and Service.**

- 1) The buffer standards for auto parts and supplies stores, including vehicle repairs and service shall be the same as Section 1010A.1, 2, 3 of this Part.

**Section 1004A. Dimensional Standards.**

1. Minimum Lot Area and Width. A minimum lot area of 7,500 square feet shall be provided for each and every building used in accordance with Sections 1001A and 1002A of this Part, except for accessory uses. In addition, a minimum lot area of 3,000 square feet per dwelling unit must be provided for each dwelling unit more than one on any lot.
2. Percent of Coverage. Not more than 80 percent of any lot area may be covered by buildings and/or impervious paving materials and not more than 40 percent of any lot area may be occupied by buildings. A minimum of 20 percent of each lot shall be landscaped.
3. Front Yard:
  - A. The minimum required front yard shall not be less than the smaller of the front yards of the two buildings immediately adjacent (on either side) of the proposed use, or 10 feet from the ultimate right-of-way of the street, whichever is greater.
  - B. For corner lots, a front yard shall be required on each street, equal to the front yard of the adjacent building on each street frontage, or 25 feet, whichever is greater, to ensure adequate visibility at intersections.
4. Side Yard. For every building used, two side yards are required which shall not be less than 20 feet in aggregate width, nor less than 8 feet in minimum width.
5. Rear Yard. There shall be a rear yard on each lot which shall be not less than 20 feet in depth.
6. Maximum Building Dimension. In no instance shall the greater dimension of a building exceed 100 feet, measured parallel to exterior building walls.
7. Maximum Height. No building shall exceed 3½ stories or 40 feet in height, whichever is greater.
8. Minimum Distance Between Buildings. The minimum distance between any two buildings, or portions thereof, shall be 16 feet.
9. Accessory Use Setback. No accessory use shall be permitted within the front yard. Setback for accessory use from side or rear property lines shall be a minimum of 5 feet.
10. Maximum individual building size for commercial and office uses shall be thirty thousand (30,000) square feet. (Ord. 07-5)

**Section 1005A. Parking Capacity Regulations.**

1. Minimum Number of Spaces. The minimum number of off-street parking spaces required shall be the sum total number determined by application of the following standards:
  - A. Two spaces per residential dwelling unit.
  - B. Three spaces per person performing a personal service (barber, tailor, etc.).
  - C. Seven spaces per patient-oriented professional (doctor, dentist, etc.).
  - D. One space per 4 seats or per 50 square feet of public floor, whichever is greater, for an undertaking or funeral establishment.
  - E. One space per 250 square feet of gross floor area for a veterinarian or animal hospital.
  - F. One space for every two employees, not including persons covered by B, C, D and E.
  - G. One space per 200 square feet of floor space devoted to active nonresidential uses not including B and C above. Inactive use areas such as storage space or non-used basement areas need to be included.
  - H. In no case shall less than three off-street parking spaces be provided for each individual nonresidential use. The number of uses in a building shall equal the number of leasable units in the building, including owner-occupied units.
2. Parking Held in Reserve. If the number of spaces required by 1005.1 A through H above is substantially larger than the number anticipated by the applicant, the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria:
  - A. The total of spaces which must be paved initially may be reduced up to 50 percent by the Board of Supervisors, upon recommendation of the Planning Agency or Engineer.
  - B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 1005A.1, above, if and when they are deemed necessary by the Board of Supervisors upon recommendation of the Planning Agency and Engineer. In addition, a re-evaluation of parking capacity shall be required upon a change in status (for building additions, ownership, and number of employees). Following re-evaluation, the Supervisors may require installation of additional parking spaces upon recommendation of the Planning Agency and Engineer.
  - C. A financial guaranty must be provided by the applicant to cover the cost of installation of the reserved parking spaces for a period of one year following installation of the initial constructed parking spaces. The type and dollar value of the guaranty must be approved by the Board of Supervisors upon recommendation to the Solicitor and Engineer.

- D. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Planning Agency and Engineer for their review and recommendation.

**Section 1006A. Parking and Vehicular Access Design Standards.**

1. All parking spaces shall be:
  - A. Located behind the building setback line or 25 feet from the ultimate right-of-way of streets, whichever is greater.
  - B. Setback a minimum of 10 feet from the edge of paving of alleys.
  - C. Setback a minimum of 8 feet from all buildings.
  - D. Setback a minimum of 25 feet from the boundary line of a more restrictive zoning district or use.
  - E. Setback a minimum of 5 feet from property lines except that parking shared by the uses located on two or more adjacent lots may extend to and over the boundary lines of the lots it serves.
2. The following setbacks from intersections shall apply for all access driveways where feasible, measured between center lines:
  - A. Semi-controlled access roads: 75 feet.
  - B. Other roads: 50 feet.
3. Common parking areas and/or accessways shall be permitted and encouraged provided that:
  - A. Access easements and maintenance agreements or other suitable legal mechanisms shall be provided where necessary.
  - B. Liability safeguards for all property owners and lessees served by the common parking areas and/or accessways shall be guaranteed to the satisfaction of the Solicitor.
4. All required parking shall be paved.
5. No parking is permitted within the front yard area.

**Section 1007A. Standards for Conversions.** Any proposal which constitutes a conversion under the provisions of this Chapter shall comply with all the regulations contained herein, as if it were a proposal or new development. Exceptions to this requirement may be made by the Board of Supervisors only for major existing conditions which cannot reasonably be expected to be brought into compliance, including but not limited to, existing buildings.

**Section 1008A. Sewer and Water Facilities.** All new development and conversion shall be served by public sewer facilities and public water facilities.

**Section 1009A. Other Development Regulations.**

1. Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground, whenever feasible.
2. Signs. All signs in the VCC District shall comply with Part 15 of this Chapter.
3. Lighting Facilities. Shall not produce unreasonable glare or hazardous interference on abutting properties or highways.
4. Landscape Planting. Shade trees and other plant materials satisfactory to the Board of Supervisors shall be provided along the street frontage occupied by developments in the VCC District, in other non-paved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the shade trees. No shrubs shall be used that will interfere with drivers' sight distances at driveway intersections.
5. Trash and Refuse Area. Trash and refuse shall either be stored inside the building or within an opaque screened area, which screening shall be at least 6 feet high.
6. Service Areas. Loading and unloading areas shall be provided which do not conflict with pedestrian or vehicular movement.

**Section 1010A. General Buffer Requirements.** Screening and softening buffers shall be provided in compliance with the following regulations:

1. Screening Buffers. Screening buffers shall be a minimum of 8 feet in width along the property line and shall contain two staggered rows of evergreen trees at least 6 feet in height with a minimum height at maturity of 15 feet planted at 7-foot intervals on center in each row and maintained continuously by the owner. Screening buffers shall be placed and maintained on:
  - A. Nonresidential properties that abut residential districts or uses. The buffer shall be provided along each property line which is shared by these residential districts or uses.
  - B. Residential properties that have at least three times as many dwelling units as an abutting, residential use. The buffer shall be provided along each property line which is shared by these residential uses.
2. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Subdivision and Land Development Ordinance (Chapter 22).
3. All material used for the buffers shall meet the following criteria:
  - A. All evergreen trees shall be at least 6 feet in height at the time of planting and shall be of such species that expected height at maturity shall be at least 15 feet.
  - B. All deciduous trees shall be at least 8 feet in height and 2½ inches in caliper at the time of planting.
  - C. All plant material shall be guaranteed for 2 years. All plant material which dies within the time shall be replaced by the applicant at his or her cost.

*(Ord. 98-7, 12/7/1998)*

## Part 11 GC - GENERAL COMMERCIAL DISTRICT

**Section 1100. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.3 of this Chapter. It is the intent of this Part to allow the Gilbertsville Commercial Core Area to function as the commercial center of the Township. Further, it is the intent of this Part to:

1. Provide the broadcast range of commercial use in the Township.
2. Encourage sensitive development of new commercial uses that are compatible with existing development in the Gilbertsville Core Area.
3. Control reuse and/or conversions of existing properties within the district in an appropriate manner.
4. Provide regulations to minimize conflicts between commercial uses and abutting residential uses.
5. Regulate access to minimize traffic congestion and hazards.
6. Regulate parking to provide sufficient capacity and encourage well designed and functional parking areas.
7. Encourage highway oriented uses which attract large volumes of traffic and continuous customer turnover to located in shopping centers as satellite uses.
8. Serve the needs of the Township's growing population.

**Section 1101. Use Regulations.** Permitted uses are grouped into five classifications according to the minimum lot size required for each classification. Minimum lot sizes vary from 7,500 square feet to 5 acres as stipulated further in this Part. (*Ord. 82-4, 6/7/1982*)

**Section 1102. Class One Permitted Uses.** One lots with a minimum area of 7,500 square feet but less than 10,000 square feet, the use regulations in Section 901 of this Chapter shall apply. In no instances shall new building construction be permitted for lots between 7,500 and 10,000 square feet, except to convert and/or expand existing structures in accordance with the provisions of Part 9, Limited Commercial District. (*Ord. 82-4, 6/7/1982*)

**Section 1103. Class Two Permitted Uses.** On lots with a minimum area of 10,000 square feet and a minimum width at the building line of 75 feet, the following uses are permitted:

1. Retail establishments for sale of: dry goods, variety merchandise, clothing, food, beverages, flowers and plants, drugs, furnishings or other household supplies and similar uses.
2. Retail establishments for sale and repair of: jewelry, clocks, optical goods, cameras, home appliances, scientific and professional instruments and similar goods.
3. Personal service shop, including but not limited to: barber shop and/or hairdresser, shoe repair, tailor, dry cleaning; provided that at least 30 percent of the gross floor area is

devoted to customer service, and provided that the use creates no excessive fire hazards.

4. Retail bakery or similar food product operation, provided at least 30 percent of the gross floor area is devoted to sale and/or customer service.
5. Business or professional office, studio for dance, art, music or photography.
6. Bank or other financial institution, not including drive-in banks or drive-in facilities.
7. Restaurant excluding drive-in or fast food establishments.
8. Wholesale business which is compatible with retail uses.
9. Post office.
10. Any uses of the same general character as those listed in this section, when approved by the Zoning Hearing Board as a special exception.
11. Adult uses, when approved by the Zoning Hearing Board as a special exception, in accordance with the standards and criteria of Section 131 of this Chapter.

*(Ord. 82-4, 6/7/1982)*

**Section 1104. Class Three Permitted Uses.** One lots with a minimum area of 25,000 square feet and a minimum width at the building line of 125 feet, the following uses are permitted.

1. Any use permitted in Section 1103 above.
2. A bank or financial institution with drive-in facilities provided that:
  - A. A minimum of six automobile waiting spaces are provided for each bank teller or remote teller window.
  - B. These spaces shall not interfere with parking spaces or internal circulation of the site.
3. Automatic or self-service car wash.
4. Self-service laundry.
5. Ancillary indoor storage building or warehouse.
6. Indoor place of amusement, excluding theaters and indoor court sports such as tennis and racquetball.
7. Shop for motor vehicle body, upholstery or restoration work.
8. Used car lot or lot for sale of recreation vehicles, provided that:
  - A. No temporary storage of these vehicles is provided on the abutting roadway.
  - B. No parking or storage of vehicles or supplies may be located within 25 feet of the ultimate right-of-way of any street.

- C. Clear sight triangles, as required in Section 109 are provided.
9. Public garage, storage garage.
  10. Drive-in or fast food restaurant – drive-through areas shall comply with the following requirements:
    - A. Ten thousand (10,000) square feet of the lot area shall be provided in addition to the 25,000 square feet otherwise required under the provisions of this section.
    - B. A minimum of six automobile waiting spaces are required.
    - C. A minimum of three waiting spaces shall be provided in addition to B., above, if a separate area for ordering food is included.
    - D. These spaces shall not interfere with parking spaces or internal circulation of the site.
  11. Hotel, tourist home or rooming house for transient purposes only.
  12. Any uses of the same general character as those listed above, when approved by the Zoning Hearing Board as a special exception.
  13. Gasoline service stations or fuel service islands shall be permitted as a special exception provided they meet the following additional standards:
    - A. All automobile servicing activities except those normally performed at fuel or air pumps shall be performed within a completely enclosed building.
    - B. Minimum setback of fuel pumps from the ultimate right-of-way line shall be 25 feet.
    - C. Minimum setback of parking (any portion) from fuel pumps shall be 30 feet.
    - D. The fuel pumps shall not interfere with parking spaces or internal circulation.
    - E. If fuel service islands are provided in addition to any non-gasoline station use (e.g. convenience food store) 5,000 square feet of lot area must be produced in addition to the 25,000 square feet otherwise required under the provisions of this section.
    - F. Parking requirements if selling fuel only: 2 spaces per fuel pump plus 1 space per employee on the largest shift; with vehicle service/repair: as required above, plus 3 spaces per service bay; with mini-market: as required above, plus 1 space per 250 square feet of gross sales floor area.

*(Ord. 82-4, 6/7/1982; as amended Ord. 82-8, 11/1/1982, Sect. 1; Ord. 97-4, 11/3/1997)*

**Section 1105. Class Four Permitted Uses.** On lots with a minimum area of 2 acres and a minimum width at the building line of 175 feet, the following are the permitted uses:

1. Any use permitted in Section 1104 above.
2. Farm and garden supply center, provided that no outdoor storage area be located less than 20 feet from a property line, or 25 feet from the ultimate right-of-way line of any street.



3. Outdoor place of amusement or recreation.
4. Indoor theater.
5. Indoor court sports such as tennis and racquetball.
6. Motor vehicle or recreation vehicle sale agency, subject to the requirements of Section 1104 (8.A, B and C).
7. Motel, hotel, tourist home, rooming house.
8. Any use of the same general character as those listed above, when approved by the Zoning Hearing Board as a special exception.

*(Ord. 82-4, 6/7/1982; as amended Ord. 82-8, 11/1/1982, Sect. 1)*

**Section 1106. Class Five Permitted Uses.** On lots with a minimum area of 5 acres and a minimum width at the building line of 350 feet, the following are the permitted uses:

1. Shopping center comprised of two or more permitted uses selected from Sections 1102, 1103, 1104, and /or 1105, above, subject to the Shopping Center regulations of this Chapter.
2. Satellite uses in a shopping center, subject to Section 1109, "Satellite Use Regulations" of this Chapter, including the following uses:
  - A. Drive-in banking facilities.
  - B. Ancillary tires, batteries and accessories store (TBA) for motor vehicles.
  - C. Photographic film processing outlet.
  - D. Drive-in or fast food restaurant.
  - E. Farm and garden supply center.
  - F. Indoor theater for motion pictures.
  - G. Gasoline service station.
  - H. Any use of the same general character as those listed in subsections A. through F. above, when approved by the Zoning Hearing Board as a special exception.

*(Ord. 90-1)*

3. Motor vehicle or recreation vehicle sales agency, subject to the requirements of Sections 1104 (8.A, B and C).
4. Any one permitted use selected from Sections 1102, 1103, 1004 or 1105, above, subject to the Shopping Center Regulations of this Part.

*(Ord. 82-4, 6/7/1982; as amended Ord. 82-8, 11/1/1982, Sect. 1; and by Ord. 90-1, 7/16/1990, Sect. 20)*

**Section 1107. Dimensional Standards for Class One Through Four Permitted Uses.**

1. Development or use of lots between 7,500 and 10,000 square feet in area shall be subject to the requirements and regulations of the LC – Limited Commercial District, Part 9 of this Chapter.
2. For lots with an area greater than 10,000 square feet, but less than 5 acres, the following standards shall apply regardless of the type of use proposed:

<u>Lot Size</u>	<b>Class Two</b> Btw. 10,000 SF and 25,000 SF	<b>Class Three</b> Btw. 25,000 SF and 2 Acres	<b>Class Four</b> Btw. 2 and 5 Acres
A. Min. front yard (measured from the ultimate right-of -way line)	15 ft. for buildings up to 15 ft. in height or	25 ft. for buildings up to 15 ft. in height or	100 ft.
	25 ft. for buildings exceeding 15 ft. in height	35 ft. for buildings exceeding 15 ft. in height	
B. Min. side yard	25 ft. (one side only) required	25 ft. (one side only) required	60 ft. aggregate, min. 20 ft. (2 side yards required)
C. Min. rear yard	15 ft.	15 ft.	75 ft.
D. Max. building height	35 ft.	35 ft.	35 ft.
E. Max. building coverage	35%	30%	30%
F. Min. vegetative coverage	20%	20%	20%
G. Max. building dimension	100 ft.	150 ft.	300 f
H. Dimensional Standards for Class One Through Four Permitted Uses: Maximum individual building size for commercial and office use shall be thirty thousand (30,000) square feet.			

*(Ord. 82-4, 6/7/1982, as amended by (Ord. 07-5))*

**Section 1108. Dimensional Standards for Class Five Permitted Uses.** All Class Five permitted uses and any other development on lots of 5 acres or larger must comply with the dimensional standards of this section, as listed below:

1. Minimum setbacks for buildings or ancillary outdoor sales and storage areas:
  - A. From the ultimate right-of-way of streets:
    - 1) when a primary building's width exceeds its depth: 200 feet.
    - 2) when a primary building's depth exceeds its width: 100 feet.

- 3) when a primary building's width and depth are equal or cannot be compared because of the building's odd shape: 150 feet.
  - 4) for satellite buildings or outdoor sales and storage areas ancillary to a primary building, not including motor vehicles or recreation vehicle sales agencies: 75 feet.
- B. From an abutting residential or institutional use or district: 75 feet for all buildings, sales or storage areas.
  - C. From an abutting commercial or industrial use or district: 30 feet for all buildings, sales or storage areas.
  - D. Dimensional Standards for Class Five Permitted Uses. Maximum individual building size for commercial and office uses shall be thirty thousand (30,000) square feet. (Ord. 07-5)
2. Minimum Parking and Service Area Setbacks.
- A. From the ultimate right-of-way of streets: 20 feet.
  - B. An abutting residential or institutional use or district: 40 feet.
  - C. An abutting commercial or industrial use or district: 20 feet.
- 3. Maximum building coverage, including both major and satellite buildings: 30 percent.
  - 4. Minimum vegetative coverage: 20 percent.

*(Ord. 82-4, 6/7/1982)*

**Section 1109. Satellite Use Regulations.** Satellite uses may be proposed in the initial shopping center plan approval process, or be added to the shopping center following initial plan approval in compliance with the following regulations:

- 1. The permitted number of satellite uses shall be determined by multiplying the tract size in acres by .40. However, in no case shall be maximum number of satellite uses exceed five regardless of the tract size.
- 2. Not more than 10 percent of the total allowable building coverage for shopping centers shall be devoted to satellite uses.
- 3. Total building coverage of the shopping center, including satellite uses, shall not exceed the maximum coverage permitted by Section 1108.3 of this Chapter (30 percent). *(Ord. 90-1)*
- 4. Access to parking and service areas intended for satellite uses shall be taken only from driveways within the shopping center, and shall not connect directly to an abutting street.
- 5. Parking and service areas intended for satellite uses shall be separated from primary shopping center parking area by landscaped barrier islands to direct and control traffic flow. Such landscaped islands shall adhere to the applicable regulations of the Township's Subdivision and Land Development Ordinance.

6. The number of parking spaces required for each satellite use:
  - A. Shall be determined by the requirements of Section 1114.2 of this Chapter, for each type of use proposed.
  - B. Shall be provided within 150 feet of the particular use.
  - C. Shall not require patrons to walk across major shopping center driveways.
7. The sum total of parking provide for satellite use and the other uses in a shopping center shall equal or exceed the total parking capacity requirement for shopping centers in Section 1114 of this Chapter. Five spaces per 1,000 square feet of gross leasable area.
8. The reserve parking concept may be used for satellite uses, in accordance with Section 1109.6, above, and Section 1114.4, Reserve Parking Regulations, in this Chapter.

*(Ord. 82-4, 6/7/1982; as amended Ord. 90-1, 7/16/1990, Sect. 13)*

**Section 1110. Vehicular Access Standards.** The following regulations shall pertain to all lots to be developed in the General Commercial District, and shall govern lots to be redeveloped in the district to the maximum extend possible:

1. Number and Spacing of Driveways. The following table shall govern the number of access driveways permitted and the minimum driveway spacing requirements:

	<b>Lot Widths at the Building Line</b>	
	<u>For Lots Less Than 150 Feet Wide at the Ultimate Right-of-Way</u>	<u>For Lots More Than 150 Feet Wide at the Ultimate Right-of-Way</u>
A. Max. number of driveways per street frontage	1	2
B. Min. distance from property line to driveway centerline *	22 ft. (not shared) 0 ft. (shared)	35 ft. (not shared) 0 ft. (shared)
C. Min. distance from ultimate right-of-way of street intersection to driveway centerline	50 ft.	75 ft.
D. Min. spacing btw. driveway centerlines on one lot	not applicable	75 ft.

*\* Shared and not shared refer to the use of a driveway for access to two or more abutting properties (shared) versus use of a driveway to serve only one property (not shared), as regulated by Section 1110.4 of this Part.*

2. Access to Corner Lots. The Township Supervisors may prohibit access to and/or from one of the streets abutting a corner lot if, in the opinion of the Township Engineer and/or Planning Agency, access to that street would:
  - A. Create a traffic hazard because of high traffic volume, congestion, limited sight distance or the sharpness of a curve or curves in the road; or

B. Unduly impact existing residential development.

3. Driveway Specifications. Vehicular access driveways leading onto a public street shall be built to the dimensional requirements specified in the Douglass Township Subdivision and Land Development Ordinance.
4. Shared Access. In order to minimize the number of driveway intersections with public streets, the use of shared access driveways is hereby encouraged. Under this concept, an access driveway to one lot would also provide physical and legal access to one or more abutting lots. The following regulations apply to shared access driveways:
  - A. Access easements and maintenance agreements or other suitable legal mechanisms shall be provided where necessary.
  - B. Liability safeguards for all property owners and lessees served by the shared facilities shall be guaranteed to the satisfaction of the Supervisors upon recommendation of the Township Solicitor.

*(Ord. 82-4, 6/7/1982)*

**Section 1111. Lot Line Developments.** If a building is proposed to be constructed on the lot line with only one side yard it is required to conform to the following provisions:

1. Building walls situated on lot lines shall not contain windows, doors or other openings, and shall be designed and constructed in a manner which shall minimize fire hazards and the need for maintenance.
2. The roof shall not be drained toward a wall situated on a lot line.
3. No building wall shall be placed on a side lot line, unless access is provided onto the abutting property to allow for inspection, maintenance and repair of the building wall and foundation. Provision for access shall be guaranteed by irrevocable easement or other legal mechanism to the satisfaction of the Supervisors upon recommendation of the Township Solicitor.
4. Structures on abutting lots may be built along their common lot line creating a party wall between the abutting uses.

*(Ord. 82-4, 6/7/1982)*

**Section 1112. General Regulations.** The following general regulations shall apply to any development proposal within the General Commercial District:

1. Ownership. The tract of land shall be in single ownership, or ownership shall be such that the tract will be developed under a single direction in accordance with an approved plan.
2. Development Plan. The application for development shall be accompanied by:
  - A. Plan or plans showing detailed use of the entire tract, which shall:
    - 1) comply with the Douglass Township Subdivision and Land Development Ordinance.

- 2) comply with all other applicable ordinances.
- B. The plan shall clearly designate the proposed use(s) of each area of the tract.
- 3. Development Stages and Permits. The development of the tract may be carried out in either a single phase or in stages. If carried out in stages the development shall be in accordance with a development agreement which shall:
  - A. Be binding to the overall tract and its development.
  - B. Be recorded with the final plan.
  - C. Be acceptable to the Township Solicitor and governing body.
- 4. Other Development Regulations.
  - A. Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground.
  - B. Signs. All signs in the General Commercial District shall comply with Part 15 of this Chapter.
  - C. Lighting Facilities. Shall not produce unreasonable glare or hazardous interference on abutting properties or highways.
  - D. Landscape Planting. Shade trees and other plant materials satisfactory to the Board of Supervisors shall be provided along the street frontage occupied by developments in the General Commercial District, in other non-paved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with driver's sight distances at driveway intersections.
  - E. Trash and Refuse Area. Trash and refuse shall either be stored inside the building or within an opaque screened area, which shall be at least 6 feet high.
  - F. Service Area. Loading and unloading areas shall be provided which do not conflict with pedestrian or vehicular movement.

*(Ord. 82-4, 6/7/1982)*

**Section 1113. Sewer and Water Facilities.** All development in the General Commercial District shall be served by public sewer and water facilities. *(Ord. 82-4, 6/7/1982)*

**Section 1114. Parking Requirements.**

- 1. For Class One Permitted Uses, parking shall be required in compliance with Section 905 of this Chapter.
- 2. Individual establishments of Classes Two, Three or Four, and satellite uses in shopping centers shall be governed by the following requirements:
  - A. Retail sales and repair: 1 space per 200 square feet of gross floor area, not including basements unless used as a sales area. *(Ord. 97-4, 11/3/1997)*
  - B. Business or professional office: 1 space per 275 square feet of gross floor area.

