

ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, Penn Forest Township is hereby divided into the following zoning districts, with the following abbreviations:

| | |
|-----|-------------------------------------|
| R-1 | Rural Residential District |
| R-2 | Low Density Residential District |
| R-3 | Medium Density Residential District |
| C-1 | Highway Commercial District |
| C-2 | Neighborhood Commercial District |
| I-1 | Industrial District |

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

- C. See the 100-Year Floodplain Ordinance, which regulates flood-prone areas.

- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance, each zoning district is intended to serve the following purposes:

1. R-1 Rural Residential District. To provide for neighborhoods that are primarily composed of single family detached dwellings while maintaining a rural density. To protect these areas from incompatible uses. To conserve significant important natural features, such as wetlands, mountainsides, ridgelines, creeks, flood-prone lands and steeply sloped areas. To vary density based upon the natural features of the land. To protect the water quality and habitats along creeks and around lakes, and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through conservation-oriented development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.
2. R-2 Low Density Residential District. To serve the same purposes as the R-1 district, but with a low density suburban density.
3. R-3 Medium Density Residential District. To provide for medium density residential neighborhoods that are composed of various housing types. To protect these areas from incompatible uses.
4. C-1 Highway Commercial District. To provide for a wide range of commercial uses, particularly in areas that are not historic, not within a downtown or not adjacent to residential neighborhoods.
5. C-2 Neighborhood Commercial District. - To provide for a mix of housing and light business uses in a manner that avoids conflicts between homes and intensive commercial uses. To

primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.

6. I-1 Industrial District. To provide for industrial uses in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To also provide opportunities for mineral extraction/quarrying uses. To meet the Township’s legal obligation to have locations that allow for certain intensive uses.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be automatically classified as the R-1 zoning district until or unless such territory is otherwise classified by amendment of this Ordinance.

303. ZONING MAP.

- A. A map entitled “Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words “Official Zoning Map,” one copy shall be retained in the Township Zoning Office.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the Pennsylvania Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected or to add updated base information, the Board of Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This Section 305 applies if a use is developed on land under this Ordinance, and the adjacent land is in a municipality that is not regulated by this Ordinance. In such case, if the use is required to provide a larger setback and/or a buffer yard adjacent to a dwelling or a residential district, and the dwelling or residential district is in an adjacent municipality, the use shall still be required to provide the larger setback and/or buffer yard.

306. TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
 - P = Permitted by right use (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by the Zoning Hearing Board)
 - C = Conditional use (zoning decision by the Board of Supervisors)
 - N = Not Permitted
 - (S. 402) = See Additional Requirements in Section 402
 - (S. 403) = See Additional Requirements in Section 403
- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section

105.B., any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

For manufacturing uses, the types of uses listed in this Section correspond approximately to the categories of the North American Classification System, administered by the US Department of Commerce. In case of question about the categorization, such system shall be consulted.

306.B.1. Uses Allowed in Each Zoning District

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| a. RESIDENTIAL USES | | | | | | |
| Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 402) | P | P | P | P | P | N |
| Open Space Development Option in compliance with Section 313. | P | P | P | N | N | N |
| Planned Residential Development in compliance with Section 312 | C | C | C | N | N | N |
| <i>Editorial Note – See also Section 313, which may allow additional housing types.</i> | | | | | | |
| Semi-Detached Dwelling (side-by-side twin home) | N | P* | P | P | P | N |
| Townhouse (Rowhouse) (S. 402) | N | P* | P | N | SE | N |
| Apartments (S. 402), not including conversions of an existing building: | | | | | | |
| – Only 2 Dwelling Units in a Building | N | N | P | N* | SE | N |
| – 3 or More Dwelling Units in a Building | N | N | P | N | SE | N |
| Boarding House (includes Rooming House) (S. 402) | N | N | N | SE | N | N |
| Manufactured/Mobile Home Park (S. 402) | N | N | SE | N | SE | N |
| Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center | P | P | P | P | P | P |
| Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also “Unit for Care of Relative” under Accessory Uses) | N | N | SE | P | P | N |
| Age-Restricted Residential Development in compliance with Section 311 | P | P | P | N | N | N |
| b. COMMERCIAL USES | | | | | | |
| Adult Use (S. 402) | N | N | N | N | N | SE |
| After Hours Club - To the extent the use is not prohibited by State Act 219 of 1990. | N | N | N | N | N | SE |
| Airport (S. 402) (see also “Heliport”) | N | N | N | N | N | SE |
| Amusement Arcade | N | N | N | P | P | N |
| Amusement Park or Water Park | N | N | N | P | P | P |
| Animal Cemetery (S. 402) | N | N | N | P | P | P |
| Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center | N | N | N | P | P | P |

* One dwelling unit shall be allowed on a lot in combination with a lawful commercial use.