- C. Theater: 1 space per 3 seats.
- D. Tourist home, rooming house: 2 spaces plus 1 space per rental room or suite.
- E. Self-service laundry: 1 space per 2 washing machines.
- F. (1) Bowling alley - 5 spaces per lane; (2) other outdoor facility - 1 space per 250 square feet of gross floor area. (Ord. 97-4, 11/3/1997)
- G. Personal service shop: 3 spaces per person performing a personal service (barber, tailor, etc.) provided that a minimum of 6 spaces shall be required for each shop.
- H. Restaurant, excluding fast food and drive-in: 1 space per 75 square feet of patron floor area and 1 space per employee on largest shift. (Ord. 97-4, 11/3/1997)
- I. Car wash: full service - 4 spaces per bay plus 1 employee, plus 5 stacking spaces per bay; self-service - 4 stacking spaces per stall (excluding stall). (Ord. 97-4, 11/3/1997)
- J. The following uses shall provide one space per employee on the largest shift during peak periods, plus the requirements listed below:
  - 1) Motor vehicle repair shop: 3 spaces per vehicle service bay.
  - 2) Vehicle sale: 1 space per 500 square feet of indoor sales area plus 1 space per 5,000 square feet of outdoor sales area.
  - 3) Drive-in or fast food restaurant: 1½ spaces per table or booth, or 1 space per 50 square feet of gross floor area, whichever is larger; minimum of 25 spaces.
  - 4) Hotel, motel: 1 space per rental unit.
  - 5) Bank, financial institution: without drive-in service, 6 spaces per teller window; with drive-in service, 3 spaces per indoor teller window; plus 3 spaces per self-service facility and with walk-up automated teller machine (ATM), as required above, plus 2 spaces per ATM.
  - 6) Post office or wholesale business: 10 spaces.
  - 7) Indoor sports facility: 1½ spaces per person for maximum court and exercise equipment capacity.
  - 8) Studio for dance, art, music or photography: 1 space per 5 students, and/or 1 space per 300 square feet of gross floor area for non-student patrons.
  - 9) Ball field or court: 1 space per 4 persons of design capacity.
  - 10) Farm/garden supply center: 1 space per 250 square feet of indoor sales floor plus 1 space per 500 square feet of outdoor sales area.

(Ord. 97-4, 11/3/1997)

3. For Class Five Permitted Uses:

- A. Shopping center shall be provided with a total of 5 parking spaces per 1,000 square feet of gross leasable area, including the individual parking requirements for satellite uses (Section 1114.2).
  - B. Individual uses (one use on one lot) shall comply with the requirements of Section 1114.2 above.
4. Parking Held in Reserve. If the number of space required by Section 1114.1-3, above, is substantially larger than the number anticipated by the applicant, the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria:
- A. The total number of spaces which must be paved initially may be reduced up to 50 percent by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer.
  - B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 1114.1-3, above, if and when they are deemed necessary by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer. In addition, a reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of residents, employees). Following reevaluation, the Supervisors may require installation of additional parking spaces upon recommendation of the Township Planning Agency and Engineer.
  - C. A financial guaranty must be provided by the applicant to cover the cost of installation of the reserved parking spaces, for a period of one year following installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by the Township Supervisors, upon recommendation of the Township Solicitor and Engineer.
  - D. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Agency and Engineer for their review and recommendation.
5. Design Standards.
- A. For Class One Permitted Uses, the Design Standards of Section 906 of this Chapter shall apply.
  - B. For Class Two, Three and Four Permitted Uses, entrance, exit and internal circulation driveways shall be separated from parking aisle driveways, when feasible and deemed necessary by the Supervisors, upon recommendation of the Township Planning Agency and Engineer.
  - C. For Class Five Permitted Uses, entrance, exit and internal circulation driveways shall be separated from parking aisle driveways.
  - D. Parking aisle driveways shall provide immediate access to parking spaces, and are intended to provide through traffic flow mainly as a convenience to parkers. For Class One through Four Permitted Uses, parking aisle driveways may serve a multiple role by accommodating entrance, exit and internal circulation movements, when approved by the Supervisors, upon recommendation of the Township Planning Agency and Engineer.





- E. Where through traffic flow is not feasible, a permanent paved turnaround area large enough to accommodate passenger cars shall be provided at the closed end of any parking area with a capacity of 30 or more spaces, and which otherwise function as a dead-end parking lot. Parking shall be prohibited within the turnaround area. Acceptable configurations include circular, "T" and "Y" shape facilities.
- F. Not more than 15 parking spaces shall be located in an uninterrupted row. If more than 15 parking spaces are located in a row, curbed planted areas with a minimum size of 10 feet by 20 feet (10' x 20') shall be located at appropriate intervals to break up the monotonous effect and provide visual interest. (Ord. 96-1)

(Ord. 82-4, 6/7/1982; as amended Ord. 96-1, 1/15/1996)

**Section 1115. Buffer Requirements.** Screening and softening buffer shall be provided in compliance with the following regulations:

1. Screening Buffers. Screening buffers shall be provided when general commercial properties abut residential or institutional uses or districts. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.
2. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 36)

## Part 12 M-1 OFFICE AND LIGHT INDUSTRIAL DISTRICT

**Section 1200. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.2 of this Chapter. It is the intent of this Part to provide for non-polluting light industry, research and development, and office uses. Furthermore, it is the intent of this Part to:

1. Take advantage of the highway access and visibility from Route 100.
2. Provide employment centers in close proximity to existing and future higher density residential development to reduce commuting distance for the workforce.
3. Prohibit polluting or noxious uses by providing strict industrial performance standards.
4. Establish standards which encourage integrated development of industrial parks.
5. Provide for flexible lotting practices which permit a diversity of development types and sizes.
6. Ensure that residential and institutional development will be buffered against industrial encroachment.

*(Ord. 82-4, 6/7/1982)*

**Section 1201. Permitted Uses.** In the M-1 Office and Industrial District, permitted uses are grouped into two classifications according to the character of the use. A building or group of buildings may be erected, altered or used, and a lot may be used or occupied for any of the following uses and no other:

1. Class I Uses.
  - A. Scientific or industrial research, engineering, testing or experimental laboratory or similar establishment for research, training or product development.
  - B. Office, corporate headquarters and administrative buildings or centers.
2. Class II Uses.
  - A. Wholesale, warehouse, storage or distribution center, provided that satisfactory provisions are made to prevent traffic congestion and hazards and that all loading or unloading operations shall be carried on within or contiguous to the façade of any building(s) used for such purposes.
  - B. Printing, publishing, lithographing and similar processes.
  - C. Light manufacturing of beverages, confections, food products (exclusive of meats and fish packing, and the rendering or refining of fats and oils), cosmetics, pharmaceuticals, ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, dies, patterns, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments and toys, electronic and small parts assembly and/or manufacture.

- D. Any uses of the same general character as those listed under Class II uses, when approved by the Zoning Hearing Board as a special exception.
3. Accessory uses on the same lot and customarily incidental to any of the above permitted uses, which may include:
- A. For Class I uses, storage within a completely enclosed building.
  - B. For Class II uses, storage within a completely enclosed building and/or storage outside enclosed by a fence that will conceal stored items from view at a 5-foot level when standing at the street or property line. Outdoor storage must be kept within the building setback lines and may not infringe on the minimum vegetative area. The maximum outdoor storage area shall be (4.5%) percent of the lot area.
  - C. Repair shop or maintenance facility normally required for the conduct of industrial operations, excluding commercial repair facilities.
  - D. A cafeteria, recreation facility or other service for the use of industrial district employees.
  - E. Restaurant.
4. The following uses, when authorized as a special exception by the Zoning Hearing Board:
- A. Personal use heliport, subject, in addition, to the specific requirements of Sections 122 and 123 of this Chapter.
  - B. Nursery or day care center, provided the day care center complies with the standards of Section 134 of this Chapter. (Ord. 90-1)
  - C. Branch bank or similar financial institution.
  - D. Passenger station for public transportation.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 88-1, 4/18/1988; and by Ord. 90-1, 7/16/1990, Sect. 10)*

**Section 1202. Performance Standards.** Notwithstanding the applicable laws and regulations of the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Resources, the following performance standards shall be used by the Board of Supervisors, Township Planning Agency and Township Engineer in determining the suitability and possible hazardous impacts of a proposed use within the M-1 Office and Light Industrial District.

- 1. In determining whether a proposed use is or may become noxious, hazardous or offensive, the following standards shall apply. The proposed use shall not:
  - A. Constitute a nuisance or cause damage to health or property by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust in the immediate surrounding area, or beyond the district boundary line.
  - B. Result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes, measured at the property line.
  - C. Endanger surrounding areas by reason of radiation, fire or explosion.

- D. Produce objectionable heat or glare beyond the property line.
  - E. Result in off-lot electrical disturbance or adversely affect the operation of equipment other than on the property on which the disturbance is located.
  - F. Require storage of materials and supplies outside the building, except in permanent containment structures or a fenced area that meets the requirements of Section 1201.3.B. (Ord. 90-1)
  - G. Discharge any untreated or incompletely treated sewage or industrial waste into any stream or otherwise contribute to the pollution of surface or underground waters.
  - H. Dump or store waste products, scrap or similar materials outside the building, except in a properly designed and screened pick up area served by frequent, periodic removal.
  - I. Endanger the underground water level or supply for other properties.
  - J. Create an objectionable traffic condition on the highway or in an adjacent area; or generate a nuisance to surrounding property by reason of traffic.
  - K. Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the environmental quality of the surrounding area.
2. The applicant shall demonstrate to the Township Engineer and the Township Planning Agency that:
- A. The proposed use(s) will comply with the standards contained in Section 1202.1, herein.
  - B. Adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use(s) will not be noxious, hazardous or offensive as defined in Section 1202.1, herein.
  - C. The Township Engineer or Planning Agency may require, in order to determine that adequate safeguards are provided, that:
    - 1) the applicant submit necessary information, impartial expert judgments and written assurances.
    - 2) the applicant obtain the advice of appropriate local, state, and federal agencies and of private consultants.
    - 3) the applicant's proposed use(s) comply with such tests or provide such safeguards as are deemed necessary by the Board of Supervisors, upon the advice of the Township Engineer.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 88-1, 4/18/1988; and by Ord. 90-1, 7/16/1990, Sect. 27)*

**Section 1203. Conditional Use Criteria.** (*Ord. 82-4, 6/7/1982; repealed by Ord. 88-1, 4/18/1988*)

**Section 1204. Dimensional Standards.** The following table contains the two categories of dimensional standards applicable to the M-1 District:

<u>Dimensional Standards</u>	<u>Standard Subdivision or Development of Tracts of Less than 25 Acres</u>		<u>Integrated Industrial Park Development Containing a Min. of 3 Uses on a Total Tract of 25 Acres or More</u>	
	<u>Class I</u>	<u>Class II</u>	<u>Class I</u>	<u>Class II</u>
A. Min. lot size	4 ac.	4 ac.	2 ac min. lot 4 ac. average lot	
B. Min. width at building line	250 ft.	250 ft.	200 ft.	200 ft.
C. Min. building setback measured from:				
1. Ultimate right-of-way	75 ft.	75 ft.	50 ft.	50 ft.
2. Abutting residential or institutional zoning district boundary line	100 ft.	100 ft.	100 ft.	100 ft.
3. Abutting commercial or industrial zoning district	50 ft.	50 ft.	35 ft.	35 ft.
4. Any other property line not abutting a zoning district boundary or street	35 ft.	35 ft.	25 ft.	25 ft.
D. Min. driveway, parking and loading setbacks measured from:				
1. Ultimate right-of-way:				
a) Parking or parallel drive	20 ft.	20 ft.	20 ft.	20 ft.
b) Loading	100 ft.	100 ft.	100 ft.	100 ft.
2. Abutting residential or institutional zoning district boundary line	50 ft.	50 ft.	25 ft.	25 ft.
3. Abutting commercial or industrial zoning district	25 ft.	25 ft.	10 ft.	10 ft.
4. Any other property line not abutting a zoning district boundary or street	20 ft.	20 ft.	20 ft.	20 ft.
5. With shared parking and loading	0 ft.	0 ft.	0 ft.	0 ft.
6. Street intersection (applies only to driveways, measured btw. centerlines)	100 ft.	100 ft.	100 ft.	100 ft.
E. Other standards:				
1. Max. building coverage	34%	45%	34%	45%

Dimensional Standards	Standard Subdivision or Development of Tracts of Less than 25 Acres		Integrated Industrial Park Development Containing a Min. of 3 Uses on a Total Tract of 25 Acres or More	
	Class I	Class II	Class I	Class II
2. Min. vegetative area	25%	25%	25%	25%
3. Max. height	50 ft.	50 ft.	50 ft.	50 ft.
4. Max. driveway width:				
a) not divided by medial island	30 ft.	30 ft.	30 ft.	30 ft.
b) divided by medial island	45 ft.	45 ft.	45 ft.	45 ft.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 88-1, 4/18/1988; and by Ord. 94-2, 3/7/1994, Sect. 20)*

**Section 1205. General Regulations.** The following general regulations shall apply for any development proposal within the M-1 Office and Light Industrial District:

1. **Ownership.** The tract of land to be in single ownership, or ownership shall be such that the tract will be developed under a single direction in accordance with an approved plan.
2. **Sewer and Water Facilities.** All development in the M-1 District shall be served by public sewer and water facilities, subject to approval by the Board of Supervisors, Pennsylvania Department of Environmental Resources, and appropriate sewer and water authorities.  
*(Ord. 86-8)*
3. **Development Plan.** The application for subdivision or land development shall be accompanied by a plan or plans which shall:
  - A. Show detailed use of the entire tract.
  - B. Comply with the Subdivision and Land Development Ordinance as well as other applicable ordinances of Douglass Township.
  - C. Clearly designate the proposed use(s) of each area of the tract proposed for land development.
4. **Development Stages and Permits.** The development of the tract may be carried out in either a single phase or in stages. If carried out in stages the development shall be in accordance with a development agreement which shall:
  - A. Be binding to the overall tract and its development;
  - B. Be recorded with the final plan;
  - C. Be acceptable to the Board of Supervisors upon recommendation of the Township Solicitor.
5. **Other Development Regulations.**
  - A. **Utilities.** All utility lines (electrical, telephone, etc.) shall be placed underground.

- B. Signs. All signs in the M-1 Office and Light Industrial District shall comply with Part 15 of this Chapter, including traffic control, directional and street signs.
  - C. Lighting Facilities. Lighting facilities shall be arranged in a manner which will protect streets and neighboring properties from unreasonable glare or hazardous interference of any kind.
  - D. Trash and Refuse Areas. Trash and refuse shall either be stored inside the building or within an opaque screened area, which shall be at least 6 feet high.
  - E. Landscape Planting. Shade trees and other plant materials satisfactory to the Board of Supervisors shall be provided along the street frontage occupied by M-1 Office and Light Industrial District, in other non-paved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with driver's sight distance at driveway intersections.
6. Buffer Requirements. Screening and softening buffers shall be provided in compliance with the following regulations.
- A. Screening Buffers. Screening buffers shall be provided when M-1 office and industrial properties abut residential or institutional uses or districts. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.
  - B. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

*(Ord. 90-1)*

- 7. Access. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the M-1 Office and Light Industrial District without causing undue congestion or interference with the normal traffic flow. The Township Planning Agency, with the advice of the Township Engineer, shall satisfy itself as to the adequacy of the thoroughfares and access points intended to accommodate the traffic generated by the proposed development.
- 8. Minimum Distance between Buildings on One Lot. The minimum distance between buildings on one lot shall be 25 feet, walkways shall be considered as one building.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 86-8, 7/21/1986; and by Ord. 94-2, 3/7/1994, Sect. 37)*

**Section 1206. Parking.** Off-street parking and loading facilities serving a proposed M-1 Office and Light Industrial District shall be provided as follows:

- 1. Class I Uses.
  - A. One space per one employee on the largest shift, or one space per 250 square feet of gross floor area, whichever is greater.



B. One unloading area/dock for each building complex.

2. Class II Uses.

A. One space per one employee on the largest shift, or one space per 500 square feet of gross floor area, whichever is greater.

B. One unloading area/dock for each building complex.

3. Parking Held in Reserve. If the number of spaces required by Section 1205.1 and 2 above, is substantially larger than the number anticipated by the applicant, the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria.

A. The total number of spaces which must be paved initially may be reduced by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer, in accordance with the following standards:

1) For one shift operations, 1 space per employee.

2) For multi-shift operations, 1¼ spaces per employee on the largest shift.

B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 1206.1 and 2 above, if and when they are deemed necessary by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer. In addition, reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees). Following reevaluation, the Supervisors may require installation of additional parking spaces, upon recommendation of the Township Planning Agency and Engineer.

C. To qualify for use of the reserved parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Agency and Engineer for their review and recommendation.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 88-1, 4/18/1988)*

**Section 1207. Plan Submission Requirements.** All proposals for development within the M-1 Office and Light Industrial District shall comply with the pertinent requirements of the Douglass Township Subdivision and Land Development Ordinance, concerning nonresidential developments. *(Ord. 82-4, 6/7/1982)*



## Part 13

### M-2 MANUFACTURING INDUSTRIAL DISTRICT

**Section 1300. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.2 of this Chapter. It is the intent of this Part to provide for manufacturing and heavy industrial uses in the Township. Furthermore, it is the intent of this Part to:

1. Permit a broad range of manufacturing and heavy industrial uses.
2. Establish reasonable standards of performance to control the adverse environmental effects resulting from development within this district.
3. Provide the township review of all proposals for development to determine compliance with the performance standards.
4. Provide buffering requirements, building and parking setbacks, and other regulations to minimize the negative impacts on surrounding non-industrial areas.

*(Ord. 82-4, 6/7/1982)*

**Section 1301. Permitted Uses.** In an M-2 Manufacturing Industrial District a building or group of buildings may be erected, altered or used and a lot may be used or occupied for any of the following uses and no other:

1. Any use permitted in the M-1 Office and Light Industrial District.
2. Manufacturing, fabrication, assembly, processing and packaging of natural and man-made materials, chemicals, synthetics and other organic and inorganic products, except those uses specifically prohibited in Section 1301.10, which are subject to grant conditional use by Board of Supervisors. *(Ord. 00-2, 11/20/2000)*
3. Public or governmental utility building or use, including storage yard, repair shop or similar use.
4. Warehouse or materials storage area, either open or enclosed, including junk yard, with appropriate screening as required herein.
5. Any use of the same general character as the above may be permitted uses. Provided, however, that this shall not include uses set forth in Sections 1301.8, 1301.9 and 1301.10. *(Ord. 00-2, 11/20/2000)*
6. Commercial or personal use heliport when authorized as a special exception by the Zoning Hearing Board, subject, in addition, to the specific requirements of Sections 122 and 123 of this Chapter.
7. Accessory uses as defined herein, subject to the dimensional standards of Section 1304.
8. Sanitary landfills when permitted by conditional use. *(Ord. 86-9)*
9. Solid waste management facilities when permitted by conditional use. *(Ord. 86-9)*

10. Abattoir; bulk storage of explosives; fat rendering operation; wood or wood pulp processing; petroleum refining; leather processing; manufacturing of asphalt, explosives, fertilizer, linoleum or rubber; and any legal use not allowed above or in any other district when permitted by Conditional Use. (Ord. 00-2, 11/20/2000)

(Ord. 82-4, 6/7/1982; as amended by Ord. 86-9, 7/21/1986)

**Section 1302. Performance Standards.** Notwithstanding the laws and regulations of the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Resources and other applicable federal and state regulations, the following performance standards shall be used by the Board of Supervisors, Township Planning Agency and Township Engineer in determining the suitability and possible hazardous impacts of a proposed use within an M-2 Manufacturing Industrial District:

1. In determining whether a proposed use is or may become noxious, hazardous or offensive, the following general standards shall apply. The proposed use shall not:
  - A. Constitute a nuisance or damage to health or any property by reason of dissemination of noxious, toxic or corrosive fumes, smoke, odor or dust in the immediately surrounding area or beyond the district line;
  - B. Result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes, measured at the property line;
  - C. Endanger surrounding areas by reason of radiation, fire or explosion;
  - D. Produce objectionable heat or glare beyond the property line;
  - E. Result in off-lot electrical disturbance or adversely affect the operation of equipment other than on the property on which the disturbance is located;
  - F. Discharge any untreated or incompletely treated sewage or industrial waste into any stream; or otherwise contribute to the pollution of surface or underground waters;
  - G. Endanger the underground water level or supply for other properties;
  - H. Create an objectionable traffic condition on the highways or in an adjacent area; or generate a nuisance to surrounding property by reason of traffic;
  - I. Create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the environmental quality of the surrounding area.
2. In addition to the general standards listed above, the following measures shall be applied to any use in the M-2 Manufacturing Industrial District:
  - A. Control of Air Pollution. The Air Pollution Control Act of January 8, 1960, P.L. 2119 of the Commonwealth of Pennsylvania together with "Chapter 131 Ambient Air Quality Criteria" and "Chapter 123 Standards for Contaminants: of Title 25 Rules and Regulations" (1971, and as amended) shall be considered minimum standards for the control of smoke, dust, fumes and other emissions within the District.

- B. Control of Noise. At no point on the boundary of the M-2 Manufacturing Industrial District shall be sound pressure level of any operation exceed the described levels in the designated octave bands shown below.

**SOUND LEVELS**

<u>Octave Band in Cycles per Second</u>	<u>Along Residential or Institutional District Boundaries Max. Permitted Sound Level in Decibels</u>	<u>Along Any Other District Boundary Maximum Permitted Sound Level in Decibels</u>
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

- C. Control of Odors. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors, which are measured in excess of the following limits:
- 1) For areas used predominantly for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
  - 2) In all other land use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor-free air.
  - 3) When the source is a manufacturing process and agricultural operation, no violation of 1) and 2) herein shall be cited by the Township, provided that the best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and where applicable, in determining the best practical control methods, the Township shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.
  - 4) For all areas, it is a violation when odors are detected after the odorous air has been diluted with 127 or more volumes of odor-free air, in which case provisions of 3) herein shall not be applicable.

*(Ord. 00-2, 11/20/2000)*

- D. Control of Glare or Heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence or wall in such manner as to be completely imperceptible from any point beyond the lot lines.
- E. Control of Vibration. No vibration which is discernible to human sense of feeling shall be perceptible without instruments at any point beyond the lot line.
- F. Control of Radioactivity or Electrical Disturbances. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance

adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

G. Outdoor Storage and Waste Disposal.

- 1) No flammable or explosive liquids, solids or gasses shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- 2) All outdoor storage facilities for fuel, raw materials and products, and all raw materials and products stored outdoors shall be enclosed by a fence, wall or planting screen adequate to conceal the facilities from abutting properties.
- 3) No materials or waste shall be deposited upon the lot in such form or manner that they may be transferred off the lot by natural causes of forces.
- 4) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

H. Electrical, Diesel, Gas or Other Power. Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the safety requirements recognized by the Pennsylvania Department of Labor and Industry and shall be so constructed and installed so as to be an integral part of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting.

I. Industrial Waste or Sewage. No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste except as shall be approved by the Department of Environmental Resources.

J. Fire and Explosive Hazards.

- 1) In the M2 District and at least 40 feet from the boundary of a residence, business or commercial district, the storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning—as determined by the Zoning Officer—is permitted, subject to compliance with all other performance standards for the M2 District, inclusive, and provided the following conditions are met:
  - a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
  - b) All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association or if the materials, goods or products are liquid, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association and requirements of the other ordinance of the Douglass Township Code of Ordinances.
- 2) The storage and utilization of materials which produce flammable or explosive vapors or gases shall be permitted in this district, provided:

- a) That the storage and utilization of materials which produce flammable or explosive vapors or gases having a closed cup flash point under 24 degrees F are prohibited, except when such materials are used in secondary processes or are required in emergency or standby equipment or for use as power or heating fuels, which then is limited to 15,000 gallons; and except as provided in d) below;
- b) That the storage of materials which produce flammable or explosive vapors or gases having a closed cup flash point between 24 degrees F and 70 degrees F be limited to 15,000 gallons (exclusive of storage in underground tanks and exclusive of finished products in original sealed containers and exclusive of work in process); and except as provided in 4), below;
- c) That the storage of materials which produce flammable or explosive vapors or gases having a closed cup flash point above 70 degrees F are limited to 200,000 gallons (exclusive of storage in underground tanks and exclusive of finished products in original sealed containers and exclusive of work in progress);
- d) That gasoline distribution storage in excess of 200,000 gallons shall be permitted; and
- e) That the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and the requirements of other ordinances of the Douglas Township Code of Ordinances.

*(Ord. 00-2, 11/20/2000)*

3. The applicant shall demonstrate to the Township Engineer and Township Planning Agency that:
  - A. Adequate provisions will be made to reduce and minimum any objectionable elements to the degree necessary to insure that the proposed use(s) will not be noxious, hazardous or offensive as defined in subsection 1 herein.
  - B. The proposed use(s) will comply with the standards contained in subsection 2 herein.
  - C. The Township Engineer or Planning Agency may require, in order to determine that adequate safeguards are provided, that:
    - 1) The applicant submits necessary information, impartial expert judgments and written assurances.
    - 2) The applicant obtains the advice of appropriate local, state and federal agencies and of private consultants.
    - 3) The applicant's proposed use(s) comply with such tests or provide such safeguards in addition to those listed in subsection 2 herein, as deemed necessary by the Supervisors, upon the advice of the Township Engineer.

*(Ord. 82-4, 6/7/1982)*

**Section 1303. Conditional Use Criteria and Requirements for Sanitary Landfill and Solid Waste Management Facility.** (Ord. 00-2, 11/20/2000) Except as otherwise specifically provided in this section, a sanitary landfill or a solid waste management facility shall be permitted as a Conditional Use under Section 1301 only if the application and the use proposed thereby comply with all applicable requirements set forth in this Chapter and any other Ordinance of Douglass Township, and specifically with this Part and in addition, with the following requirements:

1. The applicant shall pay at the time of submission of the Conditional Use application an application fee of \$1,500 and shall deposit with the Township an amount equal to 5 percent of the estimated construction cost of the proposed facility, the minimum deposit \$10,000 and the maximum deposit being \$100,000, to be applied to the reasonable legal and engineering costs to the Township for review of the application and for preparation of studies and agreements in connection therewith, which shall include all such costs incurred by the Township until final approval and issuance of occupancy permit and beginning of lawful operation. The applicant may elect to pay one-half of the deposit at the time of submission of the application and the balance at the time of approval of conditional use. In place of a deposit the applicant may elect to produce an irrevocable letter of credit issued by a bank or savings and loan association doing business in Montgomery County, Pennsylvania, satisfactory to the Board of Supervisors. A refund of the excess of the deposit over such costs will be made to the applicant.
2. The following conditions as well as any other reasonable conditions may be imposed by the Board of Supervisors. A refund of the excess of the deposit over such costs will be made to the applicant.
  - A. The applicant shall be required to pay a user fee of \$1 per ton based upon the quantity of solid waste processed at the solid waste management facility. Such user fee may be subject to adjustment from time to time by reference to the Consumer Price Index, U.S. All items as compiled by the United States Department of Labor, Bureau of Labor Statistics, or similar index, provided the minimum user fee shall be \$1 per ton. The user fee shall apply to each solid waste management facility. Thus, the user fee is applicable in regard to disposal of incinerator ash at a landfill in Douglass Township even though the user fee already has been paid for processing at an incinerator.
  - B. The applicant may be required to permit access to its operational and financial records for the purpose of periodic review by a Governmental Advisory Board consisting of 3 Supervisors of Douglass Township, 1 member appointed by the Board of Supervisors of Douglass Township and 1 member appointed by Montgomery County.
  - C. The applicant may be required to offer unconditionally to purchase properties containing residential buildings at the time of the application located within 500 feet of the boundary line of the tract on which the sanitary landfill and/or solid waste management facilities is proposed. The offer to purchase such residential properties shall include the residential structures, together with the minimum lot size permitted by the Douglass Township Zoning Ordinance (this Chapter 27) for a single-family detached residence. To determine the amount to be offered to each property owner, a panel of three qualified appraisers shall be retained. One appraiser shall be selected by the owner of the property in question and a second appraiser selected by the applicant for conditional use approval. The two appraisers so selected shall together select a third appraiser. The reasonable cost of the appraisals shall be paid by the applicant. The applicant may be required to offer unconditionally an amount



equal to the mean appraised value of the property based on the three appraisal reports, plus 25 percent of such mean value. Such properties when purchased shall remain part of the tract on which the sanitary landfill and/or solid waste management facility is located and owned by the owner thereof so long as such landfill or facility continues to operate. The value shall be determined as the value existed immediately preceding the application and as unaffected by it.

- D. The applicant at its expense may be required to improve the road network to Route 100 in accordance with a plan approved by the Township. Reference shall be made to Section 1303.7 hereinafter set forth.
3. The applicant shall provide satisfactory documentation to indicate that the proposed application has been approved by Montgomery County as consistent with its Municipal Waste Management Plan.
  4. The applicant shall comply with all applicable federal and state regulations.
  5. Dimensional Standards:
    - A. Minimum lot size (exclusive of existing rights-of-way of public roads): 8 acres. Provided, however, that the minimum lot size for a sanitary landfill shall be 50 acres.
    - B. Minimum lot width at building line: 500 feet. (Applicable to sanitary landfill only.)
    - C. Minimum building setback measured from:
      - 1) the ultimate right-of-way line: 200 feet.
      - 2) an abutting district boundary line: 200 feet.
      - 3) any other property line: 200 feet.
    - D. Maximum building height: 120 feet, provided, however, that this height limitation shall not apply to the height of the stack. (For sanitary landfills, see Section 1303.14, below.)
  6. A solid waste management facility for municipal waste shall not allow dumping, burying, depositing, storing, incinerating, treating or disposition of solid waste other than municipal waste as defined in the Solid Waste Management Act (Act of July 7, 1980, P.L. 380, 35 P.S. 6018.101 et seq.) enacted by the Commonwealth of Pennsylvania, as amended to the date of this Chapter, and the ash, residue, reject material and other material generated from such municipal waste. A solid waste management facility for municipal waste permitted as conditional use hereunder shall not dispose of any ash, residue, reject material and other material generated from such municipal waste at a landfill within Douglass Township unless such landfill conforms to the criteria and requirements set forth in this section and accepts such waste from the solid waste management facility exclusively and no other waste. Reject material and other material generated from such municipal waste shall be limited to municipal waste delivered to the solid waste management facility which cannot be processed because of its nature or because of a temporary operational failure at the solid waste management facility. In no event shall the ash, residue, reject material and other material generated from such municipal waste disposed in such landfill exceed 25 percent of the material processed at the solid waste management facility during any given period of 30 days.

14. An on-site scale shall be used to weigh all solid waste delivered to the site and complete records shall be maintained by the operator, which records shall be available for inspection by the Board of Supervisors.
15. A certified copy of all reports, data, plans and other material or information required to be submitted to the Pennsylvania Department of Environmental Resources also shall be submitted to the Board of Supervisors.
16. A tire cleaning area shall be provided on the access road within the solid waste management facility site. All tires on all trucks leaving the solid waste management facility site shall be cleaned.
17. An environmental assessment statement shall be submitted to the Board of Supervisors, and shall include the following:
  - A. A description of all proposed facilities;
  - B. A physical description of the environment affected including summary technical data and maps and diagrams adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analysis and data should be attached as appendices or footnoted with adequate bibliographic references;
  - C. The interrelationship and cumulative environmental and economic impacts of the proposed solid waste management facility when coupled with other solid waste processing or disposal facilities shall be stated and supported by adequate technical analysis;
  - D. The sources of data used to identify, quantify or evaluate any and all environmental consequences must be expressly noted;
  - E. The relationship of the proposed solid waste management facility to land use plans, policies and controls for the affected area, including a statement as to how the proposed solid waste management facility may conform or conflict with the objectives and specific terms of existing or proposed federal, state, county or township land use plans, policies and controls;
  - F. An analysis of:
    - 1) the primary and secondary effects on the solid waste management facility and its capacity to stimulate or induce changes in patterns of social and/or economic facilities;
    - 2) the impact on existing community facilities and activities, changes in natural conditions, and so forth; and
    - 3) the effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes and towns;
  - G. Specific data relating to the impact of the solid waste management facility on local vehicular traffic, and designating the routes to be utilized by vehicles seeking access to that proposed facility;

- H. Specific data relating to the impact of the solid waste management facility on local water supplies, streams and rivers;
  - I. Specific data relating to the impact of the solid waste management facility on natural or man-made local storm drainage facilities and areas;
  - J. Specific data relating to the impact of the solid waste management facility on the existing flood hazard areas of the Township, including details of any measures or precautions which may have to be taken in order to provide adequate flood control in the Township;
  - K. A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated;
  - L. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed action forecloses future options. In this context, the words "short-term" and "long-term" should be viewed in terms of the environmentally significant consequences of the proposed action;
  - M. The aesthetic impact of the proposed action including its impact upon visual quality of the surround community;
  - N. An analysis of the success and/or failure of similar projects;
  - O. A statement of any adverse effects on employment, taxes and property values;
  - P. A statement of any effects on desirable community growth; and
  - Q. A statement describing the location and impact of the project on nearby recreation areas.
  - R. Such other information as reasonably required by the Board of Supervisors, Planning Agency, Engineer, and/or Solicitor.
18. Contents of Application. An application for a conditional use for a solid waste management facility shall contain the following:
- A. A topographical drawing, prepared by a professional engineer, registered in the State of Pennsylvania, to a scale no greater than 1 inch equals 100 feet, showing:
    - 1) location of site relative to public roads;
    - 2) owners of adjacent properties;
    - 3) proposed fencing and improvements;
    - 4) proposed screening and buffering;

- 5) cross sections showing the existing grades and the proposed grades upon completion and closure;
  - 6) location of equipment cleaning and tire cleaning areas; and
  - 7) location of weighing scales, fire fighting equipment and all facilities, including buildings.
- B. The names and current addresses of an and all persons who own any interest, real or equitable, in the real estate which is the subject of the application;
  - C. The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answers to B. above, where such persons posses an ownership interest of 10 percent or more (ownership shall include constructive ownership as defined by Internal Revenue Code, Section 318 as now in effect);
  - D. The names and current addresses of any and all persons having any ownership interest in the operation or proposed operation, maintenance and use of the solid waste management facility in question;
  - E. The names and current address of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answer D. above, where such persons posses an ownership interest of 10 percent or more (ownership shall include constructive ownership as defined by Internal Revenue Code, Section 318 as now in effect);
  - F. The identities and qualifications of personnel designated to manage and operate the proposed facility, together with their intended responsibilities;
  - G. All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Resources relating to solid waste processing and disposal system are incorporated herein by reference, and the applicant shall be required to submit any and all plans, applications, data, materials, studies and information to the Board of Supervisors as is required to be submitted to the Pennsylvania Department of Environmental Resources pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with that department;
  - H. Statements indicating expected useful life of the solid waste management facility and the condition and proposed uses of said site upon termination of operation, and any limitations on future uses due to proposed use;
  - I. An access road survey, which shall include the following
    - 1) statements as to the estimated number of vehicles which are expected to use the site on a daily basis during the first 2 years of operations and as to the estimated weight thereof; and
    - 2) a plan indicating all roads anticipated to be used as access roads.
  - J. Statement of applicant's prior experience, if any, in operating solid waste management facilities;

K. An environmental assessment statement as required by subsection 20, above.

19. Permits, Inspections, Operations.

- A. The application fee heretofore specified in subsection 1 shall be in place of the licensee fee required by Section 6 of the Douglass Township Ordinances for Licensing and regulations of Solid Waste Management Facilities, Ordinance No. 85-2 enacted February 4, 1985, for the first year of operation. Thereafter, the application for renewal on a year to year basis and the license fee shall be in accordance with such ordinance.
- B. The Board of Supervisors and/or its authorized representatives, from time to time, shall inspect the solid waste management facility and operation to assure continued compliance with this Chapter. The solid waste management operator shall make the site available for inspection when requested to do so. All inspection expenses shall be borne by the operator.
- C. For the purposes of this Chapter, the terms "applicant" and "operator" shall be synonymous and shall mean those individuals, authorities, private firms, or others who are responsible for making application(s) to the Board of Supervisors and for operating the solid waste management facilities.

20. Transfer of Permit. No permit issued hereunder may be transferred or assigned unless and until an application is received from the proposed transferee setting forth the information required by subsection 21, above.

21. Denial of Access to Certain Vehicles. The operator of any solid waste management facility shall be required to deny access to the facility for a period of 30 days to any person or business entity whose vehicles used in delivering solid waste thereto:

- A. Do not have loads fully enclosed within the truck body or which are not covered by appropriate covering and restraining devices;
- B. Are discovered by the township to be utilizing routes other than those designated in the operating permit.

22. Cleaning of Litter Required. The operator of any solid waste management facility shall be required to clean litter each day from all feeder roads utilized by trucks depositing solid waste therein for a distance of 1,500 feet in each direction from the entrance of the facility.

23. Vector Control Procedures. Vector control procedures shall be carried out a minimum of twice each month, or more often as required, to prevent health hazards or nuisances. The permittee shall submit a control program for the approval of the Board of Supervisors, including evidence of a contractual agreement for services within an exterminator. The permit is required to submit proof of extermination to the Board of Supervisors.

24. Waste Remaining at Transfer Stations. There shall be no solid waste remaining at a transfer station at the end of a working day unless it is stored in containers constructed to be watertight, leak-proof, weather-proof and rodent-proof. Special provisions shall be made for the transfer of bulky waste (e.g. tree branches and stumps, appliances, junk automobiles, machinery) at the transfer station, otherwise such waste shall be excluded from the provisions stated in Section 1303.9, above.

25. **Emergency Operation Plans; Storage of Material.** All solid waste management facilities shall have a written emergency operational plan to provide for an alternative waste handling system during periods when the facility is inoperative. These plans shall delineate the procedures to be following in case of equipment breakdown which will required stand-by equipment, extension of operating hours or diversion of solid waste to other facilities. Solid waste materials shall not be stored at a permitted facility for more than 24 hours before ultimate disposition by transfer, disposal in a landfill, or incineration, except for material to be recycled such as glass, metal, paper, rags and so forth, and material to be processed at an incinerator or resource recovery facility which is stored within the confines of a building in a holding pit or bunker. Under no circumstances shall such pit or bunker be built with a capacity larger than will accommodate or hold a 6-day supply of material for the incinerator or resource recovery facility.
26. **Vehicles to Originate from Transfer-Transport facility; Load Capacity.** Twenty-five percent of all vehicles delivering solid waste generated outside of Douglass Township to an incinerator or resource recovery facility within Douglass Township shall originate from a transfer-transport facility permitted by the Pennsylvania Department of Environmental Resources and shall have a load capacity of not less than 40 cubic yards.
27. **Limitation of Facilities.** Not more than 1 incinerator and 1 resource recovery facility and 1 trash transfer station utilizing a total of not more than 3 compactors shall be permitted to be in existence and to operate within this district at any time.
28. **Limitation of Capacity.** No incinerator or resource recovery shall have a design capacity of greater than 750 tons in a 24-hour period.
29. **Indemnification.** The owner and/or operator of a solid waste management facility shall agree to indemnify and hold the Township harmless from any liability in connection with the permitting, construction and/or operation of the solid waste management facility and/or any sanitary landfill within Douglass Township accepting ash, residue, reject material and other materials generated therefrom.
30. **Waiver of Requirements.** The Board of Supervisors for good cause may, in its discretion, waive any of the requirements set forth in this section.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 86-9, 7/21/1986; and by Ord. 88-1, 4/18/1988)*

**Section 1303-A. Conditional Use Criteria and Requirements for Activities Other Than Sanitary Landfill or Solid Waste Management Facility.** *(Ord. 00-2, 11/20/2000)* Except as otherwise specifically provided in this section, activities other than sanitary landfill or solid waste management facility, which are subject to grant of conditional use by Board of Supervisors shall be permitted as a conditional use under Section 1301 only if the applicant and the use proposed thereby comply with all applicable requirements set forth in this Chapter and any other ordinances of the Douglass Township Code of Ordinances, and specifically with this Part and in addition with the following requirements:

1. The following conditions as well as any other reasonable conditions may e imposed by the Board of Supervisors as conditions of approval of any of the aforementioned uses at the discretion of the Board:
  - A. The applicant may be required to permit access to its operational and financial records for the purpose of periodic review by a Governmental Advisory Board consisting of 3 Supervisors of Douglass Township, 1 member appointed by the

Board of Supervisors of Douglass Township, and 1 member appointed by Montgomery County Board of Commissioners.

- B. The applicant may be required to offer unconditionally to purchase properties containing residential buildings at the time of application located within 500 feet of the boundary line of the tract for which one of the aforementioned facilities is proposed. The offer to purchase such residential properties shall include the residential structures, together with the minimum lot size permitted by the Douglas Township Zoning Ordinance (this Chapter 27) for a single-family detached residence. To determine the amount to be offered to each property owner, a panel of three qualified appraisers shall be retained. One appraiser shall be selected by the owner of the property in question, and a second appraiser selected by the applicant for conditional use approval. The two appraisers so selected shall together select a third appraiser. The reasonable cost of the appraisals shall be paid by the applicant.

The applicant may be required to offer unconditionally an amount equal to the mean appraised value of the property based on the three appraisal reports, plus 25 percent of such mean value. Such properties when purchased shall remain part of the tract on which the use is located and owned by the owner thereof so long as such use continues. The value shall be determined as the value existed immediately preceding the application and as unaffected by it.

- C. The applicant at its expense may be required to improve the road network to Route 100 in accordance with a plan approved by the Township. Reference shall be made to Section 1303-A(4) hereinafter set forth.
2. The applicant shall comply with all applicable federal and state regulations.
  3. The applicant shall comply with dimensional standards set forth in Section 1304 of this Part.
  4. Vehicle Access:
    - A. Any Township road used to provide access to any aforementioned uses shall be paved and maintained in good condition in accordance with the standards of Pennsylvania Department of Transportation relating to the heavy truck traffic resulting from such facility.
    - B. The Board of Supervisors may designate safe and adequate access roads and prohibit the use of other roads.
    - C. Applicant at its expense may be required to upgrade access roads to the facility in accordance with a plan approved by the Board of Supervisors.
    - D. The costs of upgrading and maintaining access roads to the aforementioned facilities shall be paid by the aforementioned approved facility operation in a manner suitable to the Supervisors.
    - E. When acquisition of private property is necessitated by the plan approved by the Board of Supervisors, the Township may use its power of condemnation to obtain the land at the expense of the applicant.
  5. The site shall be fenced and secured by gates which can be locked. In addition, appropriate precautions shall be taken to prevent waste from escaping the site because

of wind or otherwise. Fencing, walls and other enclosures may be required for this purpose. Any such escaping waste shall be collected daily and properly disposed.

6. Any aforementioned use facility within the section must have the proposed site graded and provide appropriate drainage to minimize runoff, prevent erosion, and to prevent collection of stagnant water.
7. Reasonable visual screening of such facilities composed of trees and so forth shall be provided. Such visual screening shall include evergreen trees in a solid double row with a minimum height of 9 feet and, in addition, shade trees with a 2-inch caliper and a minimum height of 9 feet in a number equivalent of 1 tree for every 50 linear feet of buffer. In addition, there shall be no dumping, depositing, storage, incineration, treatment or disposition of waste within 590 feet of any dwelling, church, school or other occupied building.
8. Buildings shall be constructed on the site to house equipment other than motor vehicles when not in use.
9. All buildings shall be equipped with fire and smoke detection and extinguishing facilities in accordance with regulations of the Pennsylvania Department of Labor and Industry, the National Fire Protection Association, and/or other more stringent regulations, if determined appropriate by the Board of Supervisors.
10. A certified copy of all reports, data, plans and other material or information required to be submitted to the Pennsylvania Department of Environmental Protection also shall be submitted to the Board of Supervisors.
11. A tire cleaning area shall be provided on the access road within the facility site. All tires on all trucks leaving the facility site shall be cleaned.
12. An environmental assessment statement shall be submitted to the Board of Supervisors and shall include the following:
  - A. A description of all proposed facilities;
  - B. A physical description of the environment affected, including a summary of technical data and maps and diagrams adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analysis and data should be attached as appendices or footnoted with adequate bibliographic references;
  - C. The interrelationship and cumulative environmental and economic impacts of the proposed facility when coupled with other existing manufacturing industrial facilities shall be stated and supported by adequate technical analysis;
  - D. The sources of data used to identify, quantify and evaluate any and all environmental consequences must be expressly noted;
  - E. The relationship of the proposed use to land use plans, policies and controls for the affected area, including a statement as to how the proposed use may conform or conflict with the objectives and specific terms of existing or proposed federal, state, county or township land use plans, policies and controls;



- F. An analysis of:
- 1) the primary and secondary effects of the facility and its capacity to stimulate or induce changes in patterns of social and/or economic activities;
  - 2) the impact on existing community facilities and activities, changes in natural conditions, and so forth; and
  - 3) the effect on natural and cultural features such as streams, mountains, historic sites, landmarks, principal roads, lakes and towns.
- G. Specific data relating to the impact of the facility on local vehicular traffic, and designating the routes to be utilized by vehicles seeking access to that proposed facility;
- H. Specific data relating to the impact of the facility on local water supplies, streams and rivers;
- I. Specific data relating to the impact of the facility on natural and manmade local storm drainage facilities and areas;
- J. Specific data relating to the impact of the facility on the existing flood hazard areas of the Township, including details of any measures or precautions which may have to be taken in order to provide adequate flood control in the Township;
- K. A statement of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, congestion, threats to health or other consequences adverse to the environment). Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated;
- L. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed use involves short-term environmental gains at the expense of long-term losses, or the converse, and a discussion of the extent to which the proposed use forecloses future options. In this context, the words, "short-term" and "long-term" should be viewed in terms of the environmentally significant consequences of the proposed use;
- M. The aesthetic impact of the proposed use, including its impact upon visual quality of the surrounding community;
- N. An analysis of the success and/or failure of similar projects;
- O. A statement of any adverse effects on employment, taxes and property values;
- P. A statement of any effects on desirable community growth; and
- Q. A statement describing the location and impact of the project on nearby recreation areas.
- R. Such other information as reasonably required by the Board of Supervisors, Planning Agency, Township Engineer and/or Solicitor.

13. Contents of Application. An application for a conditional use for any aforementioned facility shall contain the following:
- A. A topographical drawing, prepared by a professional engineer, registered in the State of Pennsylvania, to a scale no greater than one inch equals 100 feet, showing:
    - 1) location of site relative to public roads;
    - 2) owners of adjacent properties;
    - 3) proposed fencing and improvements;
    - 4) proposed screening and buffering;
    - 5) location of equipment cleaning and tire cleaning areas; and
    - 6) location of all facilities, including buildings.
  - B. The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate, which is the subject of the application;
  - C. The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answers to B above, where such persons possess an ownership interest of 10 percent or more (ownership shall include constructive ownership as defined by Internal Revenue Code, Section 318, as now in effect);
  - D. The names and current addresses of any and all persons having any ownership interest in the operation or proposed operation, maintenance and use of the facility in question;
  - E. The names and current addresses of any and all persons having any ownership interest in any corporations or other business entities which may be set forth in answer D above, where such persons possess an ownership interest of 10 percent or more (ownership shall include constructive ownership as defined by Internal Revenue Code, Section 318, as now in effect);
  - F. The identities and qualifications of personnel designated to manage and operate the proposed facility, together with their intended responsibilities;
  - G. An access road survey, which shall including the following:
    - 1) statements as to the estimated number of vehicles which are expected to use the site on a daily basis during the first 2 years of operations and as the estimated weight thereof; and
    - 2) a plan indicating all roads anticipated to be used as access roads.
  - H. Statement of applicant's prior experience, if any, in operating any aforementioned facilities; and
  - I. An environmental assessment statement as required by subsection 12 above.

14. Waiver of Requirements. The Board of Supervisors for good cause may, in its discretion, waive any of the requirements set forth in this section.
15. Indemnification. The owner and/or operator of the facility shall agree to indemnify and hold the Township harmless from any liability in connection with the permitting, construction and/or operation of the facility.

*(Ord. 00-2, 11/20/2000)*

**Section 1304. Dimensional Standards.** The following table contains the dimensional standards applicable to the M-2 District:

1. Minimum lot size (exclusive of existing rights-of-way of public roads): 5 acres.
2. Minimum lot width at the building line: 300 feet.
3. Minimum building setbacks measured from:
  - A. The ultimate right-of-way line: 10 feet.
  - B. An abutting residential or institutional district boundary line: 100 feet.
  - C. An abutting commercial or industrial district boundary line: 100 feet.
  - D. Any other property line not abutting a zoning district boundary or street: 50 feet.
4. Minimum driveway, parking and loading setbacks measured from:
  - A. The ultimate right-of-way line:
    - 1) parking or parallel drive: 20 feet.
    - 2) loading: 100 feet.
  - B. An abutting residential or institutional district: 100 feet.
  - C. An abutting commercial or industrial district: 50 feet.
  - D. With shared parking and loading: 1 foot.
  - E. Street intersection (applies only to driveways, measured between centerlines): 100 feet.
5. Other standards:
  - A. Maximum building coverage: 60 percent.
  - B. Minimum area of vegetative cover: 25 percent.
  - C. Maximum building height: 50 feet.