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted
- C = Conditional use (zoning decision by the Board of Supervisors)
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|--|------------------|-----|-----|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| b. COMMERCIAL USES (Cont.) | | | | | | |
| Auto Repair Garage or Auto Service Station (S. 402) | N | N | N | P | N | P |
| Auto, Boat or Mobile/Manufactured Home Sales (S. 402) | N | N | N | P | N | N |
| Bakery, Retail | N | N | N | P | P | P |
| Bed and Breakfast Inn (S. 402) | N | N | N | P | P | P |
| Business Service Use (such as package delivery drop-off) | N | N | N | P | P | P |
| Betting Use, other than small games of chance and lotteries allowed under State law | N | N | N | N | N | SE |
| Beverage Distributor (wholesale and/or retail) | N | N | N | P | P | P |
| Bus Maintenance or Storage Yard | N | N | N | P | N | P |
| BYOB Club | N | N | N | SE | N | N |
| Camp or Campground (S. 402) other than Recreational Vehicle Campground | SE | SE | SE | P | P | P |
| Campground, Recreational Vehicle (S. 402), which may include an accessory camp store that is primarily for use by campers | N | SE* | N | P | P | P |
| Car Wash (S. 402) | N | N | N | P | P | N |
| Catering, Custom, for Off-Site Consumption | N | N | N | P | P | P |
| Communications Tower/Antennae, Commercial (S. 402) | | | | | | |
| – Meeting Section 402.A.16.a. pertaining to antenna placed on certain existing structures | P | P | P | P | P | P |
| – Antennae/tower that does not meet Section 402.A.16.a. (such as freestanding towers) | C | C | N | C | C | C |
| Note - Section 402.A.16 also allows towers serving emergency services stations | | | | | | |
| Conference Center | N | N | N | P | P | P |
| Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803. | N | N | N | P | P | P |
| Crafts or Artisan's Studio (see also as Home Occupation) | N | N | N | P | P | P |
| Custom Printing, Copying, Faxing, Mailing or Courier Service | N | N | N | P | P | P |
| Exercise Club | N | N | N | P | P | P |

* This use is only allowed if it is within one mile of an arterial road (Routes 903 or 534).

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C = Conditional use (zoning decision by the Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

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|---|------------------|-----|-----|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| b. COMMERCIAL USES (Cont.) | | | | | | |
| Financial Institution (S. 402; includes banks), with any “Drive-through” facilities meeting Section 403 | N | N | N | P | P | P |
| Flea Market/ Auction House | N | N | N | P | P | P |
| Funeral Home (S. 402) | N | N | N | P | P | P |
| Garden Center, Retail | N | N | N | P | P | P |
| Gas Station - See Auto Service Station | | | | | | |
| Golf Course (S. 402), with a minimum lot area of 40 acres | P | P | P | P | P | N |
| Heliport (S. 402) (Other than emergency landing pads) | N | N | N | N | SE | SE |
| Hotel or Motel (S. 402) | N | N | N | N | P | P |
| Hunting Grounds, Commercial | N | N | N | SE | SE | SE |
| Kennel (S. 402) | N | N | N | SE | SE | SE |
| Laundromat | N | N | N | P | P | N |
| Laundry, Commercial or Industrial | N | N | N | N | N | P |
| Lumber Yard | N | N | N | P | P | P |
| Motor Vehicle Racetrack (S. 402) | N | N | N | N | N | SE |
| Nightclub (S. 402) | N | N | N | SE | SE | N |
| Office (May include medical labs, see also Home Occupations) | N | N | N | P | P | P |
| Pawn Shop | N | N | N | P | N | N |
| Personal Services (includes tailoring, custom dressmaking, hair- cutting/styling, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses). (This use may also be allowed as a Home Occupation) | N | N | N | P | P | P |
| Picnic Grove, Commercial (S. 402) | N | N | N | P | P | P |
| Plant Nursery (other than a Retail Garden Center), or Tree Farm, with any on-site retail sales limited to trees and shrubs primarily grown on the premises, and with a 5% maximum building coverage and a 2 acre minimum lot area | P | P | P | P | P | P |
| Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with fire company review. | N | N | N | SE | N | SE |
| Recording Studio, Music | N | N | N | P | P | P |