*(Ord. 82-4, 6/7/1982)*

**Section 1305. General Regulations.** The following general regulations shall apply for any development proposal within the M-2 District:

1. Ownership. The tract of land shall be in single ownership, or ownership shall be such that the tract will be developed under a single direction in accordance with an approved plan.
2. Sewer and Water Facilities. All development in the M-2 District shall be served by public sewer and water facilities, subject to approval by the Board of Supervisors, Pennsylvania Department of Environmental Resources, and appropriate sewer and water authorities.
3. Development Plan. The applicant for subdivision or land development shall be accompanied by a plan or plans which shall:
  - A. Show detailed use of the entire tract.
  - B. Comply with the Subdivision and Land Development Ordinance as well as other applicable ordinances of Douglass Township.
  - C. Clearly designate the proposed use(s) of each area of the tract proposed for land development.
4. Development Stages and Permits. The development of the tract may be carried out in either a single phase or in stages. If carried out in stages, the development shall be in accordance with a development agreement which shall:
  - A. Be binding to the overall tract and its development;
  - B. Be recorded with the final plan;
  - C. Be acceptable to the Board of Supervisors upon recommendation of the Township Solicitor.
5. Other Development Regulations:
  - A. Utilities – All utility lines (electrical, telephone, etc.) shall be placed underground.
  - B. Signs – All signs in the M-2 District shall comply with the requirements of Part 15, Signs, of this Chapter, including traffic control, directional and street signs.
  - C. Lighting Facilities – Lighting facilities shall be arranged in a manner which will protect streets and neighboring properties from unreasonable glare or hazardous interference of any kind.
6. Landscaped Planting and Buffer Areas. Screening and softening buffer shall be provided in compliance with the following regulations:
  - A. Screening Buffers. Screening buffers shall be provided when M-2 office and industrial properties abut residential or institutional uses or districts. The screening buffer shall be a minimum of 25 feet in width along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22). Whenever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.

B. **Softening Buffers.** Softening buffers shall be provided along all side and rear property lines that are not required to have a screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

7. **Access.** Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the M-2 Industrial Development without causing undue congestion or interference with the normal traffic flow. The Township Planning Agency, with the advice of the Township Engineer, shall evaluate the adequacy of the thoroughfares and access points intended to accommodate the traffic generated by the proposed M-2 Industrial Development.
8. **Minimum Distance between Buildings on One Lot.** The minimum distance between buildings on one lot shall be 25 feet, except that all structures connected by common roof lines or covered walkways shall be considered as one building.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1980, Sect. 38)*

**Section 1306. Plan Submission Requirements.** All proposals for development within the M-2 District shall comply with the pertinent requirements of the Douglass Township Subdivision and Land Development Ordinance, concerning nonresidential developments. *(Ord. 82-4, 6/7/1982)*

**Section 1307. Parking.** Off-street parking facilities serving a proposed M-2 District development shall be provided as follows:

1. One space per 250 square feet of gross floor area.
2. **Parking Held in Reserve.** If the number of spaces required by subsection 1 above, is substantially larger than the number anticipated by the applicant, the reserve parking concept may be utilized to avoid unnecessary paving, in accordance with the following criteria:
  - A. The total number of spaces which must be paved initially may be reduced by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer, in accordance with the following standards:
    - 1) for one-shift operations, 1 space per employee.
    - 2) for multi-shift operations, 1¼ spaces per employee on the largest shift.
  - B. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by subsection 1 above, if and when they are deemed necessary by the Township Supervisors, upon recommendation of the Township Planning Agency and Engineer. In addition, a reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees). Following reevaluation, the Supervisors may require installation of additional parking spaces, upon recommendation of the Township Planning Agency and Engineer.
  - C. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Township Planning Agency and Engineer for their review and recommendation.

*(Ord. 82-4, 6/7/1982)*

## Part 14

# MANUFACTURED HOME PARK DEVELOPMENT REGULATIONS

**Section 1400. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101.1 of this Chapter. It is the intent of this Part to establish standards of performance and promote the desirable benefits which planned manufactured home park developments may have upon the community, and the residents within them. It is further the intent of this Part to ensure the interdependency and compatibility of proposed manufactured home developments with essential utilities and surrounding land uses in the Township. It shall further be the intent of this district to:

1. Reflect the changes in the technology of home building and land development so that resulting economies may inure to the benefits of those who need homes;
2. Further the general welfare by extending greater opportunities for better and more affordable housing to all present and prospective residents of the Township;
3. Provide for better quality and greater variety in type, design and layout of manufactured home park developments than has been evident in many manufactured home parks in the past, by enforcing uniform standards, desirable design criteria, and encouraging innovative site design approaches;
4. Provide for a diversity in housing types and prices; and
5. Encourage manufactured home park developments that are beneficial rather than detrimental to property values and the general welfare of the area in which they are proposed.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 11)*

**Section 1401. Use Regulations.** Manufacture home park development is allowed only as a conditional use in the R-3 Residential District provided the proposal meets the conditional use criteria specified in Section 1403 of this Part. The use regulations for manufactured home park development are as follows:

1. Permitted Residential Uses:
  - A. Manufactured homes of single width or multiple width or both.
  - B. Single-family detached modular homes.
  - C. Conventionally built single-family detached homes.
  - D. A mixture of A, B and C, above.
2. Prohibited Uses:
  - A. Travel trailers, or similar non-powered, transient vehicles.
  - B. Motor homes, or similar self-powered, transient vehicles.

3. Maximum Limit of Conventional or Modular Dwellings. Not more than 40 percent of the total number of dwelling units in a manufactured home development may be conventionally-built or modular single-family detached dwellings.
4. Areas for Nonresidential Uses:
  - A. No part of any manufacture home development shall be used for nonresidential purposes, except such uses that are required for the district servicing, recreation and well-being of the residents and for the management and maintenance of the development, and are not otherwise prohibited by any provisions of this Part.
  - B. Nothing in this Part shall be deemed as prohibiting the rental, sale or resale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities. Similarly, a model or display area is permissible on a temporary basis provided those models are developed in accordance with all applicable regulations of this Part, and other applicable ordinances and use of the models for sales or rental promotion ceases when the project is fully developed.
5. Accessory Uses:
  - A. Accessory uses and structures customarily incidental to the maintenance, servicing and well-being of manufactured home development residents shall be permitted only as part of an approved development plan for the site.
  - B. Accessory uses on individual manufactured home lots, customarily incidental to manufactured homes, or other dwellings, such as storage sheds, shall be permitted on the individual manufactured home lots provided the provisions of Sections 1405 and 1406 and other applicable ordinances are complied with.
  - C. Added rooms specifically designed by the manufactured home manufacturers for enlargement of manufactured homes and other additions architecturally compatible with the unit may be joined onto a manufactured home provided all requirements of Section 1406 and other applicable ordinances are met.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 11)*

**Section 1402. Conditional Use Application.** Any persons desiring to use a tract of land for a manufactured home development shall make application in writing to the Township Secretary in accordance with Section 1814 of this Chapter. *(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 12)*

**Section 1403. Conditional Use Criteria.** A manufactured home park development may be allowed by the governing body as a conditional use in the R-3 Residential District only, pursuant to the procedure specified in Section 1402 and subject to the following standards. The burden of proving compliance with these standards shall be on the applicant.

1. The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.
2. Any parcel to be used as a manufactured home development must have a minimum tract size of 10 contiguous acres of land.

3. At least 50 percent of the site must be composed of developable land as defined in this Chapter.
4. Any site proposed for a manufactured home park development shall not be subject to adverse environmental influence, such as swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
5. Any site proposed for a manufactured home development shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare, as defined by the governing body and all appropriate ordinances.
6. The location of all manufactured home developments shall be protected by screening or other appropriate means against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic or brightly lighted activities) from adjoining streets and areas.
7. Manufactured home developments shall not be located directly abutting conventionally-built single-family detached housing of significantly different unit value and density than the proposed manufactured homes, except where extensive natural buffering exists and will be retained, or can be created, so as to functionally and visually separate the two sites, or where compatible units of modular or conventionally-built homes will be located in the manufactured home development adjacent to the existing residences. The developer shall provide any necessary transition between differing residential structural types, unit values and densities within the manufactured home development tract.
8. Any site proposed for a manufactured home development shall, in the opinion of the governing body, be easily accessible to essential community facilities and services such as employment centers, shopping centers, schools and police and fire protection.
9. Any tract intended for a manufactured home development must have direct access to a feeder-type road (or a road of a higher classification), as defined by the Township Comprehensive Plan or Ultimate Right-of-Way Ordinance, which the Township governing body deems capable of accommodating the transport of manufactured home units, upon recommendation of the Township Engineer.

Plans evidencing provision for safe and efficient ingress and egress to and from the public streets and highways servicing the manufactured home development district, without causing undue confusion or interference with the normal traffic flow, shall be submitted to the Township governing body and must be approved by the Township Engineer, who shall make the determination based on the adequacy of the thoroughfare to carry the additional traffic generated by the manufactured home development.

10. The applicant shall demonstrate to the satisfaction of the governing body that he has complied with or will comply with all requirements of Chapter 179 of Title 25, Part I, Subpart D, Article II of the Rules and Regulations of the Pennsylvania Department of Environmental Resources, and with all other pertinent regulations of the Commonwealth of Pennsylvania which are applicable to manufacture home parks.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 11)*

**Section 1404. Density.** The total number of dwelling units in a manufactured home park development shall not exceed a maximum density of four per developable acre. All area not contained in development acreage as defined in this Chapter shall be excluded from density calculations. If for any reasons this maximum density is not attainable on a particular tract due



to the need to conform to the requirements of Sections 1406 and 1407, the maximum permissible density shall be reduced accordingly. (Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/1987, Sect. 11)

**Section 1405. Site Design; Conventionally-Built and Modular Homes.** The lot size and dimensional standards otherwise required under the R-3 Residential District for single-family detached dwellings shall apply to lots which will be used for modular homes or conventionally-built single-family detached homes located within the manufactured home park development. (Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/1987, Sect. 11)

**Section 1406. Site Design – Manufactured Homes,**

1. Setback from Tract Boundary. No manufactured home or other primary building may be located closer than 50 feet from any boundary of a manufactured home park development regardless of whether that boundary abuts a lot, water body, road or other right-of-way. In the event a manufactured home park development abuts another such development, this may be reduced to 25 feet.
2. Setback from Internal Streets. In no case shall the long side of a manufactured home, or any side of another primary building or accessory use, be located closer than 25 feet to the ultimate right-of-way line of any public street, or the equivalent right-of-way line of private interior roadways, or to the edge of any common pedestrian walkway, within a manufactured home development; provided, however, that the short side of a manufactured home may be located no closer to these facilities than 20 feet. No more than six homes in a row shall have the same setback; where varied setbacks are utilized, the difference shall be at least 4 feet.
3. Setback from Common Parking Facilities. No manufactured home or accessory use shall be located within 25 feet of the edge of pavement of any common parking area.
4. Lot Size. All manufactured home lots in a manufactured home development, regardless of tenure, shall have a minimum lot size of 6,500 square feet, when on-lot parking is provided, except that this may be reduced to no less than 6,000 square feet when common parking is provided.
5. Lot Width. No individual manufactured home lot shall be less than 60 feet in width at the building setback line. No individual manufactured home lot shall be less than 25 feet in width at the right-of-way line of a public street or the equivalent right-of-way line of a private street, as applicable, on curved streets or cul-de-sac turnarounds.
6. Side and Rear Setbacks. No manufactured home or accessory buildings may be located closer than 4 feet to any side or rear lot line of an individual manufactured home lot, provided however, that all minimum requirements of subsection 8 must be met, and provided further that accessory buildings may be located on the lot line if physically joined to each other with a common wall located on the property line.
7. Unit Location on Individual Lots. Manufactured homes placed on individual lots are encouraged to utilize the minimal setbacks specified in subsection 6, and to be placed off-center on the lots so as to provide a larger usable open yard space and outdoor living area in one section of the lot.
8. Distance between Structures. Manufactured homes and roofed structures or areas attached thereto shall be separated from each other, and from other buildings and structures, other than accessory structures, at their closest points by a minimum of 20

feet, provided however, that whenever two manufactured homes have their longer sides parallel or essentially parallel to each other for more than 25 percent of the length of either, the minimum distance between the two manufactured homes shall be 30 feet. The sides shall be considered essentially parallel if they form an angle of less than 45 degrees when extended to intersect.

9. Lot Coverage. The maximum coverage of any individual manufactured home lot by all primary and accessory buildings and structures, including covered patios or decks, shall be no greater than 25 percent.
10. Height. No structure built in a Manufactured Home development District shall exceed a height of three stories or a minimum of 35 feet.
11. Preservation of Natural Features. No manufactured home or other structure shall be located within an area defined as floodplain by the Township Flood Plain Ordinance, nor shall any manufactured home be placed on steeply sloped land having a natural grade of 15 percent or greater, nor shall said steep slope land be graded to a lesser percentage slope for the purpose of accommodating a manufactured home, unless approved by the Board of Supervisors upon recommendation of the Township Engineer and Planning Agency.
12. Design Alternative. In addition to the modification of requirements permitted by Section 124 of this Chapter, the following regulations are designed to encourage clustering of lots for site design flexibility, preservation of natural features, and to maximize accessibility to recreation areas upon approval of the governing body, following a written request from the applicant:
  - A. Minimum lot size and width may be reduced up to a maximum of 10 percent, provided at least 50 percent of all lots so reduced shall directly abut a part of the common open space for a distance of at least 20 feet.
  - B. An area equal to that by which each lot is reduced shall be added to the minimum common open space required by Section 1407. All other regulations remain as stated herein.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 11)*

**Section 1407. General Regulations, Parking, Open Space, Signs, Lighting Facilities and Buffering Requirements.** All manufactured home park developments shall comply with Sections 506, 507, 508, 509, 510 and 511 of the R-3 Residential District, in which manufactured home parks are a conditional use. *(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 11)*

**Section 1408. Service Buildings.** The structure or structures containing the management office and other common facilities shall be conveniently located for the use intended. Consolidation of laundry, recreation, management, and other common facilities in a single building and location is encouraged, if the single location will adequately serve all manufactured home lots. *(Ord. 82-4, 6/7/1982; as amended by Ord. 87-5, 12/7/87, Sect. 11)*

**Section 1409. Maintenance.** Prior to development plan approval, provisions shall be established for the maintenance of all common elements, acceptable to the Board of Supervisors upon recommendation of the Township Solicitor. *(Ord. 82-4, 6/7/1982)*



## Part 15 SIGN REGULATIONS

**Section 1500. Declaration of Legislative Intent.** It is the intent of this Part to set standards and provide controls that permit reasonable use of signs while restricting the adverse visual effects of signs on the character of the Township. (*Ord. 82-4, 6/7/1982*)

**Section 1501. Conformance with Sign Regulations.** No sign will be permitted to be erected or maintained in the Township, except in conformance with the regulations contained in this Part. (*Ord. 82-4, 6/7/1982*)

**Section 1502. Identification Signs.** One identification sign for the purpose of identifying the occupant of a residence, the name of a property, or the address of the property shall be permitted in all districts. Such signs shall not exceed one square foot in area. (*Ord. 82-4, 6/7/1982*)

**Section 1503. Temporary Real Estate and Contractors Signs.** Temporary signs of contractors, mechanics, painters and artisans erected and maintained on the premises where the work is being performed and real estate signs advertising either the sale or rental of the premises or the development of the premises by the builder, contractor, developer or other persons interested therein, shall be permitted in all districts limited in size however to the following:

1. In the R-1, R-2, R-3 and R-4 Zoning Districts, 6 square feet.
2. In all other districts for properties less than 5 acres in size, 6 square feet.
3. In all other districts for properties in excess of 5 acres in size, 35 square feet.

(*Ord. 82-4, 6/7/1982*)

**Section 1504. Incidental Signs.** Signs erected off the public right-of-way for the convenience or safety of the public while on the subject's private property, containing no advertising, shall be permitted in all zoning districts, subject to the following:

1. In all districts listed in Section 1503.1 one sign shall be permitted, not to exceed one square foot in area.
2. In all other zoning districts, such signs shall be permitted not to exceed 6 square feet in area.

(*Ord. 82-4, 6/7/1982*)

**Section 1505. Additional Signs in Residential Districts.** The following types of signs shall be permitted in the R-1, R-2 and R-3 Zoning Districts as well as in any other area where the uses permitted in these districts are located:

1. One professional, accessory use or name sign, indicating the name, profession or activity of the occupant of the residence not exceed 4 square feet.
2. One identification sign or bulletin board of a social, college, church, hospital, sanitarium, municipal building, farm, estate, club or any permitted use other than a dwelling, not exceeding 24 square feet in area.

3. Trespassing signs indicating private ownership of a driveway or property not to exceed one square foot in size.
4. In R-1 Districts, one business sign advertising the sale of farm products on the premises not to exceed 15 square feet in area.

*(Ord. 82-4, 6/7/1982)*

**Section 1506. Signs in the R-4 District.** In the R-4 Residential Zoning District, one entrance sign to identify the name of the development on the site shall be permitted at each vehicular entrance to the property, such signs not to exceed 25 square feet in area. *(Ord. 82-4, 6/7/1982)*

**Section 1507. Business Signs.** Business signs may be applied or attached as wall signs, approximately parallel to the wall of a building not extending therefrom more than 24 inches, or be attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall or building line in a horizontal distance or not more than 42 inches, or be otherwise distributed in accordance with Section 1507.3 below. Such signs shall be permitted in M-1, M-2 and MU Zoning Districts, subject to the following:

1. The maximum total sign area shall be 2 square feet for every one foot of building frontage with a maximum area of 200 square feet.
2. For corner lots, a separate one square foot of sign area shall be permitted for every one foot of building frontage on the additional street side with a maximum additional sign area of 100 square feet, to be used only along the additional street side.
3. The total sign area as computed under the formula set forth above may be distributed by the applicant in any percentage among ground signs, wall signs and roof signs where such signs are permitted, provided that, if a roof sign is permitted not more than 50 percent of the total permitted sign area may be allocated to such roof sign.

*(Ord. 82-4, 6/7/1982; Ord. 97-4, 11/3/1997)*

**Section 1508. Height of Business Signs.** Except as set forth in Section 1509 below, business signs may not project above the roof of the building. *(Ord. 82-4, 6/7/1982)*

**Section 1509. Roof Signs.** Signs extending above the roof of the building shall be permitted in the GC Zoning District. Such signs must be constructed from all sides to be part of the building structure, rather than something suspended from or standing on the building. They shall be installed or erected in such a manner that there shall be no visible angle and support structures. All roof signs must be set back a distance of at least 4 feet from all outside walls of the building on or over which they are located. All such signs shall comply with the height requirements of the Zoning Code for the district in which they are located. *(Ord. 82-4, 6/7/1982)*

**Section 15010. Ground Signs.** A ground or freestanding sign shall be permitted in all districts listed in Section 1507, with the exception of the LC - Limited Commercial District, subject to the following restrictions:

1. The overall height of such signs shall not exceed 15 feet.
2. Whenever such signs are to be located within 15 feet of the curb line, said sign shall have a minimum clearance of 8 feet.

3. The size of such signs shall be limited as follows:
  - A. On lots of less than 1 acre, 20 square feet in size.
  - B. On lots of 1 acre or more, but less than 5 acres, 35 square feet in size.
  - C. On lots in excess of 5 acres, 65 square feet in size.

*(Ord. 82-4, 6/7/1982)*

**Section 1511. Multiple Directory Signs.** A sign listing the name of various industrial, commercial or business establishments within a defined contiguous area as determined by the building official and erected primarily as a service to the public shall be permitted in M-1, M-2 and MU Zoning Districts, subject to the following regulations:

1. Such signs shall be ground signs only and one such sign shall be located at the main point of ingress and egress to the area served by the sign and located on one of the properties serviced by this sign.
2. Individual spaces to indicate the name and location of each industry or enterprise within the area, including the name of the area if being developed as a single unit, may be provided on such sign provided that each such space shall not exceed 3 square feet in area and further provided that the total sign area shall not exceed 36 square feet.

*(Ord. 82-4, 6/7/1982; Ord. 97-4, 11/3/1997)*

**Section 1512. Corporate or Company Flags.** Flags bearing a corporate or company name and/or insignia shall be permitted to be flown on the property where the company is located, provided that such flag must be flown in conjunction with the flag of the United States, provided that such corporate or company flags shall not exceed the size 75 percent of the United States flag with which it is displayed. No other advertising shall be permitted on such flags. In the event a flag pole is attached to a building, such flag pole shall not extend above the sign height line of such building, except where such pole is used exclusively for the display of the United States flag. *(Ord. 82-4, 6/7/1982)*

**Section 1513. Temporary Signs.** A nonrenewable permit may be granted to any person or organization in the Township to permit the erection of temporary signs not to exceed 16 square feet. All such nonrenewable permits may be issued upon receipt of fifty dollars (\$50) into an escrow account to guarantee removal at the expiration of the permit. A nonrenewable permit may be issued for:

1. Thirty days to any organization or person in the Township.
2. Seventy-five days to a candidate for office for any number of signs. These signs may be erected not earlier than 60 days prior to the election.

*(Ord. 82-4, 6/7/1982)*

**Section 1514. Special Sales, Etc.** Not more than one additional temporary sign may be erected four times a year, provided that such sign shall be displayed for a period of not more than 30 consecutive days. Such signs may be used for special sales, openings, product introductions, anniversaries and similar occasions. Such signs shall not exceed 32 square feet in area and shall comply with all other regulations for the district in which they are located. Notwithstanding any provisions herein to the contrary, banners and/or pennants without

advertising copy thereon may be permitted for the purposes described in this section. A nonrenewable permit must be secured for each sign upon receipt of fifty dollars (\$50) into an escrow account to guarantee removal at the expiration of the permit. (Ord. 82-4, 6/7/1982)

**Section 1515. Directional Signs.** Directional or informational signs of a public or quasi-public nature for the purpose of stating the name or location of a hospital, community center, school, church, nonprofit or charitable organization, parks, etc. or the name and place of meetings of an official civic or service body may be permitted in any zoning district. Such signs shall not exceed 6 square feet in area. (Ord. 82-4, 6/7/1982)

**Section 1516. Special Signs.** When the architectural design of a building is integral with the sign composition to such a degree that normal standards cannot be applied with practicability, such a sign shall be deemed a special sign and may be permitted when authorized as a special exception by the Zoning Hearing Board, upon the following conditions:

1. Such sign shall be limited to those districts set forth in Section 1507 above.
2. Such signs shall form an integral part of the structural or decorative façade of a building wall to such an extent as to render impractical the measurement or placement of sign area as defined herein; however, such signs may not be placed on any decorative façade where the purpose appears primarily to increase the permitted height of a sign above the sign height line of the building.
3. Such sign may be of such unique materials, shape or design as to render impractical the application of any of the regulations contained herein which are intended to apply to the customary sign and materials, shapes, designs or construction.

(Ord. 82-4, 6/7/1982)

**Section 1517. Off-Site Signs.** An outdoor sign which advertises or directs the public's attention to a business commodity, service, place, entertainment or activity not conducted, sold, offered or located on the same premises with such sign shall be permitted in M-1, M-2 and MU Zoning Districts. Not more than one such sign shall be permitted per 150 feet of street frontage, which sign shall not exceed 6 square feet. All off-site signs shall comply with the placement regulations of Section 1519 of this Chapter and the following:

1. Location. The property must have frontage on a semi-controlled access road, and the sign must be located along and face such road.
2. Illumination. The sign shall be non-illuminated.
3. Separation Distance. Each sign shall be a minimum of 500 feet from any other off-site sign.
4. Size. The sign shall not exceed 96 square feet in size and shall be counted toward the total maximum signage permitted for the site on which it is located.

(Ord. 82-4, 6/7/1982; Ord. 97-4, 11/3/1997)

**Section 1518. Advertising Vehicles.** Any vehicle or trailer which is parked on a public right-of-way or on public or private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises is hereby deemed to be an advertising vehicle

and shall be prohibited. This section shall not prohibit any form of vehicular signage, where the vehicle is used primarily for other business purposes such as deliveries, but is intended to prevent the use of vehicles to circumvent the purposes of this Part. (Ord. 82-4, 6/7/1982)

**Section 1519. Placement of Signs.** All signs shall be placed with regard to the public safety and shall be governed by the following regulations:

1. No sign shall be erected or maintained as to prevent free ingress and egress to or from any door, window or fire escape.
2. Only instructional signs shall be attached to a standpipe or fire escape.
3. Any business sign must maintain a setback distance from an adjacent residential district as required under the Zoning Code for other business or commercial structures or buildings.
4. No sign shall be erected at or near the intersection of streets or upon a curve so as to obstruct free and clear vision. No red, amber or green colored discs or shapes may be permitted within 100 feet of street intersection or any location wherein it is determined by the Building Officials that such colored lights or shapes might be confused with official traffic signals.