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|--|------------------|------|------|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| b. COMMERCIAL USES (Cont.) | | | | | | |
| Recreation, Commercial Indoor (S. 402) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Section 306 | N | N | N | P | P | P |
| Recreation, Commercial Outdoor (S. 402) (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this Section 306 | N | SE** | SE** | P | P | P |
| Repair Service, Household Appliance | N | N | N | P | P | P |
| Restaurant or Banquet Hall (S. 402) | | | | | | |
| – with drive-through service (S. 403) | N | N | N | P | SE | N |
| – without drive-through service | N | N | N | P | P | N |
| Retail Store (not including uses listed individually in this Section 306) or Shopping Center, and which may include a building occupied by multiple retail stores and which may include drive-through service for a pharmacy | N | N | N | P | P | P |
| Self-Storage Development | N | N | N | P | P | P |
| Target Range, Firearms (See Section 402, which exempts most target shooting on a resident’s own lot) | | | | | | |
| – Completely indoor and enclosed | N | N | N | P | P | P |
| – Other than above (S. 402) | N | N | N | C | C | C |
| Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses) | N | N | N | P | P | N |
| Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub) | N | N | N | SE | SE | P |
| Theater, Indoor Movie, other than an Adult Use | N | N | N | P | P | P |
| Trade/ Hobby School | N | N | N | P | P | P |
| Veterinarian Office (S. 402) | N | N | N | P | P | P |
| Wholesale Sales - see under Industrial Uses | | | | | | |

** = Limited to uses with a maximum impervious coverage of 5 percent, a maximum building coverage of 1 percent, a 50 acre minimum lot area and a 100 feet area adjacent to lot lines of dwellings where recreational activities that typically generate noise are not allowed.

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|--|------------------|-----|-----|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| c. INSTITUTIONAL / SEMI-PUBLIC USES | | | | | | |
| Cemetery (see Crematorium listed separately) (s. 402) | P | P | P | P | P | P |
| Church - See Place of Worship below | | | | | | |
| College or University - Educational and Support Buildings (other than environmental education center) | N | N | N | P | P | P |
| Community Recreation Center (limited to a government sponsored or non-profit facility) or Library | P | P | P | P | P | P |
| Crematorium | N | N | N | N | N | SE |
| Cultural Center or Museum | N | N | N | P | P | P |
| Day Care Center, Adult (S. 402) | N | N | N | P | P | P |
| Day Care Center, Child (S. 402) (See also as an accessory use) | N | N | N | P | P | P |
| Emergency Services Station, which may include: | | | | | | |
| – police, fire or emergency medical facilities | P | P | P | P | P | P |
| – an accessory social club (bingo/banquet/dining) | N | N | N | P | P | P |
| Hospital or Surgery Center | N | N | N | P | P | P |
| Hunting and Fishing Club, with a 5% maximum building coverage in a residential district. This term shall not include uses listed separately in this Section 306. | P | P | P | N | N | N |
| Membership Club meeting and non-commercial recrea- tional facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met. | N | N | SE | P | P | P |
| Nursing Home or Personal Care Home/Assisted Living (S. 402) | N | SE | SE | P | P | P |
| Place of Worship (S. 402) (includes Church) | P | P | P | P | P | P |
| School, Public or Private, Primary or Secondary (S.402) | P | P | P | P | P | P |
| Treatment Center (S. 402), including but not limited to a Methodone Treatment Center | N | N | N | N | N | C |
| d. PUBLIC / SEMI-PUBLIC USES | | | | | | |
| Township Government Uses, other than uses listed separately in this Section 306 | P | P | P | P | P | P |
| Government Facility, other than uses listed separately in this Section 306 | SE | SE | SE | SE | SE | SE |
| Prison or Similar Correctional Institution | N | N | N | N | N | SE |
| Publicly Owned or Operated Recreation Park | P | P | P | P | P | P |

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|---|------------------|-----|-----|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| d. PUBLIC / SEMI-PUBLIC USES (Cont.) | | | | | | |
| Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306 | SE | SE | SE | SE | SE | SE |
| Swimming Pool, Non-household (S. 402) | SE | SE | SE | P | P | P |
| U.S. Postal Service Facility, which may include a leased facility | N | N | P | P | P | P |
| Water Supply Wells and Related Facilities | P | P | P | P | P | P |
| e. INDUSTRIAL USES | | | | | | |
| Asphalt Plant | N | N | N | N | N | SE |
| Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site) | N | N | N | N | N | P |
| Building Supplies and Building Materials, Wholesale Sales of | N | N | N | P | N | P |
| Distribution as a principal use (other than Trucking Company Terminal) | N | N | N | N | N | P |
| Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets | N | N | N | P | N | P |
| Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area | N | N | N | N | N | N |
| Junk Yard (S. 402) | N | N | N | N | N | C |
| Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles | N | N | N | N | N | SE |
| Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination With Principal Research and Development | N | N | N | SE | SE | P |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | | | | |
| – Agricultural Chemicals, Fertilizers or Pesticides | N | N | N | N | N | SE |
| – Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio) | N | N | N | N | N | P |
| – Cement Manufacture | N | N | N | N | N | SE |

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| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| e. INDUSTRIAL USES (Cont.) | | | | | | |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | | | | |
| – Ceramics Products (other than Crafts Studio) | N | N | N | N | N | P |
| – Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately | N | N | N | N | N | SE |
| – Clay, Brick, Tile and Refractory Products | N | N | N | N | N | P |
| – Computers and Electronic and Microelectronic Products | N | N | N | N | N | P |
| – Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement | N | N | N | SE | N | SE |
| – Electrical Equipment, Appliances and Components | N | N | N | N | N | P |
| – Explosives, Fireworks or Ammunition | N | N | N | N | N | SE |
| – Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops | N | N | N | N | N | P |
| – Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale | N | N | N | N | N | P |
| – Food Products for animals | N | N | N | N | N | P |
| – Gaskets | N | N | N | N | N | P |
| – Glass and Glass Products (other than Crafts Studio) | N | N | N | N | N | P |
| – Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility) | N | N | N | N | N | N |
| – Jewelry and Silverware (other than Crafts Studio or as a Home Occupation) | N | N | N | N | N | P |
| – Leather and Allied Products (other than Crafts Studio or Tannery) | N | N | N | N | N | P |
| – Machinery | N | N | N | N | N | P |
| – Manufactured or Modular Housing Manufacture | N | N | N | N | N | P |
| – Medical Equipment and Supplies | N | N | N | N | N | P |
| – Metal Products, Primary | N | N | N | N | N | SE |
| – Mineral Products, Non-metallic (other than Mineral Extraction) | N | N | N | N | N | SE |
| – Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp) | N | N | N | N | N | P |
| – Paper - Raw Pulp | N | N | N | N | N | SE |

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| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| e. INDUSTRIAL USES (Cont.) | | | | | | |
| – Paving Materials, other than bulk manufacture of asphalt | N | N | N | N | N | SE |
| – Pharmaceuticals and Medicines | N | N | N | N | N | P |
| – Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film | N | N | N | N | N | SE |
| – Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber | N | N | N | N | N | P |
| – Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber | N | N | N | N | N | SE |
| – Scientific, Electronic and Other Precision Instruments | N | N | N | N | N | P |
| – Sporting Goods, Toys, Games, Musical Instruments or Signs | N | N | N | N | N | P |
| – Transportation Equipment | N | N | N | N | N | P |
| – Wood Products and Furniture (not including raw paper pulp) | N | N | N | N | N | P |
| – See Section 105 for uses that are not listed | | | | | | |
| Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site | N | N | N | C | C | C |
| Packaging | N | N | N | N | N | P |
| Package Delivery Services Distribution Center | N | N | N | N | N | P |
| Petroleum Refining | N | N | N | N | N | SE |
| Photo Processing, Bulk | N | N | N | P | P | P |
| Printing or Bookbinding | N | N | N | P | P | P |
| Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility) | N | N | N | N | N | P |
| Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) | N | N | N | N | N | P |
| Sawmill/ Planing Mill | N | N | N | P | P | P |
| Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines | N | N | N | N | N | SE |
| Solar Energy - See under Miscellaneous Uses | | | | | | |