(Ord. 82-4, 6/7/1982)

**Section 1520. Sign Movement and Illuminated Signs.** Where permitted, the illumination of signs shall be subject to the National Electrical Code and to the following regulations:

1. No sign shall be permitted which moves, rotates, oscillates, vibrates or shimmers.
2. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination, provide that public service information signs shall be classified as "changing signs" and shall be permitted. A public service information sign shall be any sign intended primarily to promote items of general interest in the community, such as time, temperature, date and atmospheric conditions, and may be located in any district except residential. Illuminated revolving barber poles shall be permitted in conjunction with the use of a barber shop.
3. Flood lighting shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign is erected and so that only the sign is directly illuminated thereby.

(Ord. 82-4, 6/7/1982)

**Section 1521. Permits.**

1. A sign permit shall be required for all signs exceeding 2 square feet in area unless otherwise provided. Applications for sign permits shall be filed on forms furnished by the Building Official and shall be accompanied by detailed plans and specifications and any other information deemed necessary by the Building Official to determine the location and details of construction of such sign.
2. All signs for which a permit has been issued must be completely constructed within 6 months after the date of issuance of the permit. Upon written request, the Building



Official may grant one extension for an additional 3-month period, provided that the applicant presents reasonable grounds for the extension request.

3. No permit to erect a sign shall be issued until the required fee has been paid to the Zoning Officer, which fee shall be established from time to time by a resolution of the Board of Supervisors.

*(Ord. 82-4, 6/7/1982)*

**Section 1522. Additional Signs Permitted for Automobile Fuel/Service Stations.** Service and/or filling stations, being of unique and particular significance to the driving public shall be permitted one ground or freestanding sign per station in addition to signs otherwise permitted, for purposes of advertising current fuel prices only, subject to the following:

1. The area of such signs may not exceed 16 square feet on each side.
2. When fuel prices are displayed by means of changeable lettering, such lettering shall be a minimum of 8 inches and a maximum of 18 inches high to allow ease of viewing by passing motorists.
3. Both sides of such signs may be used for advertising fuel prices only.
4. Such signs shall be set back a minimum of 15 feet from the street line and a minimum of 25 feet from the nearest street access driveway.

*(Ord. 82-4, 6/7/1982)*

**Section 1523. Nonconforming Signs.** Any lawful sign existing on the effective date of this Chapter, which does not conform with the provisions of this Chapter, shall be considered a lawful nonconforming sign and may be continued. Nonconforming signs may be repaired or repainted but shall not be altered or changed in overall dimensions except to conform with the provisions of this Chapter. *(Ord. 82-4, 6/7/1982)*

**Section 1524. Exemptions.** The provisions of this Chapter shall not apply to the official federal, state or municipal signs erected within Douglass Township. In addition, the trade names, emblems or directions on service facilities or product dispensers, including but not limited to gasoline pumps, telephone booths and vending machines, shall not be considered as a sign when such trade name, emblem or single group of words or symbols are not more than 3 square feet in area. Further, window signs shall not be considered in computing total sign area but in no event shall window signs cover more than 20 percent of the area of any window opening. *(Ord. 82-4, 6/7/1982)*

**Section 1525. Notice of Violation, Penalties and Remedies.** Whenever a violation of this Part shall occur, the provisions of Part 18 of this Chapter shall apply with regard to notice of violation, penalties and remedies. *(Ord. 82-4, 6/7/1982)*

## Part 16 FLOOD PLAIN CONSERVATION DISTRICT

**Section 1600. Declaration of Legislative Intent.** In the interest of the public health, safety and welfare, the regulations of this district are intended to protect areas of floodplain subject to and necessary for flood waters, and to permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the municipality as provided for in the Comprehensive Plan. In advancing these principles and the general purposes of the Zoning Ordinance and Comprehensive Plan, the specific intent of this district is:

5. To combine with present zoning requirements certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community.
6. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
7. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
8. To reduce the financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflow of lands.
9. To permit certain uses which can be appropriately located in the floodplain as herein defined which will not impede the flow of flood waters, or otherwise cause danger to life and property at or above or below their locations along the floodway.
10. To permit only those uses in the floodplain compatible to the preservation of natural conditions which are conducive to the maintenance and constant rates of water flow throughout the year by (a) withholding rapid water runoff contributing to downstream flooding, and (b) providing area for groundwater absorption for maintenance of the subsurface water supply.
11. To provide sufficient drainage courses to carry abnormal flow of stormwater in periods of heavy precipitation.

*(Ord. 82-4, 6/7/1982)*

### **Section 1601. Definitions and Establishment of Flood Plain Conservation District.**

1. The Flood Plain Conservation District is defined and established as those areas of the Township subject to flooding.
  - A. Because subject to inundation by the waters of the 100-year flood as delineated in the Flood Insurance Study for Douglass Township, Montgomery County, Pennsylvania, dated November 15, 1983, as prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIA). Said floodplains shall be comprised of three sub-districts as follows:
    - 1) FLOODWAY (F1) – that part of the Flood Plain Conservation District required to carry and discharge the waters of the 100-year flood without increasing the water surface elevation at any point more than one foot above existing conditions, as

demonstrated in the Flood Insurance Study referenced above. The term also shall include floodway areas which have been identified in other available studies or sources of information for those floodplain areas for which no floodway has been identified in the Flood Insurance Study prepared for the Township by FEMA.

- 2) FLOODWAY FRINGE (F2) – that part of land within the Flood Plain Conservation District subject to inundation by the 100-year flood lying beyond the floodway in areas where detailed study data and profiles are available.
- 3) APPROXIMATE FLOODPLAIN (F3) – that part of land within the Flood Plain Conservation District subject to inundation by the 100-year flood where a detailed study has not been performed but where a 100-year floodplain boundary has been approximated.

B. Because comprising low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and any land delineated as any of the following soil types by the United States Department of Agriculture, Soil Conservation Service and the Soil Survey of Montgomery County, Pennsylvania, 1967, and its amendments. Soils so classified (including accompanying map symbols used in the Soil Survey) and which are depicted on the map entitled, "Flood Plains, Douglass Township," area:

Bm	(Bermudian silt loam)
Bo	(Bouldery alluvial soils)
Bp	(Bowmansville silt loam)
Ch	(Codus silt loam)
Ha	(Hatboro silt loam)
Rt	(Rowland silt loam)
Ru	(Rowland" silt loam, coal overwash)

*Repealed by Ordinance 87-5, Sect. 13*

C. In determining the extend of the floodplain, the areas subject to inundation by the waters of the 100-years flood as delineated in the Flood Insurance Study for Douglass Township (paragraphs 1.A and B above) shall have precedence over the approximated floodplain and alluvial soils. Where the 100-year floodplain boundary has been approximated (paragraph 1.C above), both the approximated 100-year floodplain (paragraph 1.C above) and alluvial soils (paragraph B) shall be used in determining the floodplain. The most extensive of these areas shall determine the outermost boundary of the Flood Plain Conservation District.

2. Studies used to establish the floodplain boundaries shall be available in the Township Municipal Building for reference.
3. The data used in the studies referred to in Subsection B above shall be plotted when feasible on the Zoning Map to indicated the Flood Plain Conservation District, which map shall be designated as the Douglass Township Flood Plain Conservation District Map and shall be available to the public in the Township office. Whenever there is a difference between the map and the data contained in the studies, the data contained in the studies shall determine the boundary of the district.
4. All subsequent boundary changes shall be indicated on the Flood Plain Conservation District Map (the Zoning Map) when feasible.

5. "Development" is any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, the storage of equipment and materials, streets and other paving, utilities, mining, dredging, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land. (Ord. 97-4, 11/3/1997)
6. "One Hundred Year Flood" is defined as a flood that has one change in 100 or 1 percent change of being equaled or exceeded in any one year. For the purposes of this part, the 100-year flood (base flood) is that which is defined by the FIA, FEMA in the Flood Insurance Study, Douglass Township.

(Ord. 82-4, 6/7/1982; as amended by Ord. 84-6, 5/7/1982; and by Ord. 86-8, 7/21/1986; and by Ord. 87-5, 12/7/1987, Sect. 13)

**Section 1602. Permitted Uses.** The following uses are permitted in the Flood Plain Conservation District: (listed in general order of appropriateness)

1. Wildlife sanctuary, woodland preserve, arboretum.
2. Game farm, fish hatchery, (excluding rearing structures) hunting and fishing reserves.
3. Forestry, lumbering and reforestation excluding storage and mill structures.
4. Harvesting of any wild crop such as marsh hay, ferns, moss, berries or wild rice.
5. Outdoor plan nursery, orchard.
6. Pasture, grazing land.
7. Recreation use such as: park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding structures.
8. Outlet installations for sewage treatment plants, sealed public water supply wells.
9. Utility transmission lines.
10. Accessory uses customarily incidental to any of the foregoing permitted uses when approved as a special exception by the Zoning Hearing Board.
11. Within the floodway part of the Flood Plain Conservation District no development shall be permitted if it would cause any increase in the elevation of the 100-year flood.

(Ord. 82-4, 6/7/1982)

**Section 1603. Prohibited Uses.** The following uses are prohibited unless approved in the manner noted in each subsection:

1. All structures and building within Flood Plain Conservation District and/or located closer to the limits of the District than the rear yard dimensions of the applicable zoning district.
2. Flood retention dams, damming or relocation of any water course, culvert, bridge, excavation or placement of embankment, removal of topsoil, filling or grading, unless approved by Douglass Township Planning Agency and Douglass Township Board of Supervisors upon recommendation of Township Engineer and with approval of

Montgomery County Conservation District, Pennsylvania Department of Environmental Resources Pennsylvania Emergency Management Agency, and Army Corps of Engineers.

Uses located within the alluvial soil area shall be approved by Douglass Township Planning Agency and Douglass Township Board of Supervisors upon recommendation of the Township Engineer and with approval of any agency which may be required by the Board of Supervisors.

Prior to the alteration or relocation of any water course within the FEMA Flood Insurance Study Area, which is part of the Flood Plain Conservation District, all adjacent communities and the Bureau of Community Planning or the Pennsylvania Department of Community Affairs shall be notified. Copies of such notification shall be sent to the Federal Insurance Administrator. The flood-carrying capacity within the altered or relocated portions shall be maintained.

(Ord. 90-1)

3. Within the Flood Plain Conservation District sanitary landfill, dump, junkyard, outdoor storage of vehicles and/or materials, and paved or all-weather parking lot.
4. Within the Flood Plain Conservation District on-site sewage disposal system and private wells.
5. Within the floodway part of the Flood Plain Conservation District any development if it would cause any increase in the elevation of the 100-year flood.
6. The construction, enlargement or expansion of manufactured homes, manufactured home parks and manufactured home subdivisions. (Ord. 91-5)
7. The construction, enlargement or expansion of hospitals (public or private). (Ord. 91-5)
8. The construction, enlargement or expansion of nursing homes (public or private). (Ord. 91-5)
9. The construction, enlargement or expansion of jails or prisons (public or private). (Ord. 91-5)
10. The construction, enlargement or expansion of any structures which would be used for the production, storage or maintenance of a supply of the following toxic chemicals which are dangerous to human life: (Ord. 91-5)
  - A. Acetone.
  - B. Ammonia.
  - C. Benzine.
  - D. Calcium carbide.
  - E. Carbon disulfide.
  - F. Celluloid.
  - G. Chlorine.
  - H. Hydrochloric acid.

- I. Hydrocyanic acid.
- J. Magnesium.
- K. Nitric acid and oxides of nitrogen.
- L. Petroleum products (gasoline, fuel oil, etc.).
- M. Phosphorus.
- N. Potassium.
- O. Sodium.
- P. Sulphur and sulphur products.
- Q. Pesticides (including insecticides, fungicides and rodenticides).
- R. Radioactive substances, insofar as such substances are not otherwise regulated.
- S. Any other dangerous materials or substances regulated by the appropriate federal or state agencies or listed by the Department of Environmental Resources as hazardous.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 84-6, 5/7/1982; and by Ord. 86-8, 7/21/1986; and by Ord. 87-5, 12/7/1987, Sect. 14; by Ord. 90-1, 7/16/1990, Section 14; and by Ord. 91-5, 8/5/1991, Sect. 3)*

**Section 1604. Planning Agency Approval.** All plans for structures within a distance of 100 feet from the Flood Plain Conservation District and all plans for the development of a recreational or utility use within or adjacent to the district shall be approved by the Township Planning Agency. *(Ord. 82-4, 6/7/1982)*

**Section 1605. Boundary Disputes and Changes.**

1. The extent of floodplain shall be determined in the first insurance by the Township Engineer using accepted engineering practices.
2. Should a dispute arise concerning any identified floodplain boundary, a determination shall be made by the Township Planning Agency and any party aggrieved by this decision may appeal to the Zoning Hearing board. The burden of proof shall be on the appellant.
3. Insofar as various natural conditions, including the floodplain herein defined, may change, and such change can be validated by detailed on-site survey techniques approved by the Soil Conservation Service, United States Department of Agriculture, and the Township Engineer, the delineation of the floodplain boundary as shown on the soil maps can be modified by the Zoning Hearing Board based upon such detailed on-site survey techniques.
4. The Zoning Hearing Board shall act only upon affirmative recommendations of the Township Planning Agency and the Township Engineer and the validation of the Soil Conservation Service and/or other appropriate agency. In addition, prior to any modification to the 100-year floodplain as shown in the Flood Insurance Study, approval must be obtained from the FIA.
5. Floodplain limit modification requests shall be in accordance with the following procedure:

- A. Changes within the areas designated in the FEMA study shall be changed in accordance with FEMA regulations.
  - B. Changes which may be requested in relation to areas defined by the Soil Survey of Montgomery County shall be as follows:
    - 1) Confirmation of the soil type by a qualified individual practicing in the soil analyses field or a soil scientist from the Soil Conservation Service, Department of Agriculture.
    - 2) Delineation of the floodplain limits by a detailed on-site survey. This method would also include any other material deemed necessary by the Township to minimize damages which would be caused by the surface water.
6. The following items shall apply only to floodplain which has been defined by the soils classification:
- A. Changes shall not modify the existing ground cover, contour and terrain within the revised floodplain limits.
  - B. Building setback lines shall be measured from the revised floodplain limits and using any setbacks required in the applicable zoning district and as required in this District.
  - C. Changes to the district boundary as defined by the soils classifications shall not allow any structure to be located within the alluvial soil area as shown in the soil survey of Montgomery County unless field testing indicates that such soil has been improperly classified.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 84-6, 5/7/1982; and by Ord. 86-8, 7/21/1986)*

**Section 1606. Determination of the 100-Year Flood Elevation.**

- 3. Within any approximated floodplain area, 100-year flood elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. When such other information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site in question. *(Ord. 87-5)*
- 4. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques performed by professional engineers, subject to review by the Township Engineer.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 84-6, 5/7/1982; and by Ord. 86-8, 7/21/1986)*

**Section 1607. Building Floor Elevations.** If, for any reason, a building or structure is permitted within the boundaries of this district, plans submitted for building permits shall show the proposed lowest floor or flood proofing elevation of any proposed building based upon National Geodetic Vertical Datum of 1929. *(Ord. 82-4, 6/7/1982)*

**Section 1608. Changes in Existing Structures.** Structures existing in any identified floodplain area prior to the enactment of this Chapter may continue to remain, provided that:

- 1. Any modification, alteration, reconstruction or improvement of any kind of an existing structure, to an extent or amount of 50 percent or more of its market value shall

constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.

2. Any modification, alteration, reconstruction or improvement to an extent or amount of less than 50 percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.
3. No expansion or enlargement of an existing structure and/or use shall be allowed within any floodway that would cause any increase in flood heights.

*(Ord. 82-4, 6/7/1982, Sect. 1609; as amended by Ord. 84-6, 5/7/1982)*

**Section 1609. Variance Procedures and Conditions.** If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of these requirements in accordance with the procedures contained in Part 18 and the following:

1. No variance shall be granted for any construction, development, use or activity within any floodway area which would cause any increase in the 100-year flood elevation and no variance shall be granted for development which may endanger human life or for construction of hospitals, nursing homes, jails or prisons, and new manufacture home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
2. If granted, a variance shall involve only the least modification necessary to provide relief. The applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (Section 60.3(1) through (4)), including the requirements for elevation, flood-proofing and anchoring. *(Ord. 96-1)*
3. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public healthy, safety and welfare, and to achieve the objectives of this Part.
4. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - A. The granting of the variance may result in increased premium rates for flood insurance; and
  - B. Such variances may increase the risks to life and property.
5. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
  - A. That there is a good and sufficient cause.
  - B. That failure to grant the variance would result in exceptional hardship to the applicant.
  - C. That the granting of the variance will (1) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (2) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.



6. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FIA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

*(Ord. 82-4, 6/7/1982, Sect. 1610; as amended by Ord. 84-6, 5/7/1982; by Ord. 87-5, 12/7/1987, Sect. 15; by Ord. 91-5, 8/5/1991, Sect. 3; and by Ord. 96-1, 1/15/1996)*

**Section 1610. Municipal Liability.** The granting of zoning permit in any floodplain district shall not constitute a representation, guarantee or warranty of any kind by the Township, or by an official or employee thereof the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereto.

*(Ord. 82-4, 6/7/1982)*

**Part 17**  
**NONCONFORMING USES, PREMISES, STRUCTURES AND LOTS**

**Section 1701. Applicability.** Any lawful building or other structure, or any lawful use of a building, land or sign legally existing at the time of adoption of this Ordinance, or authorized by a building permit issued prior thereto, may be continued in the form evident at the time of adoption of this Ordinance.

**Section 1702. Nonconforming Use.**

1. Expansion. The nonconforming use of a building or a lot shall not be expanded so as to use other portions of the building or lot and a nonconforming building housing a nonconforming or permitted use shall not be expanded or structurally-altered, except insofar as is permitted by law to assure the structural safety of the building; unless the Zoning Hearing Board shall, by special exception as hereinafter provided, authorize the expansion of such use or building. The Zoning Hearing Board, upon proper application, may grant such special exception, provided that:
  - A. It is clear that such expansion is not materially detrimental to the character of the surrounding area or to the interest of the municipality.
  - B. The area devoted to the nonconforming use shall not be increased more than once during the life of the use. In addition, the area devoted to the nonconforming use shall not be increased more than 50 percent above its original size.
  - C. Any expansion of the building or of a lot having a nonconforming use shall conform to all applicable area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts.
  - D. Any expansion of a nonconforming use must meet the off-street parking and buffering requirements of the Zoning Ordinance of Douglass Township.
2. Change of Use.
  - A. A nonconforming use may be changed to another nonconforming use by the grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than is the use it is to replace. In evaluating relative detriment, the Zoning Hearing Board shall take into consideration, among other things: potential traffic generation; nuisance characteristics such as emission of noise, dust, odor, glare and smoke, fire hazards, and hours and manner of operation.
  - B. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
3. Restoration. A structure containing a nonconforming use involuntarily destroyed by fire, explosion, flood or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

- A. Reconstruction of the structure shall commence within one year from the date the structure was destroyed or condemned and shall be completed within one year of the date commenced.
  - B. The reconstructed structure shall not exceed the area and bulk of the damaged or destroyed structure, except as provided by Subsection 1702.1.A, above.
4. Discontinuance or Abandonment. If a nonconforming use of a structure or land is razed or removed or discontinued or abandoned for 12 or more consecutive months, subsequent use of such structure or land shall conform with the regulations of the district in which it is located. However, the same nonconforming use shall be allowed, provided the request for the nonconforming use is filed within the 12-month period and thereafter approved by the Zoning Hearing Board and the permit application for such approved nonconforming use is filed within 30 days after the decision of the Zoning Hearing Board.

**Section 1703. Nonconforming Structure.**

- 1. Alteration, Renovation or Enlargement.
  - A. Nonconforming structures may be altered, renovated or enlarged provided that such alteration, renovation or enlargement does not increase the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall not increase any existing nonconformity. In the case of a nonconforming structure which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of Section 1702.1 of this Chapter. In the case of a nonconforming structure which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of Section 1704.3 of this Chapter.
  - B. Any structural alteration of or addition to existing buildings shall conform with all area and bulk regulations including minimum area, height, width, yard and coverage requirements for the district in which it is located as well as building code regulations currently in effect.
- 2. Restoration. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other active cause may be reconstructed in the same location provided that:
  - A. The reconstructed building or structure shall not exceed the height, area or bulk permitted by 1703.1, or the original building, whichever shall be the more limited, except as specified by Chapter 16 (Flood Plain Conservation District).
  - B. Reconstruction shall begin within one year from the date of damage or destruction and shall be completed without interruption.

**Section 1704. Nonconforming Lot.**

- 1. A building may be constructed on a nonconforming lot of record in existence at the effective date of this Ordinance under the following circumstances:
  - A. An owner of two or more contiguous nonconforming lots which, if combined, would create a lot of conforming size, shall be required to combine such lots prior to the issuance of a building permit. However, this requirement shall not apply to lots situate in the R-1 Zoning District as of May 3, 2004, except if the nonconforming lot

of record, which is part of a subdivision plan approved by the Board of Supervisors, and recorded in the Office of the Recorder of Deeds as such, and which is in compliance with the zoning regulations in effect immediately prior to the date of enactment of the prior Chapter 17 of the Zoning Ordinance and this amendment thereto, may be developed in accordance with the terms of such approval and preceding zoning regulations in accordance with Section 508(vi) of the Pennsylvania municipalities Planning Code.

- B. A building may be constructed on a lot which is nonconforming solely in respect to lot area requirements, when authorized by the Zoning Officer.
  - C. Where the side, rear or front yard setbacks cannot be met, a special exception to construct a building on a nonconforming lot may be authorized by the Zoning Hearing Board, except, however, a nonconforming lot in the R-1 District as of May 3, 2004, may have a building constructed thereon that meets the side, rear or front yard setbacks of the R-1 District that was in effect immediately prior to May 3, 2004, without the necessity of approval by the Zoning Hearing Board.
2. No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed.
  3. An existing structure located on a lot nonconforming as to area may be used for the use permitted in the district in which it is located, provided the structure complies within all bulk requirements of that district, if a nonconforming structure is located on a nonconforming lot, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Officer, or by the Zoning Hearing Board on appeal, that the proposed use is not injurious to health, safety, morals and general welfare of the Township in general and the surrounding property owners in particular,

**Section 1705. Nonconforming Signs.** Any nonconforming sign legally existing at the time of the passage of this Ordinance shall be bound by the following regulations:

1. Moving. A nonconforming sign may be moved provided that moving such a sign would eliminate the nonconformity. A nonconforming sign shall not be moved to a position where such sign remains nonconforming unless permitted by special exception.
2. Area. The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased.
3. Repair or Replacement. Nonconforming signs, once removed or damaged more than 60 percent, including structural framing or bracing, shall be replaced only with conforming signs. Nonconforming signs with damage of 60 percent or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign.
4. Discontinuance. Whenever any nonconforming use of building, structure or land, or of a combination of buildings, structures and land ceases as prescribed in 1702.4 all signs accessory to such use shall be deemed to become nonconforming and shall be removed within 30 days from the date of such use terminates.

*(Ord. 04-09, 9/20/2004)*



## Part 18 ADMINISTRATIVE PROCEDURES

**Section 1800. Administration.** The duty of administering and enforcing the provisions of this Chapter is hereby conferred upon the Zoning Officer who shall have such powers as are conferred on him by this Chapter and who shall administer this Chapter in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. (Ord. 82-4, 6/7/1982)

**Section 1801. Duties.** The duties of the Zoning Officer shall be:

1. To examine all applications for building permits.
2. To issue permits only for construction and uses which are in accordance with the regulations of this Chapter and other applicable ordinances as may be subsequently enacted.
3. To record and file all applications for permits with the accompanying plans.
4. To issue permits for uses by special exception only after such uses and buildings are approved by the Zoning Hearing Board in accordance with the regulations of this Chapter.
5. To receive all required fees and issue all necessary stop orders.
6. Upon the request of the Planning Agency or of the Zoning Hearing Board, or Board of Supervisors, to present to such body, facts, records and any similar information on specific requests to assist such bodies in reaching their decision.
7. To institute civil enforcement proceedings as a means of enforcement. (Ord. 90-1)

(Ord. 82-4, 6/7/1982, as amended by Ord. 90-1, 7/16/1990; and by Ord. 96-1, 1/15/1996)

**Section 1802. Appeal.** Any appeal from a decision or action of the Zoning Officer shall be made directly to the Zoning Hearing Board. (Ord. 82-4, 6/7/1982)

**Section 1803. Complaints Regarding Violations.** Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record promptly such complaint, immediately investigate, and take action thereon as provided by this Chapter. (Ord. 82-4, 6/7/1982)

**Section 1804. Notification of Violation.** Enforcement notice shall be give as provided in Section 616(1) of the Pennsylvania Municipalities Planning Code, as amended. (Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 23)

**Section 1805. Enforcement.** This Chapter shall be enforced by the Zoning Officer. No permit of any kind as provide in this Chapter shall be granted by him for any purpose except in compliance with the provisions of this Chapter, or a decision of the Zoning Hearing Board or a court of competent jurisdiction. (Ord. 82-4, 6/7/1982)

**Section 1806. Enforcement Remedies.** Enforcement remedies shall be as provided in Section 617(2) of the Pennsylvania Municipalities Planning Code, as amended. (Ord. 82-4, 6/7/1982, as amended by Ord. 90-1, 7/16/1990, Sect. 24)

**Section 1807. Requirements for Zoning Permits.** A zoning permit shall be required prior to the erection, construction, alteration, moving or change in use of any building or structure or part thereof and before any zoning permit is issued for a new principal building or structure, permanent reference monuments of solid steel 3/4-inch in diameter and 36 inches in length or marble or concrete monuments 4 inches square by 30 inches in length shall be set at all corners and angle points of the boundaries of the lot and a certificate of compliance from a registered surveyor dated within 30 days of the date of the application for the zoning permit shall be submitted to the Township. (Ord. 82-4, 6/7/1982, as amended by Ord. 87-4, 11/16/1987)

**Section 1808. Enforcement Remedies.** Any violation or proposed violation of this Chapter may be corrected by any necessary actions instituted by the Board of Supervisors or by the Zoning Officer with the Board's approval. (Ord. 82-4, 6/7/1982)

**Section 1809. Application for Permits.** Application for permit shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. Such application shall include building and plot plans of a satisfactory nature in duplicate, and shall contain all information necessary for such official to ascertain whether this proposed erection, alteration, use or change in use complies with the provisions of this Chapter. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all the requirements of applicable codes and ordinances. (Ord. 82-4, 6/7/1982)

**Section 1810. Issuance of Permits.**

1. No zoning permits shall be issued except in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board or any court of competent jurisdiction. In addition, no zoning permits shall be issued in regard to any lot or tract of land if any fees and/or costs including, but not limited to, legal and engineering costs and Zoning Hearing Board costs due to the Township in connection with said lot or the subdivision in which it is located, whether required by this or any other law, ordinance or regulation or by development agreement are unpaid and no permit shall be issued to a party who has not paid all such fees and/or costs due from said party to Douglass Township, whether in connection with the lot or tract of land which is the subject of the application or any other lot or tract of land in Douglass Township. Further, in addition, in the event that the Department of Labor and Industry approval is required in connection with the proposed construction or use, no zoning permits shall be issued until such approval is obtained and proof thereof is furnished to the Zoning Officer. (Ord. 94-2)
2. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning Hearing Board.
3. Proceedings of the Zoning Hearing Board shall be governed by the Pennsylvania Municipalities Planning Code, as amended. The Board shall fix its own rules of procedure. The Board of Supervisors shall establish by resolution a schedule of fees for appeals to the Zoning Hearing Board.
4. The building permit or assigned permit to which the applicant may be entitled as a result of a decision of the Zoning Hearing Board shall be applied for within 12 months of the date of the written decision therefore. Failure to do so will render the decision null and void. (Ord. 96-1)

(Ord. 82-4, 6/7/1982, as amended by Ord. 94-2, 3/7/1994, Sect. 21; and by Ord. 96-1, 1/15/1996)

**Section 1811. Expiration of Permits.** No permit for the erection, razing, change, alteration or removal of buildings shall be valid or effective after 12 months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within 12 months from the date of issuance and proceeded with, with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the applicant. (Ord. 82-4, 6/7/1982)

**Section 1812. Certificate of Occupancy.**

3. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, or prior to any change in occupancy or use, the permittee shall notify the Zoning Officer of such completion or change and obtain a Certificate of Occupancy.
4. In commercial and industrial zoning districts, at such time as performance standards are imposed, no certificate of occupancy shall become permanent until 30 days after the facility is fully operating, when upon a re-inspection by the Zoning Officer it is determined that the facility is in compliance with all performance standards.

(Ord. 82-4, 6/7/1982; as amended by Ord. 86-8, 7/21/186)

**Section 1813. Permits for Variances and Special Exceptions.**

1. Variances and special exceptions shall expire after 12 months, unless the use of construction authorized thereby has been begun within that time. If such use is discontinued for a period of more than one year, or if such construction is removed or destroyed, the variance or special exception shall terminate.
2. Special exceptions shall not be granted by the Zoning Hearing Board unless the applicant therefore shall establish:
  - A. That granting of the special exception will not adversely affect the public interest.
  - B. That the proposed structure or development complies with the letter and intent of this Chapter.
  - C. That the public health, safety and welfare has been protected in the following respects, where applicable:
    - 1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
    - 2) Off-street parking and loading areas where required with particular attention to the items in 1) above, and the noise, glare or odor effects of the proposal on adjoining properties and properties generally in the district.
    - 3) Refuse and service areas, with particular reference to the items in 1) and 2) above.
    - 4) Utilities, with reference to locations, availability and compatibility.



- 5) Screening and buffering with reference to type, dimensions and character.
  - 6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with properties in the district.
  - 7) Required yards and other open space.
  - 8) General compatibility with adjacent properties and other property in the district.
  - 9) Compliance with any standards for special exception established in a separate zoning district.
3. Extension of permits for variances and special exceptions may be granted by the Zoning Hearing Board for a period of one year or, if the circumstances warrant, for a specified period of time in excess of one year. If the extension exceeds one year, the terms and conditions of the extension by the Zoning Hearing Board shall specify the exact time of the extension and the requirements in connection therewith (for example, if the applicant shall continue to pursue subdivision and/or land development approval). (Ord. 96-1)

(Ord. 82-4, 6/7/1982, as amended by Ord. 87-4, 11/16/1987; and by Ord. 96-1, 1/15/1996)

**Section 1814. Conditional Use Process.**

1. An application for any conditional use shall be filed with the Township Manager and presented to the Board of Supervisors and shall provide:
  - A. The name and address of the applicant;
  - B. The name and address of the owner of the real estate to be affected by the proposed conditional use application;
  - C. A description and location of the real estate on which the conditional use is proposed;
  - D. A statement of the present zoning classification of the real estate in question, the improvement thereon, and the present use thereof;
  - E. A statement of the section of this Ordinance which authorized the conditional use, and the standards which regulate the design of said use.
  - F. A sketch plan and an accurate description of the improvements and additions intended to be made shall be submitted under the application for conditional use. The submission shall contain a site plan at a scale of 1 inch equals 100 feet or one inch equals 50 feet showing:
    - 1) Topography of the site depicted by contours at not greater than 5-foot intervals.
    - 2) The location of the lot relative to the surrounding lots and buildings including the names of property owners.
    - 3) The location, dimensions and arrangement of all access points, off-street parking facilities, loading and unloading stations, pedestrian ways, sidewalks and streets.

- 4) The location, uses planned, dimensions, gross floor area, building coverage and height of each building or other structure.
  - 5) The location, dimensions and arrangement of proposed signs, landscaping, screening and buffering, and recreation areas.
  - 6) The location, dimensions and arrangement of sanitary and stormwater sewage, water supply, storage areas, solid waste disposal facilities, parking lot lighting and all other utilities.
  - 7) Other information deemed necessary by the Board of Supervisors.
2. The proposal shall demonstrate conformance to the policies of the Township plans and ordinances in compatibility with the same. The applicant shall provide all of the information, data and studies needed to allow the Board of Supervisors to reach conclusive evaluations of the following items:
- A. The compatibility of the proposed development with existing and proposed land uses adjacent to the site.
  - B. The impact of the Township transportation network and the ability of the adjacent streets and intersections to efficiently and safely move the volume of traffic generated by the development.
  - C. The impact on the Boyertown Scholl District including an estimate of new pupils generated by the proposed development and their impact on classroom capacities, class sizes, existing or planned facilities.
  - D. The impact on the Township's community facilities including estimates of additional community facilities which will be needed to serve the proposed conditional use and estimates of the abilities of existing commercial facilities to meet the demands generated by the proposed conditional use.
  - E. The impact on the economy of the Township and region including an analysis of the work locations of the residents of the proposed development.
  - F. The impact on the Township's community facilities including estimates of additional community facilities which will be needed to serve the proposed conditional use. Community facilities including, but shall not be limited to, sewage disposal facilities and systems, solid waste disposal facilities and systems, water supply facilities and systems, storm drainage systems, and electrical utility facilities and systems.
  - G. The ability of the Township to provide police and fire protection to the proposed conditional use.
  - H. The impact on the Township's recreational facilities including estimates of additional facilities which will be needed to serve the conditional use.
  - I. A cost revenue analysis which shall identify the net cost of the proposed conditional use to the Township and to the Boyertown School District. The net cost shall be the difference between the governmental expenditures which will be required to serve the proposed conditional use and the revenues that it will generate. The cost analysis shall clearly identify whether a net gain or net loss is anticipated and shall itemize the measurements used in the evaluation.

- J. The compatibility of the proposed use with respect to vehicle parking, transportation, water, sewage, the reliable and adequate water supply for the use, as well as the preservation of the natural, scenic and historic values in the environment.
  - K. Information as to how the use will not affect the overcrowding of land, blight, danger and congestion in travel and transportation.
  - L. Information as to how the use will accommodate reasonable overall community growth, including population and employment growth.
3. The application for a conditional use shall be filed with the Township Manger on such forms as may be prescribed for that purpose, and shall be accompanied by the application fee, prescribed from time to time, but the Board of Supervisors. No application shall be received for filing unless accompanied by the required filing fee. The Board of Supervisors shall submit the application to the Township Planning Agency within 5 days of receipt, after reviewing the same at its next public meeting following the application, and the Planning Agency shall review the application and make a recommendation to the Board of Supervisors within 60 days thereafter. Upon written application and the demonstration of a hardship, the Board of Supervisors may waive in full or in part the requirements herein.
4. The Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures:
- A. Notice of the hearing shall be given to the public by publication in newspaper of general circulation in the Township at least twice, the first such notice to be not less than 14 days prior to the date of the scheduled hearing. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Board of Supervisors shall conduct its first hearing on the application within 60 days from the date of its public meeting after the Planning Agency has reviewed the application unless the applicant waives or extends the time limitation.
  - B. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance on the record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Board for that purpose.
  - C. The Chairman or Acting Chairman of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents required by the parties.
  - D. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
  - E. The Board of Supervisors shall keep a stenographic record of the proceedings.
  - F. The Board of Supervisors shall render a written decision within 45 days after the last hearing before the Board. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

- G. A copy of the final decision shall be delivered to the application and the parties before the Board of Supervisors personally or mailed to them not later than the 5 days following the date of decision.
5. In granting or denying a conditional use or establishing conditions with reference to such grants, the Board of Supervisors shall use as a guide in evaluating a proposed conditional use, and may determine to be mandatory, those standards established for review of special exception applications by Section 1813 of this Ordinance. The burden of establishing compliance with those enumerated standards shall be upon the applicant by a fair preponderance of the credible evidence. The standards required by this subsection shall be deemed a part of the definitional aspect under which a conditional use may be granted, and the failure of the applicant to establish his compliance with all of the standards shall, at the discretion of the Board of Supervisors, be deemed either a basis for the establishing of conditions or limitations on an approval or the basis for a determination that the applicant has not met the requirements for which a conditional use may be granted.
  6. Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining the other required approvals mandated by the Township Subdivision and Land Development Ordinance, or other applicable ordinances.
  7. Appeals from a determination of the Board of Supervisors pursuant to any application for conditional use shall be only as prescribed within such times permitted by the applicant provisions of the Pennsylvania Municipalities Planning Code.
  8. In granting an application for conditional use, the Board of Supervisors may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to insure compliance with the provisions of this Ordinance and to protect the health, safety and general welfare of the community.
  9. In addition to the aforesaid requirements, if a Master Plan is required prior to conditional use approval, the Master Plan must be submitted with the conditional use application.
  10. No application shall be accepted for conditional use review unless the application contains all of the documents and information required, including a Master Plan, if applicable, and the payment of the fees required and any escrows necessary per resolution of the Board of Supervisors.
  11. The Board of Supervisors may, by resolution, establish the application fee for a conditional use review as well as any reasonable escrow necessary for the payment of all professional and administrative fees and costs associated with such review including the hiring of any consultants that the Board may require for the review.

*(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990; and replaced by Ord. 05-05, 4/18/2005)*

**Section 1815. Amendments.** The Board of Supervisors may, from time to time, amend, modify or repeal this Chapter, including the zoning map, as follows:

1. The Township may initiate a zoning change at any time.
2. Applicants for rezoning shall petition the Board of Supervisors by letter on or before the 5<sup>th</sup> day of the month preceding the month in which the hearing shall be held.

3. Applications shall be accompanied by payment as a deposit against advertising, stenographic, legal, engineering and other expenses connected with the application. The Board shall bill or credit applicants when total expenses are determined after the hearing.
4. Applications shall be accompanied by development plans for the area proposed to be rezoned, including layout, elevations and architectural sketches, along with a study of the impact on the Township to be expected from the development.
5. All applications shall be reviewed by the Planning Agency and its recommendations shall be forwarded to the Board of Supervisors before the 20<sup>th</sup> days of the month preceding the month in which the hearing will be held.

*(Ord. 82-4, 6/7/1982)*

**Section 1816. Public Notice.** Notice of a rezoning hearing shall be given as required by Section 609 of the Pennsylvania Municipalities Planning Code, as amended. *(Ord. 82-4, 6/7/1982; as amended by Ord. 90-1, 7/16/1990, Sect. 26)*

**Section 1817. Referral to Township and County Planning Agencies.** The Board of Supervisors shall refer all requests for zoning ordinance amendments to both the Douglass Township Planning Agency and the Montgomery County Planning Commission for review and recommendations at least 30 days prior to the public hearing on the proposed amendment. The respective planning agencies shall consider whether the proposed amendment(s) would be consistent with the intent of the Douglass Comprehensive Plan and the Montgomery County Land Use Plan, as well as general planning principles. *(Ord. 82-4, 6/7/1982)*

**Section 1818. Schedule of Fees.** The Board of Township Supervisors shall determine a schedule of fees, charges and expenses, as well as a collection procedure for special permits, variances, amendments and other matters pertaining to this Chapter, by resolution. Said schedule of fees shall be posted in the office of the Zoning Officer and the Township Secretary. *(Ord. 82-4, 6/7/1982)*

## Part 19 FENCE REGULATIONS

**Section 1900. Declaration of Legislative Intent.** It is the intent of this Part to set standards and provide controls that permit the reasonable use of fences while restricting the adverse visual effects of fences, especially in regard to the sight distances and visibility along streets. (Ord. 82-4, 6/7/1982)

**Section 1901. Conformance with Fence Regulations.** No fence will be permitted to be erected or maintained in the Township except in conformance with the regulations contained in this Part. Freestanding walls and hedges that serve the same purposes as a fence shall be governed by this Part as if they were fences. (Ord. 82-4, 6/7/1982)

**Section 1902. Application and Fees.** Anyone wishing to erect a fence shall file an application with the Township Zoning Officer, accompanied by the appropriate fee. (Ord. 82-4, 6/7/1982)

**Section 1903. Height Regulations in Residential and Limited Commercial Districts.** In the R-1, R-2, R-3, R-4 and LC Zoning Districts the following regulations shall prevail:

1. Within the front yard of any lot, as defined herein, including both street frontage for a corner lot or a lot with double frontage, fences may not exceed 4 feet in height. A sight triangle shall be provided. (Ord. 96-1)
2. Behind the front yard line, as defined herein, fences may not exceed 6 feet in height.
3. For corner lots, fences shall comply with Section 109 of this Chapter, by providing sight triangles.
4. No fence may be placed closer to a street than the ultimate right-of-way line as defined herein.

(Ord. 82-4, 6/7/1982; as amended by Ord. 96-1, 1/15/1996)

**Section 1904. Height Regulations in Nonresidential Districts.** In the IN, CC, GC, M-1 and M-2 Zoning Districts the following regulations shall prevail:

1. Within the front yard of any lot, as defined herein, including all street frontages, fences constructed of solid materials which block visibility may not exceed 4 feet in height.
2. Within the front yard of any lot, as defined herein, including all street frontages, fences constructed of open materials such as mesh, posts or rails, which allow good visibility may not exceed 8 feet in height.
3. For corner lots, fences shall comply with Section 109 of this Chapter by providing sight triangles, regardless of the type of fence construction.
4. No fence may be placed closer to a street than the ultimate right-of-way line as defined herein.

(Ord. 82-4, 6/7/1982)

**Section 1905. Construction of Fences.**

1. If the fence is wood cover or wood frame, the framework must face onto the interior of the lot, unless the fence is so designed to provide equal frame and cover area to adjoining lots.
2. If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.
3. If the fence is of masonry construction, a finished side must be provided to the exterior side.

*(Ord. 82-4, 6/7/1982)*

**Section 1906. Exemptions.** Fences erected on tract of 5 or more acres for agricultural purposes are exempt from the requirements of this Chapter, but must comply with Section 109 of this Chapter. *(Ord. 82-4, 6/7/1982)*

## Part 20

### CHRONOLOGICAL HISTORY OF ZONING ENACTMENTS

<u>Ord.</u>	<u>Date</u>	<u>Subject</u>
26	9/1968	General Zoning Regulations.
73-7	11/7/1973	<u>Amendment</u> to Section 1411 re: Cluster Development.
73-13	12/19/1973	<u>Reclassification</u> of land from R-2 to Commercial.
75-2	1/20/1975	<u>Amendment</u> to Section 804 re: Plans for Commercial Uses.
75-5	6/2/1975	<u>Amendment</u> to Sections 1502, 1704; and addition of Article XXI on Mobile Home Parks.
76-4	12/6/1976	<u>Amendment</u> to Sections 1100 and 1105 re: Signs.
77-1	1/17/1977	<u>Reclassification</u> of land at Sweinhart Road and Rhodes Road from R-2 to Commercial.
77-2	7/5/1977	<u>Amendment</u> to Section 1704 re: Charges for appeals.
78-1	5/1/1978	<u>Reclassification</u> of land from R-2 to Commercial.
78-4	6/19/1978	<u>Reclassification</u> of land from Commercial to R-2.
79-2	11/19/1979	<u>Amendment</u> to Sections 2200 and 800, re: Adult oriented businesses and locations.
79-5	11/19/1979	<u>Reclassification</u> of land from R-2 to Limited Industrial.
80-2	5/19/19880	<u>Amendment</u> to Section 1407, re: Frontage along street.
80-4	12/15/1980	<u>Amendment</u> , complete replacement of Article X, re: Industrial District, M-1 Office and Light Industrial.
82-3	2/1/1982	<u>Amendment</u> to Section 1001.5, re: Manufacturing uses.
82-4	—	Current zoning regulations (this Chapter).
83-3	3/7/1983	<u>Reclassification</u> of land from R-1 to R-2.
87-2	7/6/1987	<u>Reclassification</u> of 2 parcels of land along Buchert Road, from Industrial District to R-1 Agricultural-Residential District.
88-3	8/1/1988	<u>Reclassification</u> of land from R-1 Agricultural-Residential District to R-1 Agricultural-Residential Alternate District.
89-1	6/6/1989	<u>Reclassification</u> of land from R-2 Residential District to R-3 Residential District.
90-7	10/17/1990	<u>Reclassification</u> of land from R-1 Agricultural-Residential District to R-1 Agricultural-Residential Alternate District.



<u>Ord.</u>	<u>Date</u>	<u>Subject</u>
91-2	5/6/1991	Reclassification of land from GC General Commercial and M-1 Office and Light Industrial to MU Office and Mixed-Use District.
91-6	8/5/1991	Reclassification of land previously zoned R-1 Agricultural-Residential Alternate District to R-1 Agricultural-Residential District.
91-9	10/22/1991	Reclassification of land from IN Institutional District to LC Limited Commercial District.
91-10	10/22/1991	Reclassification of land from LC Limited Commercial District to GC General Commercial District.
93-4	5/17/1993	Reclassification of land from R-1 Residential District to M-2 Manufacturing Industrial District.
94-1	3/7/1994	Reclassification of land from M-1 Office and Light Industrial District to R-1 Agricultural-Residential District.
94-5	7/5/1994	Reclassification of land from In Institutional District to R-2 Residential District.
97-4	11/3/1997	Amendments to various parts.
98-7	12/7/1998	Adding VCC – Village Center Commercial District.
00-2	11/20/2000	Amendments to M-2 Manufacturing Industrial District.
03-09	12/29/2003	Amendment to add definition for Public Utility and Public Utility Use.
04-05	5/3/2004	Amending R-1 Agriculture-Residential District establishing area and bulk regulations, building coverage, height regulations, sign and parking regulations.
04-09	9/20/2004	Replacing existing Part 17.
05-02	2/21/2005	Amendment to family definition.
05-04		Addition of Part 3A, R-1A Agricultural-Residential District.
05-05	4/18/2005	Amendment to Section 1814, Conditional Use Process.
05-07	6/6/2005	Adding Part 23, Active Adult Community Overlay District.
06-04	5/15/2006	Adding Part 24, LOR - Limited Office Residential Overlay District.
07-02	7/16/2007	Adding Part 7, Residential Cluster District.

## Part 21 AHA - AIRPORT HAZARD AREA

**Section 2100. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in part 1, Section 101 of this Chapter. In addition, the intent of this district is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property in the vicinity of Butter Valley Golf Port and New Hanover Airports.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Butter Valley Golf Port and New Hanover Airports, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Butter Valley Golf Port and New Hanover Airports; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Butter Valley Golf Port and New Hanover Airports and public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Butter Valley Golf Port and New Hanover Airports;
2. That it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the making and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

*(Ord. 90-3: 7/16/1990, Sect. 2100)*

**Section 2101. District Delineation.** The AHA Airport Hazards Area overlay shall include the approach zones to the Butter Valley Golf Port and New Hanover Airports shown on Figure 1, the Airport Hazard Area Map for New Hanover Airport, and Figure 2, the Airport Hazard Area Map for Butter Valley Golf Port Airport. *(Ord. 90-3: 7/16/1990, Sect. 2101)*

**Section 2102. Airport Hazards Area Definitions.** The following words and phrases when used in this Part shall have the meaning given to them in this section unless the context indicates otherwise:

AIRCRAFT – any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT – Butter Valley Golf Port and New Hanover Airports. Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or right-of-way, together with all airport buildings and facilities thereon.

As used herein, the term "airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

**AIRPORT ELEVATION** – the highest point of an airport's usable landing area measured in feet above sea level. For Butter Valley Golf Port Airport, the airport elevation is 500 feet above sea level. For New Hanover Airport, the airport elevation is 280 feet above sea level.

**AIRPORT HAZARD** – any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Part and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

**APPROACH SURFACE** – a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 2104 of this Part. In plan the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

**APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES** – these zones are set forth in Section 2104 of this Part.

**CONICAL SURFACE** – a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

**FAA** – Federal Aviation Administration of the United States Department of Transportation.

**HEIGHT** – for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**HORIZONTAL SURFACE** – a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

**LARGER THAN UTILITY RUNWAY** – a runway that is constructed for an intended to be use by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

**NONPRECISION INSTRUMENT RUNWAY** – a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**OBSTRUCTION** – any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 2104 of this Part.

**PRECISION INSTRUMENT RUNWAY** – a runway have an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE** – a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface is set forth in Section 2104 of this

Part. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIVATE AIRPORT – an airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. C.S. Section 5102.

PUBLIC AIRPORT – an airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. C.S. Section 5102.

RUNWAY – a defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE – an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission line.

TRANSITIONAL SURFACES – these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the prevision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

TREE – any object of natural growth.

UTILITY RUNWAY – a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY – a runway intended solely for operation of aircraft using visual approach procedures.

*(Ord. 90-3; 7/16/1990, Sect. 2102)*

**Section 2103. Airport Surface Zones.** In order to carry out the provisions of this Part, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Butter Valley Golf Port and New Hanover Airports. Such zones are shown on Figure 3, an explanatory diagram of visual and utility nonprecision runway zones with corresponding height limitations, on Figure 1, the Airport Hazard Area Map for New Hanover Airport, and on Figure 2, the Airport Hazard Area Map for Butter Valley Golf Port Airport, each of which is attached to this Part and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Surface Zone. Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and its 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward

uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Runway Larger than Utility Visual Approach Surface Zone. Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Larger than Utility with a Visibility Minimum Greater than Three-Quarter (3/4) Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Runway Larger than Utility with a Visibility Minimum as low as Three-Quarter (3/4) Mile Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision Instrument Runway Approach Surface Zone. Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Transitional Surface Zone. Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on Figures 1, 2, and 3.
8. Horizontal Surface Zone. Established beneath the horizontal surface 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.
9. Conical Surface Zone. Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet.