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- P = Permitted by use right (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by Zoning Hearing Board)
 - C = Conditional use (zoning decision by the Board of Supervisors)
 - N = Not permitted
 - (S. 402) = See Additional Requirements in Section 402
 - (S. 403) = See Additional Requirements in Section 403

Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|----------|----------|----------|----------|----------|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| e. INDUSTRIAL USES (Cont.) | | | | | | |
| Solid Waste Landfill (S. 402), other than a facility limited to demolition waste | N | N | N | N | N | SE |
| Solid Waste Landfill limited to demolition waste (S. 402) | N | N | N | N | N | SE |
| Solid Waste Transfer Facility or Waste to Energy Facility (S. 402) | N | N | N | N | N | SE |
| Trucking Company Terminal (S. 402) | N | N | N | N | N | SE |
| Warehousing or Storage as a principal use | N | N | N | N | N | P |
| Warehousing or Storage as an on-site accessory use | N | N | N | P | P | P |
| Welding | N | N | N | P | N | P |
| Wholesale Sales (other than Motor Vehicles) | N | N | N | SE | SE | P |
| f. ACCESSORY USES | | | | | | |
| See list of additional permitted uses in Section 306.C., such as “Residential Accessory Structure or Use” | | | | | | |
| See Additional Requirements in Section 403 for Specific Accessory Uses | | | | | | |
| Composting (S. 403), other than leaves, tree bark or materials generated on-site which are permitted by right | N | N | N | SE | SE | SE |
| Day Care Center accessory to and on the same lot as an existing lawful Place of Worship | P | P | P | P | P | P |
| Day Care (S. 403) as accessory to an existing dwelling: | | | | | | |
| – Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver | P | P | P | P | P | P |
| Day Care (S. 403) as accessory to a dwelling: | | | | | | |
| – Group Day Care Home | N | N | N | P | P | P |
| – Family Day Care Home | N | SE | SE | P | P | P |
| <i>Farm Related Business (S. 403)</i> | <i>SE</i> | <i>N</i> | <i>N</i> | <i>P</i> | <i>P</i> | <i>P</i> |
| Home Occupation, Major (S. 403) | SE | SE | SE | P | P | P |
| Home Occupation, Minor (S. 403) | P | P | P | P | P | P |
| Outdoor Storage and Display as accessory to a business use | N | N | N | P | P | P |
| Retail Sales of Agricultural Products (S. 403) | P | P | P | P | P | P |
| Temporary Retail Sales - See Section 103.G. which may allow the use in additional cases | N | N | N | P | P | P |
| Unit for Care of Relative (S. 403) | P | P | P | P | P | P |

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by the Zoning Hearing Board)
- C = Conditional use (zoning decision by the Board of Supervisors)
- N = Not permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | R-1 | R-2 | R-3 | C-1 | C-2 | I-1 |
| g. MISCELLANEOUS USES | | | | | | |
| Crop Farming and Wholesale Greenhouses, which by itself, shall not require a zoning permit unless new or expanded buildings are involved | P | P | P | P | P | P |
| Forestry (S. 402) | P | P | P | P | P | P |
| Gas and Oil Wells (S. 403) | N | N | N | SE | SE | SE |
| Groundwater or Springwater, Withdrawal of More than 100,000 gallons per day for off-site use (S. 402) | SE | SE | SE | SE | SE | SE |
| Hunting Grounds, Commercial | SE | N | N | SE | SE | SE |
| Nature Preserve or Environmental Education Center | P | P | P | P | P | P |
| Parking Lot for Carpooling | N | N | N | P | P | P |
| Parking Lot or Structure as an accessory use | P | P | P | P | P | P |
| Parking Lot or Structure as a principal use that does not primarily serve tractor-trailer trucks or trailers | N | N | N | P | P | P |
| Parking Lot or Structure as a principal use that primarily serves tractor-trailer trucks or trailers | N | N | N | N | N | P |
| Livestock or Poultry, Raising of (S. 402): | | | | | | |
| – Intensive | SE | SE | N | SE | SE | SE |
| – Not Intensive | P | P | P | P | P | P |
| Sewage Treatment Plant for centralized service | SE | SE | SE | SE | SE | SE |
| Solar Energy Collection as a Principal or Accessory Use | P | P | P | P | P | P |
| Stable, Non-Household (S. 402; includes horse-riding academy) | P | P | P | P | P | P |
| Wind Turbine | | | | | | |
| – As an accessory use meeting the requirements of Section 403 | P | P | P | P | P | P |
| – Any Wind Turbine(s) other than is allowed under Section 403 (in which case Section 402 applies) | SE | N | N | SE | SE | SE |
| All Uses that will be unable to comply with the performance standards of this ordinance. See the “Environmental Protection” requirements of Article 5 | N | N | N | N | N | N |