*(Ord. 90-3; 7/16/1990, Sect. 2103)*

**Section 2104. Airport Surface Zone Height Limitations.** Except as otherwise provide in this Part, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Part to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extended to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Utility Runway Nonprecision Instrument Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extended runway centerline.
3. Runway Larger than Utility Visual Approach Surface Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway Larger than Utility with a Visibility Minimum Greater Than Three-Quarter (3/4) Mile Nonprecision Instrument Approach Surface Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger than Utility with a Visibility Minimum as Low as Three-Quarter (3/4) Mile Nonprecision Instrument Approach Surface Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Precision Instrument Runway Approach Surface Zone. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
7. Transitional Surface Zones. Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 500 feet above mean sea level for Butter Valley Golf Port Airport and 280 feet above mean sea level for New Hanover Airport. In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloped 7 feet outward for each foot upward beginning at the sides of and at the same elevations as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
8. Horizontal Surface Zone. Established at 150 feet above the established airport elevation or at a height of 650 feet above mean sea level for Butter Valley Golf Port or 430 feet above mean sea level for New Hanover Airport.
9. Conical Surface Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height to 350 feet above the established airport elevation.
10. Expected Height Limitations. Nothing in this Part shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to the maximum height permitted by this Chapter for the principal use. The Board of Supervisors may grant additional height as allowed by the applicable zoning district after consideration of the Airport Hazard Area.

*(Ord. 90-3; 7/16/1990, Sect. 2105)*

**Section 2105. Use Restrictions.** Notwithstanding any other provisions of this Part, no use may be made of land or water within any zone established by this Part in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. (*Ord. 90-3; 7/16/1990, Sect. 2105*)

**Section 2106. Nonconforming Uses.**

1. Regulations Not Retroactive. The regulations prescribed by this Part shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of any nonconforming use, except as provide in Section2106 (relating to permits and variances). Nothing contained herein shall required any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part, and is diligently executed.
2. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Township Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Douglass Township.

(*Ord. 90-3; 7/16/1990, Sect. 2106*)

**Section 2107. Permits and Variances.** (*Ord. 90-3; 7/16/1990, Sect. 2107*)

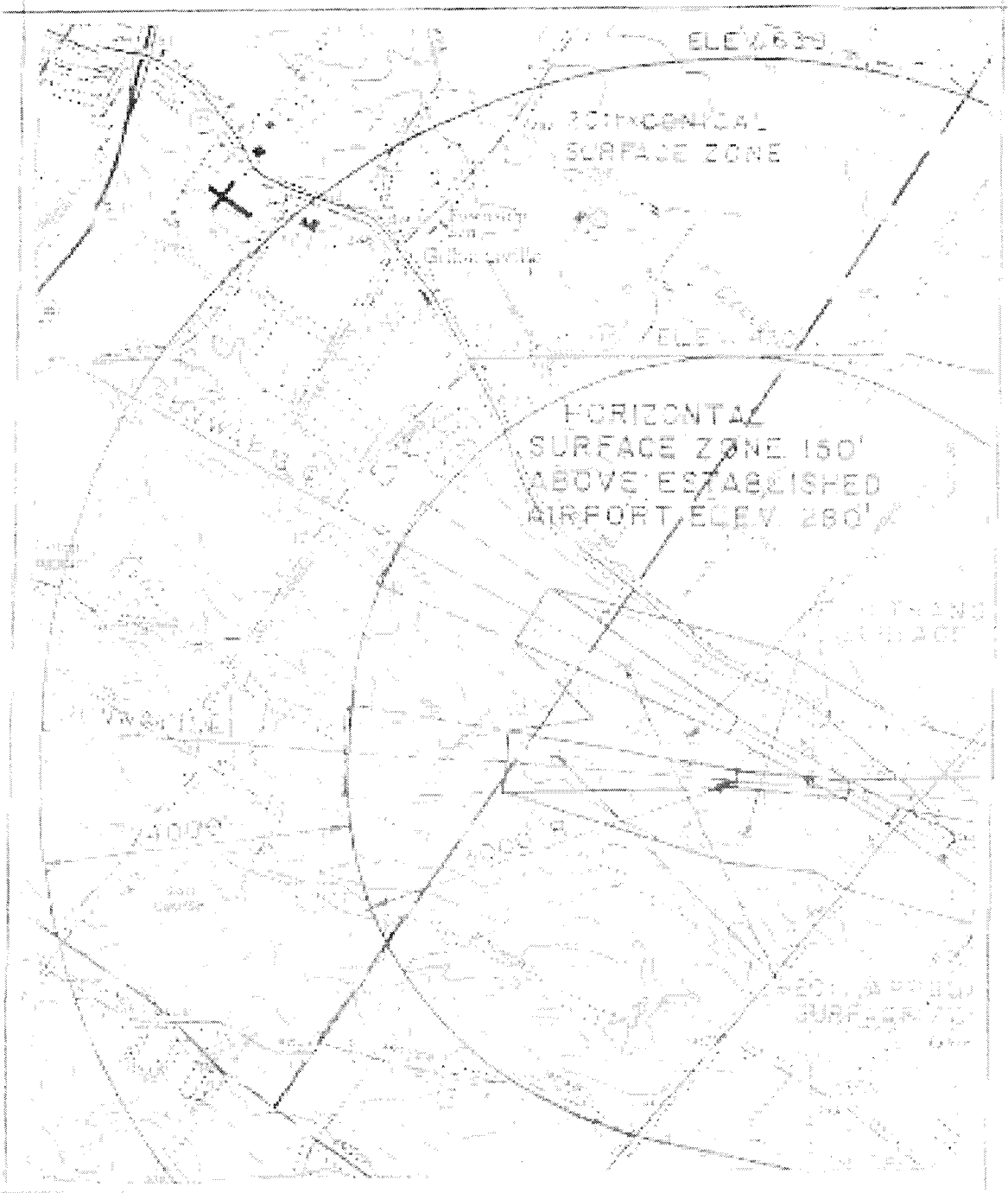
1. Future Uses. Except as specifically provided in subsection A, B or C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particular to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Part shall be granted unless a variance has been approved in accordance with Section 2106.4.
  - A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such as tree or structure would extend above the height limits prescribed for such zones.
  - B. In the areas lying within the limits of the approach zones, but at the horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

- C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure, less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
- D. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Part, except that no permit is required to maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
2. Existing Uses. Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the Township authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Part or any amendments thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Part.
4. Variance. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of the airport zoning regulations may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Part. Variances may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purpose of this Part. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Part may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the airport manager (or person of equivalent description) for advice as to the aeronautical effect of the variance. If the airport manager (or person of equivalent description) does not respond to the application within 15 days after the receipt, the Zoning Hearing Board may act without such input to grant or deny said application.
5. Hazard Marking and Lighting. In granting any permit or variances under this section, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this Part and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.



**AIRPORT HAZARD AREA – NEW HANOVER AIRPORT**

**FIGURE 1**



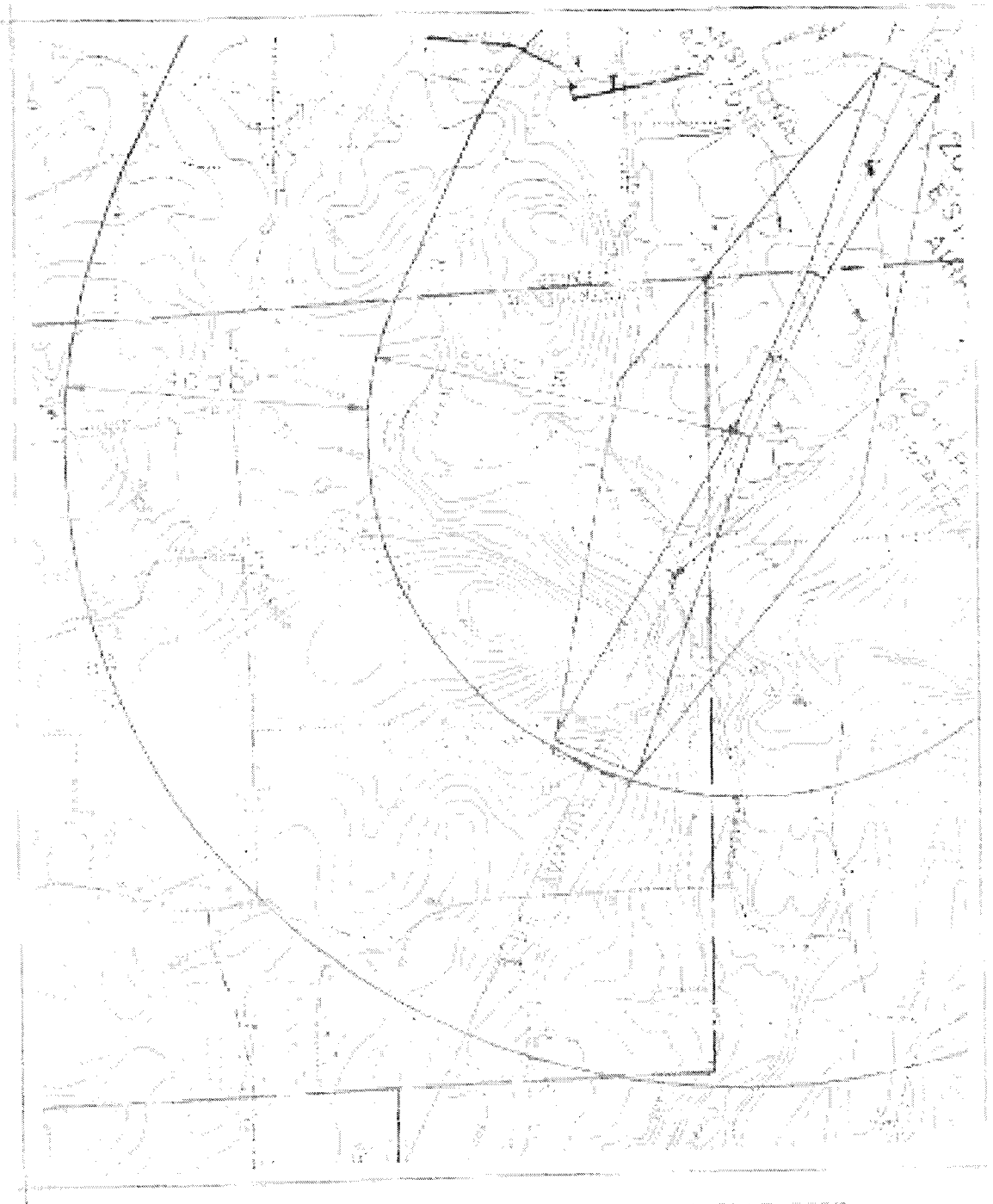
AIRPORT HAZARD AREA – NEW HANOVER AIRPORT

ISOLATION MAP

1" = 2000 Feet

AIRPORT HAZARD AREA - BUTTER VALLEY GOLF PORT

FIGURE 2



AIRPORT HAZARD AREA - BUTTER VALLEY GOLF PORT

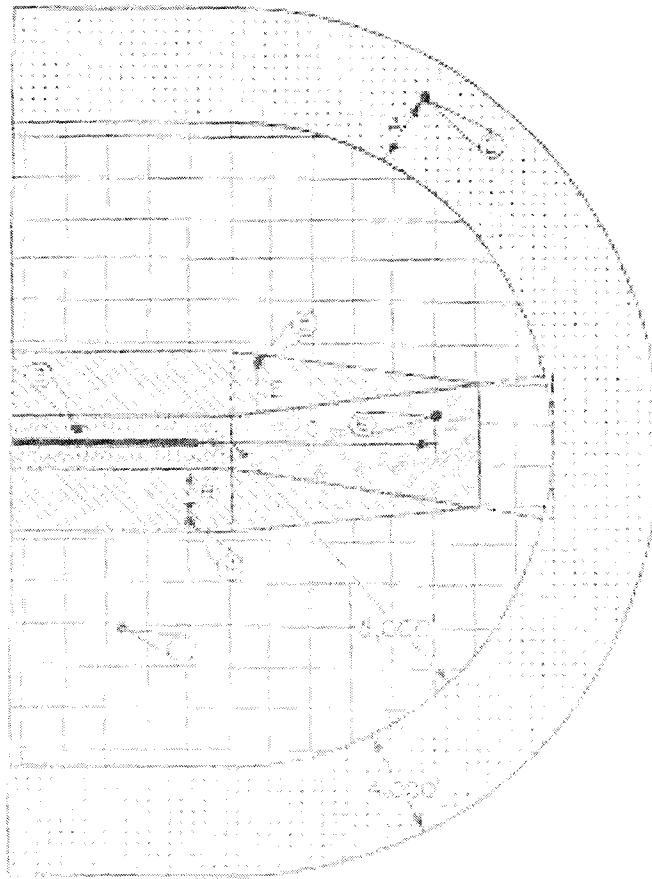
CONTOUR MAP

1" = 2000 Feet









# FIGURE 3

## VISUAL and UTILITY NON-PRECISION RUNWAY ZONES



### ALLOWABLE HEIGHT FORMULAS

	SPERMION CODE	FORMULA
1	 Potential Surface	$\text{Allowable Height} = \{ \text{Established Airport Elevation} + 150' \} - \{ \text{Ground Elevation} \}$
2	 General Surface	$\text{Allowable Height} = \{ \text{Established Airport Elevation} + (150' + 1A + 20) \} - \{ \text{Ground Elevation} \}$
3	 Primary Surface	$\text{Allowable Height} = \{ \text{Elevation of the Runway Centerline at the Location Point} \} - \{ \text{Ground Elevation} \}$
4	 Transitional Surface	$\text{Allowable Height} = \{ \text{Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point} + (247) \} - \{ \text{Ground Elevation} \}$
5	 Transitional Surface	$\text{Allowable Height} = \{ \text{Elevation of the Primary Surface along the Runway End Line Perpendicular to the Location Point} + (247) \} - \{ \text{Ground Elevation} \}$
6	 Approach Surface	$\text{Allowable Height} = \{ \text{Runway End Elevation} \} + \{ (5-100)' + 20' \} - \{ \text{Ground Elevation} \}$

\*For Taxi Runways do not subtract 300 feet C

## Part 22

### MU OFFICE AND MIXED-USE PLANNED DEVELOPMENT

**Section 2200. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Section 101 of this Chapter. It is the intent of this Part to provide for office uses and allow for the continuation and reinforcement of the Gilbertsville village character, currently a mix of residence, stores, offices and institutional uses. Further, it is the intent of this Part to:

1. Provide employment centers in close proximity to existing and future high density residential development to reduce commuting distance for the workforce.
2. Encourage activity and employment centers in locations with ease of access from highway interchanges to reduce the overall impact of traffic on Township streets.
3. Allow for a balanced combination of offices, stores and shops, hotels and inns, residences and recreation in one district in proximity to each other to enable safe and convenient pedestrian circulation between uses as well as to encourage day and evening, weekday and weekend activity.
4. Serve the need for community open space such as trails, parks and plazas near the center of Gilbertsville.
5. Minimize the traffic hazard of multiple driveways by controlling access points in unified developments.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2201. Permitted Uses.** The following uses, and no others, are permitted.

1. Scientific or industrial research, engineering, testing or experimental laboratory or similar establishment for research, training or produce development provided the proposed use meets the requirements for Class I uses in Part 12 of this Chapter.
2. Offices, corporate headquarters and administrative buildings or centers provided the proposed use meets the requirements for Class I uses in Part 12 of this Chapter.
3. Mixed-use planned developments are allowed as a conditional use provided the proposed development meets the conditional use criteria specified in Section 2203 of this Part, as well as all other requirements of this Part. In a mixed-use planned development a building or group of buildings may be erected, altered or used and a lot may be used or occupied for any of the following uses or combination of the following uses and not others.
  - A. Offices, corporate headquarters and administrative buildings or centers.
  - B. Nursery schools, day care centers, group day care homes and family day care homes.
  - C. Retail commercial as otherwise permitted in Section 1103, Class 2 Permitted Uses, of this Chapter.

- D. Movie theaters and theaters for live stage performances or similar recreational and cultural establishments.
- E. Banks or other financial institutions including drive-in facilities provided that:
  - 1) A minimum of six automobile waiting spaces or four spaces per teller, whichever is greater, shall be provided for each drive-in bank teller, remote teller window or drive-in automated teller machine.
  - 2) These spaces shall not interfere with parking spaces or internal circulation of the site.
- F. Mid-rise apartments.
- G. Garden apartments provided they meet the dimensional requirement of the R-4 Residential District contained in Section 604 of this Chapter.
- H. Two-family and single-family attached dwelling units provided they meet the dimensional requirements of the R-3 Residential District contained in Sections 504 and 505 of this Chapter.
- I. Hotels, tourist homes (bed and breakfast) or inns.
- J. Civic uses, municipal offices, community centers and post offices.
- K. Any accessory uses on the same lot with and customarily incidental to any of the above permitted uses including, but not limited to, parking structures.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2202. Mixed-Use Requirements.** Every mixed-use planned development shall contain office, retail, residential and open space uses and may contain hotels. Each use shall fall within the following ranges of utilization, based on the total gross floor area of the development. Gross floor area used for parking should not be included in the calculations.

<u>Use Type</u>	<u>Minimum %</u>	<u>Maximum %</u>
Office, Day Care, Civic Uses	10	60
Retail, Movie Theaters, Banks	10	20
Residential	10	50
Hotel	0	30

Common open space and plaza area shall comprising 15 percent of the total tract area in conformance with Section 2207 of this Part.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2203. Conditional Use Criteria.** An application for a conditional use as specified in Section 2201 of this Part pursuant to Section 1814 of this Chapter shall be accompanied by the following information, and subject to the following requirements:

- 1. Minimum Tract Size: 25 acres.

2. Location. The tract of land to be developed shall have direct vehicular access to at least two existing roads classified as feeders or higher road classification within the Township's 1976 Comprehensive Plan.
3. The applicant shall construct all proposed roads shown in the 1988 Comprehensive Plan that cross or abut the property.
4. Traffic Impact Analysis. A traffic impact study shall be required for any mixed-use planned development. Such study shall be prepared by a professional traffic engineer and shall address the ability of adjoining streets and intersections to safely handle the traffic generated by the proposed mixed-use development. In addition, all adverse effects of traffic generated by the mixed-use development shall be corrected by the applicant. The following topics should be addressed in the traffic impact study:
  - A. Traffic impact on adjacent roadways, intersections and interchanges.
  - B. Description of traffic characteristics of the proposed development.
  - C. Traffic volumes for average daily traffic at peak hours, before and after the proposed development.
  - D. Source of trip generation rates used.
  - E. Documentation of on-site and off-site improvements proposed to mitigate any adverse impacts.
  - F. All other information, findings, conclusions and recommendations necessary to produce a complete analysis and compliance with accepted traffic engineering principals and practice.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2204. General District Regulations.** The following regulations shall apply to any mixed-use development proposal.

1. Ownership. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract and it shall be agreed that the tract will be developed under single direction in accordance with an approved plan.
2. Land Development. The application for land development shall be accompanied by a plan showing in detail the proposed use of the entire tract. The plan shall clearly designate the proposed uses of each portion of the tract.
3. Phasing. The development of a mixed-use planned development may be executed in phases according to a phasing plan submitted by the applicant and approved by the Board of Supervisors; this development shall be executed in accordance with a development agreement. Until 50 percent of the site's total proposed gross building square footage is constructed, each phase shall contain at least two of the use types listed in Section 2202 of this Part and no single use shall comprise more than 60 percent of the total building square footage of any particular phase. After half of the site's building square footage has been constructed, there are no mix requirements for the phases.

4. Sewer and Water Facilities. All buildings in a mixed-use planned development shall be served by public water facilities and public sanitary sewer facilities subject to the approval of any applicable agency.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2205. Dimensional Standards.** The following are the dimensional standards for mixed-use planned developments.

1. Maximum Building Coverage: Twenty-five (25%) percent of the total tract area. The maximum individual building size for commercial an office uses shall be thirty thousand (30,000) square feet.
2. Maximum Impervious Coverage: 65 percent of the total tract area.
3. Maximum Height. The maximum height for buildings or other structures erected or enlarged in a mixed-use planned development shall be no more than six stories and less than 65 feet.
4. Minimum Building Setbacks:
  - A. From the ultimate right-of-way of any public street of highway, except for residential uses from limited access highways: 25 feet or height of building.
  - B. Residential uses from limited access highways: 100 feet.
  - C. From any tract boundary abutting land zoned or used for residential or institutional use: 100 feet.
  - D. From a tract boundary abutting land used or zoned for nonresidential use: 50 feet.
  - E. From parking and/or driveways: 20 feet.
  - F. From drop-off areas located at major building entrances: 10 feet.
  - G. From floodplain boundaries: 25 feet.
  - H. From other buildings on the tract: 35 feet.
5. Minimum Parking Setbacks:
  - A. From the ultimate right-of-way of any public street or highway: 20 feet.
  - B. From residential or institutional uses or districts: 25 feet.
  - C. From all other tract boundaries: 20 feet.
  - D. From floodplain boundaries: 25 feet.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2206. Parking and Access Requirements.**

1. Mixed-use planned developments shall be governed by the following parking capacity requirements:
  - A. Office: 1 parking space per 275 square feet of gross floor area.
  - B. Retail Stores/Supermarkets/Service Shops: 1 parking space per 250 square feet of gross floor area.
  - C. Theater and Cinema: 1 parking space per 3 seats.
  - D. Bank or Other Financial Institutions: 3 parking spaces per teller ply 3 spaces per self-service facility.
  - E. Restaurant: 1 parking space per 80 feet of gross floor area.
  - F. Residential: 2 parking spaces per dwelling unit.
  - G. Hotel, Tourist Homes and Inns: 1 parking space per rental unit.
  - H. Civic Uses: parking shall be provided in accordance with Section 809.1 of this Chapter.
2. Shared Parking. Mixed-use planned developments shall allow for the shared parking based upon alternating times for peak demand for variance uses. Shared parking may be used on the following method:
  - A. Calculate the minimum amount of parking required for each land use as shown in Section 2206.1 above.
  - B. Multiply each amount by the corresponding percentage in Table 1 for each of the five time periods to determine peak parking requirements.
  - C. Calculate the column total for each time period.
  - D. The column total with the highest value is the shared parking requirement.
  - E. The full amount of required parking shall be placed in reserve as green space and be designed as a unified component of the whole parking area.
  - F. When share parking is used, the land uses and shared parking facilities must be owned by the same developer/owner and all parking shared by more than one use must be within 500 feet of each use.

Table 1

Use	Weekday		Weekend		Nighttime Midnight – 6 am
	Day 9 am – 4 pm	Evening 6 pm – Midnight	Day 9 am – 4 pm	Evening 6 pm – Midnight	
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Theater	40%	100%	80%	100%	10%
Restaurant	50%	100%	100%	100%	10%
Hotel	75%	100%	75%	100%	75%
Residential	100%	100%	100%	100%	100%



3. Parking Held in Reserve. In order to avoid unnecessary paving, the reserve parking concept may be utilized pursuant to Section 905.2 of this Chapter.
4. Access Drives. No more than one access pointy per 500 feet of proposed or existing street frontage is permitted, unless a traffic study provides convincing evidence otherwise, and upon recommendation of the Township Engineer.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2207. Common Open Space and Plaza Standards.**

1. A minimum of 15 percent of the total tact area shall be in common open space. Common open space shall conform to the regulations set forth in Sections 704.1 – 704.4 of this Chapter.
2. Plaza areas shall be provided in accordance with the following standards:
  - A. All nonresidential uses are required to provide plaza space equal to no less than 2 percent of the total nonresidential gross floor area.
  - B. Plaza areas shall be located within 100 feet of each nonresidential use and are encouraged to be located at the main entrance to the building(s) or by a gathering place such as a cafeteria.
  - C. The plaza shall have a 15-foot minimum width, and main walkways within the plaza shall be at least 6 feet wide.
  - D. Plazas shall be connected with the overall pedestrian system by at least one major walkway and shall be integrated with the landscape plan.
  - E. Plazas shall have seating at the rate of 2 linear feet of bench, seating wall or seating steps per 250 linear feet of plaza.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2208. Landscape Plan.** A landscape plan prepared by a licensed landscape architect shall be submitted with each plan application. The plan shall identify existing and proposed trees, shrubs, groundcover and natural features such as floodplains, steep slopes and rock outcroppings. When existing plants are proposed to remain, the applicant shall show in the plans the proposed methods to protect the plants during and after construction. The following regulations shall also apply:

1. Buffer Requirements. Screening and softening buffers shall be provided in compliance with the following requirements:
  - A. Screening Buffers. Screening buffers shall be provided when mixed-use planned developments abut residential or institutional uses or districts. The screening buffer shall be placed in a planting area with a minimum width of 25 feet along the property line and must be developed in accordance with the provisions of Section 420.4 of the Township Subdivision and Land Development Ordinance (Chapter 22).

- B. Softening Buffers. Softening buffers shall be provided along all side and rear property lines that are not required to have screening buffer. Softening buffers must be developed in accordance with the provisions of Section 420.5 of the Township Subdivision and Land Development Ordinance (Chapter 22).

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2209. Pedestrian Circulation.**

1. Walkways shall be provided throughout the site at the following locations:
  - A. Walkways shall be provided along all public streets and shall link up with walkways on abutting tracts.
  - B. An interior pedestrian circulation system, that is independent of the street walkway system yet connects to it, shall link all activity areas and destination points, including parking areas, plazas, recreational open spaces, building entrances, off-site locations and other destination points.
2. Design Criteria. All walkways shall meet the following design standards:
  - A. The walkways shall form a continuous, coordinated pedestrian system.
  - B. Residential walkways shall be at least 4 feet in width and nonresidential walkways shall be at least 5 feet in width.
  - C. Walkways shall be "barrier free" for handicapped individuals and shall facilitate easy pedestrian movement for all people, regardless of physical condition.
  - D. Walkways shall be comprised of materials that are compatible with the architecture, durable, easily maintained and non-slip.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2210. Design Standards.** A mixed-use planned development shall be designed with a unified architectural scheme, to including building facades, street furniture, signs and lighting standards. The following regulations shall also apply:

1. The maximum length of any single building shall be 230 feet.
2. The use of traditional building materials such as local stone and wood is encouraged.
3. Facades shall be varied to provide contrast of texture and materials.
4. Any building façade which faces a parking or loading area, street or other public space shall receive decorative treatment similar to all other facades.
5. Buildings and parking areas shall be laid out to minimize disruption of the site's natural features.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2211. Private Ownership and Maintenance of Common Elements.** Common elements including, but not limited to, open space, recreation, plazas, roads, parking, sewer, water and stormwater management facilities which will not be publicly owned, shall be subject to a form of ownership established in private agreements acceptable to the Board of Supervisors, upon recommendation of the Township Solicitor. Such private ownership shall be governed by the following:

1. Access to, and use of these common elements may be restricted to the following:
  - A. Property owners or tenants within the development.
  - B. Nearby property owners or tenants who wish to join.
  - C. Visitors to the property.
2. Perpetual maintenance shall be guaranteed by condominium indenture or similar instrument, approved by the Board of Supervisors, upon recommendation of the Township Solicitor, which instrument:
  - A. Shall be recorded with the Recorder of Deeds of Montgomery County simultaneously with the recording of the final plan.
  - B. Shall restrict the common elements by deed restrictions granting the Township the right to enforce the restrictions.
  - C. Shall include provisions for:
    - 1) Bonds posted by the developer to cover expenses incurred before formation of a homeowner's or businessmen's association.
    - 2) Adjustment of association fees to account for inflation.
    - 3) A reserve fund to cover capital improvements and/or unforeseen major maintenance requirements.
    - 4) Funds for professional management.
  - D. Shall authorize the Township to maintain the common elements and assess the private ownership accordingly if private ownership fails to function as required in the private agreements. Shall authorize the Township to bring the common elements up to township standards and assess the private ownership for the improvement of the common elements.

*(Ord. 90-8, 11/19/1990. Sect. 1)*

**Section 2212. Financial Subdivision.** The land directly under nonresidential buildings and residential buildings not located on a separate lot may be subdivided for mortgage purposes only. The lots which are created shall follow the building footprint and shall be exempted from design, bulk, location and coverage requirements, which are intended for application to the development as a whole. However, the development as a whole, including all financially subdivided lots, must be able to meet all the requirements of this Part. The foregoing shall be approved only if there is provided a duly executed and acknowledged agreement, to be recorded at the time of subdivision in a form acceptable to the Township Solicitor, which:

1. Requires each of the subdivided lots to be operated and maintained as an integral part of the previously approved development plan in accordance with these regulations.
2. Insures that each lot will have permanent means of access, adequate parking and use of common facilities.
3. Prohibits the said lots from being treated as separate development parcels at a future time.

*(Ord. 90-8, 11/19/1990. Sect. 1)*



## Part 23 ADULT ACTIVE COMMUNITY OVERLAY DISTRICT

**Section 2300. Declaration of Legislative Intent.** The following is an expansion of the Statement of Community Development Objectives contained in Part 1, Section 101 of this Chapter. It is the intent of this Chapter to establish reasonable controls for active adult communities consisting of single-family detached, two-family and single-family attached, along with accessory uses and structures, in appropriate locations where the existing community character, superior road access, proximity to commercial centers, and the presence or planned extension of public sewer and water facilities would most readily accommodate this type of development. Furthermore, it is the intent of this Part to:

1. Encourage an appropriate mix of dwelling types and densities for active adult communities in Douglass Township consistent with the economic and social needs of older residents;
2. Promote a variety of age groups and lifestyles within the Township;
3. Encourage compact development thereby reducing the cost of provision of public services;
4. Encourage innovative residential development and use of a variety of building configurations, as well as open space that provides for the recreational needs of older residents;
5. Recognize that housing for older residents creates less demand on community facilities and services than other types of residential development;
6. Encourage flexible site design standards that will protect the Township's environmental resources and preserve its character.
7. Assure a procedure requiring a conditional use process and a master plan that the proposed development meets and resolves any and all impacts that adversely affects surrounding properties, the road and transportation system of the Township, and the orderly planning of the Township in association with the regional comprehensive plan;
8. Encourage innovative, creative and functional design and development for an active adult community;
9. Consider the economics of development for improved, functional housing taking into consideration impacts on the community; and
10. Promoting variations in housing and layout design to achieve the objective of providing suitable, affordable and functional housing for an adult community.

**Section 2301. Permitted Uses.** The following uses are permitted by conditional use.

1. Active Adult Community. Permitted dwelling types:
  - A. Single-family detached dwelling.

- B. Two-family dwellings: single-family semi-detached dwelling and duplex dwelling.
  - C. Single-family attached dwellings: limited to townhouses, triplexes and quadraplexes.
2. Accessory Uses. The following uses are permitted as accessory uses to an active adult community:
- A. Indoor or outdoor recreation facilities, except for outdoor swimming pools;
  - B. Community facilities;
  - C. Office, maintenance and security facilities directly related to the community.

**Section 2302. Overlay District.** An active adult community is permitted by conditional use in the M-1 Office and Light Industrial District on the west side of Route 100 only.

**Section 2303. Specific Requirements Concerning Density, Dimensional Regulations, Lot Size, Frontage and Access, Setbacks, Height, Building Dimension, Minimum Tract Size and Public Sewer and Water.**

- 1. Frontage and Access.
  - A. Each proposed development shall require frontage, primary and emergency access from a semi-controlled public access street or collector street.
  - B. All lots shall have frontage on a public or private road and all lots shall have a driveway access to an internal road in the development.
- 2. Minimum Tract Size: 5 net developable acres. The tract shall be one contiguous parcel, not dissected or transversed by a public road, and shall be held in single ownership, having a net developable acreage of 5 acres or more. For the purpose of establishing “net developable acres” for this overlay zone, “developable acreage” shall mean the land devoted to the particular housing type, including yards, driveway facilities directly serving those particular dwelling types, and the active common open space area for the proposed dwellings, but excluding any land within the public right-of-ways, wetlands and flood ways or floodplains.
- 3. Sewer and Water Facilities. An active adult community shall be served by public sewer and public water facilities.
- 4. Density, Lot Size, Lot Width, Yard Setbacks, Building Coverage, and Impervious Surface Coverage. The maximum density, minimum lot size, minimum lot width, minimum yard setbacks, maximum building coverage, and maximum impervious surface coverage are shown in the table below.

	Single-Family Detached Dwelling	Two-Family Dwelling – Twin	Two-Family Dwelling – Duplex	Single-Family Attached Dwelling
Max. Density (units/net developable acre)	4	4	4	4
Min. Lot Size (square feet per unit)	6,000	4,500	4,500	2,000
Min. Lot Width (feet)	50	40	70	40
Min. Front Yard (feet)	25	25	25	25

	Single-Family Detached Dwelling	Two-Family Dwelling – Twin	Two-Family Dwelling – Duplex	Single-Family Attached Dwelling
Min. Side Yard/Aggregate (feet)	10/25	25 (one)	10/25	15 (end)
Min. Rear Yard (feet)	25	25	25	25
Max. Building Coverage (% of lot area)	25	30	30	40
Max. Impervious Surface Coverage (% of lot area)	30	30	30	70

5. Minimum Lot Size for Condominium Lots. The minimum lot size for condominium lots shall equal the area of the building footprint.
6. Minimum Building Separation: 25 feet. For building in excess of 25 feet in height, the minimum building separation shall equal the height of the taller building, plus 5 feet.
7. Minimum Tract Building Setbacks: 25 feet. For building in excess of 25 feet in height, the minimum tract boundary setback shall equal the height of the building along the setback, plus 5 feet.
8. Maximum Building Height.
  - A. For any principal building: 35 feet.
  - B. For any accessory building: 20 feet.
9. Maximum Building Dimension.
  - A. For any row of single-family attached dwellings: 200 feet, not to exceed 8 units per row.
  - B. All attached and multifamily buildings and buildings housing accessory uses shall have a change of 2 feet in elevation or façade depth for every 50 feet of building length.
10. Setback from Route 100. There shall be a minimum setback of at least 50 feet from the legal right-of-way of Route 100.

**Section 2304. Parking.**

1. Parking. All parking shall be developed in accordance with the provisions of the Township Subdivision and Land Development Ordinance.
2. The requirements for the number of parking spaces shall be established as follows unless deviated as per the provisions concerning conditional use requirements as set forth in this Part:
  - A. Primary Parking for Residents:
    - 1) For all one bedroom units: 1.5 spaces.
    - 2) For all two bedroom units: 1.75 spaces.
    - 3) For all three bedroom units: 2.0 spaces.



- B. **Overflow Parking:** .5 space per unit for overflow parking shall be required in addition to the primary parking for residents. The Townships shall have the right to impose, as a condition of development, that any of the parking and/or additional parking as required herein shall be established but not developed unless there is a need for same in the future.
  - C. **Staff Parking:** 1.0 space for each staff person on duty during the largest shift.
  - D. **Off-Street Parking.** There shall be an average of at least two off-street parking spaces to be provided for each individual residential lot. Each garage parking space may be counted towards the total parking capacity as 1.0 parking space. The driveway areas on front of the garage shall not be counted towards the total parking capacity.
  - E. **Handicap Spaces.** All parking spaces shall be 10 feet wide to provide for handicap parking and access. Where appropriate, there shall be no curbs in front of the spaces so that wheelchair access is not restricted.
  - F. **No Street Parking.** There shall be no on-street parking permitted in or outside of the development.
3. **Minimum Parking Setbacks.** The following minimum parking setbacks apply to any parking area with the capacity of five or more vehicles.
- A. From a tract boundary: 20 feet.
  - B. From an ultimate right-of-way line of any existing, external street: 20 feet.
  - C. From an ultimate right-of-way of an internal street: 5 feet.
  - D. From any building: 10 feet, except for parking on driveways of individual lots.

**Section 2305. Landscaping and Buffering.** Landscaping and buffering shall be provided in compliance with Section 420 of the Township Subdivision and Land Development Ordinance.

- 1. Screening buffers shall be provided when an active adult community abuts land zoned or used for industrial purposes, when that land does not have an existing buffer.
- 2. Softening buffers shall be provided when an active adult community abuts land zoned or used for any of the following: single-family detached residential uses, commercial, office, or institutional uses.

**Section 2306. Lighting.**

- 1. Lighting of streets, sidewalks, walkways and common elements shall be provided in accordance with the Township's ordinances and regulations.
- 2. Lighting shall not produce unreasonable glare on the abutting roads or neighboring properties.
- 3. Provision shall be made for the installation and future maintenance and utility cost for such lighting as to be provided.

**Section 2307. Signs.**

1. All signs shall comply with the provisions of Part 15 of this Ordinance.
2. Identification signs, entrance signs, and traffic directional signs shall be permitted according to the provisions of Sections 1502, 1506 and 1515 of this Ordinance.
3. No business signs, roof signs, ground signs or multiple directory signs shall be permitted.

**Section 2308. Outdoor Storage, Storage of Recreational or Business Vehicles.**

1. The outdoor storage of building materials, bulk supplies (such as sand, gravel, soil, rock, etc.) or other materials shall be prohibited in this district.
2. The outdoor parking of the following types of vehicles shall be prohibited in this district between the hours of 11:00 p.m. and 6:00 a.m. each day:
  - A. Recreational vehicles, including campers, motor homes or trailers.
  - B. Off-road vehicles, including motorcycles and all-terrain vehicles.
  - C. Business vehicles licensed as such and over 6,000 pounds in weight.

**Section 2309. Elevator.** Each residential unit shall provide for access to any floor below or above ground level by an elevator in addition to such stairways as are required under the applicable building codes.

**Section 2310. Open Space.**

1. Amount. The minimum open space shall be 30 percent of the net developable acreage of the property and shall be suitable for active recreational purposes.
2. Design.
  - A. Minimum Width: no open space area shall be less than 25 feet in width, unless specifically designed as a trail or open space connector.
  - B. Minimum Size: no contiguous open space area shall be less than 5,000 square feet in size.
  - C. Accessibility: open space areas shall be accessible to the residents of the active adult community.
  - D. Area not to be Included in Calculating Open Space: any building required separation area, any required access area, parking area, stormwater detention facilities, swales, basins, buffering or required landscaping area and/or required boundary setback area shall not be included in calculating the open space area.
3. Open Space and Active Recreation Facilities.
  - A. Requirement: Active recreation facilities shall be required for all active adult communities with 20 units or more which shall include a community room at least the size of the average unit. All active adult communities shall include, but need not be

limited to, walking trails and/or sidewalks, and an indoor or outdoor sitting area (such as a picnic grove, gazebo or park benches), as recommended by the Planning Agency and approved by the Board of Supervisors. The walking trails may be located in the setback areas where appropriate.

- B. Location. Active recreation facilities shall be centrally located, and accessible from all areas of the active adult community.

**Section 2311. Ownership and Maintenance.** The ownership and maintenance of common elements, including open space, shall comply with the requirements of Section 704.5 of this Ordinance.

**Section 2312. General Regulations.**

1. Master Plan. A master plan shall be required for the entire tract and shall include a unified architectural theme. The Master Plan shall provide for the development and use of the property in accordance with the goals, objectives and standards of this part of the Zoning Ordinance, the Conditional Use Standards of Section 1814 of the Ordinance, the Douglass Township Comprehensive Plan, and the Regional Comprehensive Plan. At a minimum, a master plan shall include the following:
  - A. The design of the proposed active adult community, including uses, densities of use, number of lots, units and buildings, and approximate height and bulk of buildings.
  - B. Existing and proposed streets, including the design of any improvements to existing or proposed streets, street widths and right-of-way widths, intersections with external streets, and pedestrian facilities.
  - C. Proposed parking facilities, including those on individual lots, common parking, staff parking and overflow parking.
  - D. Proposed open space, showing locations, design, uses and proposed recreation facilities, if any, as well as the ownership and maintenance of open space and recreation facilities.
  - E. Existing and proposed utilities, including water, sewer, stormwater, electricity, telephone, cable television, gas and any other utilities.
  - F. Existing and proposed buffering and landscaping, including existing vegetation to be preserved, proposed vegetation, proposed setbacks, and other proposed measures for buffering.
2. Phasing. If the proposed development is to be constructed in phases, it shall be planned and constructed in full compliance with this Ordinance at the end of each phase.
3. Covenants and Declaration of Age Restriction. All active adult communities shall be managed by a Homeowners Association, approved by the Township. Among the covenants running with the land to assure compliance with the conditions of approval, appropriate covenants shall be recorded to assure that the community is maintained, and used as an age-restricted, active adult community, in compliance with the Federal Fair Housing Act.

4. Conditional Use Standards and Procedures.

- A. An application for an active adult community shall comply with the procedures for consideration of a conditional use application in Section 1814 of this Ordinance.
- B. The conditional use application shall be reviewed by the Township Planning Agency, Township Engineer, and any other consultants or agencies the Township deems appropriate.
- C. The applicant shall reimburse the Township for the cost of any such review.

5. Deviation from Specific Requirements Concerning Density, Dimensional Regulations, Lot Requirements, Parking, Elevator, Swales and Open Space.

- A. Recognizing that the construction of such a community may necessitate a deviation of the density, parking, elevator, swales in open space area, setback and/or dimensional requirements, those requirements may be deviated from as conditions established during the conditional use process taking into consideration the legislative intent, the goals of this Part, the standards aforementioned, the base requirements set forth herein, the economics of the development, and the uniqueness, functionality, creativity and innovativeness of the architectural structures and the development design. The deviation shall not provide for more than eight units per developable acreage, shall assure sufficient setbacks from neighboring properties and Route 100 with appropriate screening and buffering.
- B. The developer is encouraged to design, develop and construct an age-restricted community that meets the objectives of this Part and pursuant to the following standards, in addition to the standards of Section 1813 and 1814 of this Ordinance, which standards the Township shall consider imposing conditions or in deviating, where necessary, from the specific requirements aforesaid:
  - 1) Maintain the rural character of the area;
  - 2) Avoid adverse impacts on the neighboring properties;
  - 3) Avoid impacts to the infrastructures of the Township, particularly the road system;
  - 4) Improve on and off-site the infrastructure of the Township;
  - 5) Design, develop and construct housing that is unique, energy efficient and accommodating to the needs of its residents;
  - 6) Design and provide for on-site active recreational and community activities;
  - 7) Encourage innovative architectural dwellings, aesthetically compatible to the surrounding area;
  - 8) Otherwise design, develop and construct a state-of-the-art age-restricted community.
- C. As part of the conditional use application, the applicant shall present a list of those requirements as set forth in this Ordinance that it seeks the Township to deviate

from, the basis for the same, and how the applicant will meet the standards and objectives of the Zoning Ordinance by the Township's allowing the deviation.

- D. The applicant shall have the burden of proof to demonstrate the need for the deviation and that the deviation will be in accordance with the standards of the Zoning Ordinance.
- E. The Township may impose reasonable conditions as part of the conditional use process to assure that the deviations meet the standards and objectives of the Zoning Ordinance.

*(Ord. 05-07, 6/6/2005)*

## Part 24

### LOR - LIMITED OFFICE RESIDENTIAL OVERLAY DISTRICT

**Section 2400. Purpose.** The general goals of the LOR Limited Office Residential Overlay District are:

1. Permit a more creative, efficient and economical development pattern which results in less impact on local resources and the required support facilities for public services.
2. Provide for adequate parking.
3. Provide for safe and efficient travel by vehicles, bicycles and pedestrians.
4. Reduce potential problems resulting from conflicts between proposed development, including land use changes, and adjacent lands, properties and uses.
5. Reduce impervious surface and the loss of vegetation, help replenish groundwater supplies and minimize sedimentation/erosion problems.
6. Control stormwater and have the proper management of stormwater.
7. Encourage a mixed use of land development compatible to the existing uses to allow for modified use of existing properties in a manner that maintains the character of the area.
8. Provide for residential and nonresidential uses, with nonresidential uses being of the type and size to satisfy the needs of the surrounding area and community, avoiding the appearance of commercial centers, but promoting the revitalization and use of present structures and infrastructure while controlling and managing growth.

**Section 2401. Use Regulations.**

1. An existing building may be converted to allow any one of the following uses as a conditional use when authorized by the Board of Supervisors subject to the standards set forth herein and in Section 1814 of the Douglass Township Zoning Ordinance.
  - A. A professional or personal service office or shop, being one office or shop per lot, and consisting of no more than 2,000 square feet per office or shop. A personal service shop shall include a barber, beauty, shoe repair, or similar or compatible use to serve the convenience of the immediate surrounding community and area. A professional office shall include an office for lawyer, doctor, optometrist, or similar comparable professional service office for one type of profession or service on one given lot.
  - B. A repair shop for small electronic equipment and/or small appliances (carry in).
  - C. A day care facility not having any overnight residents other than the owner of the property, in compliance with Section 134, Provisions for Day Care Facilities of the Douglass Township Zoning Ordinance.

- D. Conversion of a single-family detached dwelling into a bed and breakfast establishment with no more than three guest rooms provided for a maximum of six guests.
- E. No gasoline or petroleum products shall be sold from the property.

**Section 2402. Use Controls.** The LOR Overlay District shall apply to the entire lot are of only those parcels in the R-2 Residential District that abut Swamp Pike.

1. The development, use or change of use and the structure for such use or development shall meet the design criteria of Section 2404. The design conditions shall be used by the Township in determining the appropriateness of the proposal during the conditional use process in addition to the conditional use standards under the Douglass Township Zoning Ordinance.
2. The property shall not be capable of further subdivision and a covenant running with the land shall be established to require the same. Any portion of the property that is capable of being further subdivided under the district regulations shall be included and that area shall be limited by deed restriction or by agreement in form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds in and for Montgomery County.
3. The maximum height for the residential or nonresidential structure shall be 35 feet, and for any accessory building, 15 feet.
4. The property shall consist of one lot and shall be held in single and separate ownership.
5. Appropriate driveway or driveways shall be required to assure safe traffic movement onto and off of the property, including necessary improvements to Swamp Pike by way of deceleration or acceleration lane, if necessary, to assure the safe movement. Each lot shall have appropriate turnaround capability for traffic on the property for emergency vehicle access and for full, complete and safe circulation of traffic from Swamp Pike onto the site and off of the site to Swamp Pike. The Parking and Vehicle Access Design Standards in Section 906 of the LC Limited Commercial District shall apply to conditional uses in the LOR Overlay District.
6. Appropriate landscaping, buffering, fencing and architectural features shall be required to assure compatibility with existing residential uses and the reduction of any impacts on neighboring uses and/or properties.
7. Such conditions and restrictions to assure the design considerations as set forth in Section 2404 are met shall be required.
8. Such conditions, restrictions and controls to assure that the site design meets the goals and objectives of this Ordinance after the site impact assessment has been presented and evaluated shall be required.
9. Dimension Standards.
  - A. Lot area, width, yards, and building coverage shall comply with Section 402 of the R-2 Residential District for lots served by central sewer and central water, as follows:
    - 1) Minimum lot area: 15,000 square feet.
    - 2) Minimum lot width: 100 feet.

- 3) Minimum yards: front, 35 feet; side, 20 feet; rear, 25 feet.
- 4) Maximum building coverage: 15 percent.

B. Additional minimum lot area standards for day care facilities:

- 1) Family day care home: minimum 15,000 square feet.
- 2) Group day care home: minimum 20,000 square feet.
- 3) Day care center: minimum 40,000 square feet.

10. Additional Conditional Use Regulations.

- A. Conditional use approval shall require compliance with the standards and criteria in Section 903, Standards and Criteria for Special Exceptions and Conditional Uses, subsections 1 through 6 inclusive, and Section 907, Standards for Conversions, of the LC Limited Commercial District.
- B. Parking capacity shall comply with the requirements of Section 905, Parking Capacity Regulations, of the LC Limited Commercial District. There shall be no parking in the front yard area.

**Section 2403. Operation Controls.** The hours and/or days of operation shall be controlled to avoid impacts on neighboring uses and/or properties.

**Section 2404. Design Considerations.** To promote better site design, development shall be evaluated according to the following standards in addition to the other standards as set forth in this Ordinance. The use and development of the property shall be evaluated according to the following standards in addition to other standards as set forth in this Ordinance and appropriate conditions and restrictions shall be established to effectuate the following design considerations:

1. Consistency with the goals and objectives of the Douglass Township Comprehensive Plan and the Pottstown Metropolitan Regional Comprehensive Plan.
2. The incorporation and preservation of existing vegetation, such as woodlands and hedgerows into the project design and appropriate landscaping and buffering. Landscaping in the front yard areas shall be preserved.
3. The preservation of historic resources.
4. The compatibility with adjacent existing or potential residential land areas.
5. A design to assure stormwater management for the development.
6. A design to assure safe vehicular movement in, through and out of the proposed development.
7. The incorporation of pedestrian circulation opportunities into the site design.



**Section 2405. Site Impact Assessment.**

1. Purpose. The following shall be submitted to provide sufficient information of proposed site features to evaluate effectively the impacts and site design to establish such criteria as is necessary to assure that the goals and objects of the LOR Overlay are achieved.
2. Contents.
  - A. The identification and mapping of site features of the tract in accordance with the plan information requirements under the Douglass Township Subdivision and Land Development Ordinance.
  - B. The identification and mapping of natural resources on the site.
  - C. Road characteristics, including a description of roads crucial to the circulation needs of the proposed development, including existing dimensions, conditions and functions thereof.
  - D. A visual analysis of the site.
  - E. Identification and narrative description of community facilities and services that are anticipated to serve the proposed development, including but not limited to schools, emergency services, hospitals, public water and sewer services, parks/recreation programs, utilities, transportation components, libraries and other such community facilities and services.
  - F. All other additional information required for a conditional use application pursuant to the Douglass Township Zoning Ordinance.

**Section 2406. Consultants.**

1. The Township may, at its discretion, engage land planners, engineers, traffic engineers, architects or such other planners or consultants it believes are necessary to review the design and assure that the provision set forth in Part 24 of this Ordinance are met, including but not limited to the goals and design criteria thereof.
2. The applicant shall be responsible for all such costs and expenses.
3. The applicant, in conjunction with the filing of the application for a conditional use, shall deposit in escrow with the Township monies to cover all costs of review for the payment of consultant that the Township so engages at its sold discretion. The amount of escrow shall be fixed from time to time by resolution of the Board.

*(Ord. 06-04, 5/15/2006)*