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by the Zoning Hearing Board)
- N = Not permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Swimming Pool, Household *
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT AND SITE CAPACITY.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E). See also density limits for new lots in Section 307.D. | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Set-back ** (each) (ft.) (See Section 803.B. for corner lots) | Maximum Percent Building Coverage | Maximum Percent Impervious Coverage |
|--|--|--|---|--|---|--|--|
| <p>R-1 Rural Residential District:</p> <p>See the option for Open Space Development in Section 313, which may allow smaller minimum lot sizes, smaller setbacks and density bonuses.</p> <p>All single family detached dwellings shall have a minimum principal building width and length of 16 feet (not including unenclosed structures).</p> | <p>87,120 (2 acres)</p> | <p>200</p> | <p>50</p> | <p>20, except 40 for a principal non-residential use</p> | <p>15, except 35 for a principal non-residential use</p> | <p>10%</p> | <p>20%</p> |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E). See also density limits for new lots in Section 307.D. | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) (See Section 803.B. for corner lots) | Maximum Percent Building Coverage | Maximum Percent Impervious Coverage |
|---|---|---|--|---------------------------------|---|-----------------------------------|-------------------------------------|
| <p>R-2 Low Density Residential District:</p> <p>a) Single family detached dwelling:</p> <p>b) Other allowed principal use</p> <p>See the option for Open Space Development in Section 313, which may allow smaller minimum lot sizes, smaller lot widths, smaller setbacks, greater varieties in housing types and density bonuses.</p> <p>All single family detached dwellings shall have a minimum principal building width and length of 16 feet (not including unenclosed structures).</p> | <p>a) 87,120 (2 acres)</p> <p>b) 87,120 (2 acres)</p> | <p>a) 100</p> <p>b) 200</p> | <p>a) 50</p> <p>b) 50</p> | <p>a) 20</p> <p>b) 40</p> | <p>a) 15 each</p> <p>b) 30 each</p> | <p>a) 15</p> <p>b) 15</p> | <p>a) 25</p> <p>b) 35</p> |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E). See also density limits for new lots in Section 307.D. | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Set-back ** (each) (ft.) (See Section 803.B. for corner lots) | Maximum Percent Building Coverage | Maximum Percent Imper-vious Coverage |
|---|--|--|--|---------------------------------|---|-----------------------------------|--------------------------------------|
| <p>R-3 Medium Density Residential District:</p> <p>a) Single family detached dwellings:</p> <p> a1) Without both Township-approved central water service and Township-approved central sewage services</p> <p> a2) With both Township-approved central water and Township-approved central sewage services.</p> <p>b) The following housing types, each of which shall require Township-approved central water and Township-approved central sewage services:</p> <p> b1) Twin dwelling unit</p> <p> b2) Townhouse</p> <p> b3) Two family detached or apartment dwelling</p> <p>c) Manufactured home park - shall meet the regulations in Section 402.</p> <p>d) Other allowed principal use. See the option for Open Space Development in Section 313, which</p> | <p>a1) 43,560 (1 acre)</p> <p>a2) 15,000</p> <p>b1) 12,000</p> <p>b2) and b3): Minimum average lot area of 12,000 per dwelling unit (Note C).</p> <p>d) 43,560</p> | <p>a1) 100</p> <p>a2) 80</p> <p>b1) 50 per dwelling unit</p> <p>b2) 20 except where the corner lot setback requires a larger width (Note B)</p> <p>b3) 100</p> <p>d) 100</p> | <p>a), b) and d): 50</p> | <p>a), b) and d) 20</p> | <p>a1) 15 each</p> <p>a2) 15 each</p> <p>b): 15, except 0 at the shared lot line of lawfully attached dwellings.</p> <p>d) 15</p> | <p>a) through d): 30%</p> | <p>a) through d): 40%</p> |

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) (Note E). See also density limits for new lots in Section 307.D. | Min. Lot Width Measured at Min. Building Setback Line (ft.) | Min. Front Yard Setback (ft.) (Note D) | Min. Rear Yard Setback (ft.) ** | Min. Side Yard Setback ** (each) (ft.) (See Section 803.B. for corner lots) | Maximum Percent Building Coverage | Maximum Percent ImperVIOUS Coverage |
|---|---|---|---|---------------------------------|---|-----------------------------------|-------------------------------------|
| <p>C-1 Highway Commercial, and C-2 Neighborhood Commercial Districts: Allowed use</p> <p>Any housing types that are allowed by Section 306 shall meet the regulations of the R-3 district, instead of the regulations of a commercial district, except that one dwelling unit may be developed as an accessory to a commercial use under the regulations of the C-1 or C-2 district.</p> | 87,120 (2 acres) | 200 | 25, but not less than 80 feet from the centerline of the abutting road right-of-way | 20 (Note A) | 20 (Note A) | 40% | 65% |
| <p>I Industrial District: Allowed use.</p> | 87,120 (2 acres) | 150 | 25, but not less than 80 feet from the centerline of the abutting road right-of-way | 50 (Note A) | 20 (Note A) | 40% | 65% |

Section 307.A. Continued: Notes for the Above Table:

- ** = The following exceptions shall apply:
- For accessory structures and uses, see Section 307.C. below.
 - Structures shall not obstruct minimum sight clearance at intersections.
 - See Section 803.B.1. pertaining to Corner Lots.
 - See Section 806 regarding extension of nonconforming setbacks.
 - See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.
- (Note A) = Except 40 feet side and 100 feet rear for a principal business use from a directly abutting principal residential lot in a residential district. A side or rear yard shall be increased to 120 feet for any new or expanded portion of an industrial building or tractor-trailer truck loading dock from the lot line of a primarily residential use in a residential district.
- (Note B) = Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse and the right-of-way line shall be used for the total areas of vehicle parking and driveways.
- (Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets, or parking courts are used.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
 - The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space, and stormwater detention basins.
 - A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
 - See also the applicable standards in Section 402, which may require common open space.
- (Note D) = Setbacks shall be measured from the future / ultimate right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof.
- (Note E) = See natural feature regulations, including Sections 308 and 310.
- Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling on a lot of less than 3 acres shall have a maximum height of 1 story (which may also include an attic area limited to storage) or 26 feet, whichever is more restrictive,
2. the maximum height for any other structure shall be 3 stories or 38 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 5 feet, except in the following cases:
 - a. A new detached accessory building shall be setback a minimum of 10 feet from a dwelling on the same lot.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which 2 dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. See Note D above considering porches or decks in front yard setbacks.
 - d. See Section 403 for swimming pools.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

307.D. Natural Resource and Site Capacity Calculations for Residential Subdivisions and Land Developments.

1. Applicability. This Section shall only apply if: a) a new lot is proposed to be created that would allow the construction of one or more new dwellings, b) a new land development is proposed that will involve 3 or more new dwelling units, or c) a project is a Planned Residential Development (PRD). The purpose of this Section is to determine the maximum total allowed density of development for each tract of land, based upon the land’s characteristics. All applicants regulated by this section shall: 1) include maps delineating the natural resources and a table demonstrating compliance with this Section 307.D., and 2) meet the other requirements of this Section 307.D.
2. Exceptions. This Section 307.D. shall not apply in any of the following situations:
 - a. the application only involves an adjustment to the lot lines of an existing lot, or the merger of two or more existing lots,
 - b. a maximum of 2 new lots *that will allow new buildings* are in such application, and each such lot will have a lot area of 3 acres or more and only involve single family detached dwellings or agricultural uses, or
 - c. the total lot area is 2 acres or less, prior to any subdivision.
3. The following natural resource and site capacity calculations shall be submitted:

- a. Base Site Area. Certain portions of land that are less suitable for development are required to be subtracted from the total land area to determine the “base site area.”

(1) Site area as determined by an accurate survey _____ Ac.

(2) Subtract land within any ultimate right-of-way of an existing road where an ultimate right-of-way is required under the Subdivision and Land Development Ordinance, and subtract rights-of-way of existing roads based upon the width that is proposed to exist after completion of the subdivision or land development. _____ Ac.

(3) Subtract land within easements or rights-of-ways for electric transmission lines with an intended capacity of 35 kilovolts or greater. _____ Ac.

(4) Subtract land which is not adjacent (lands that are only separated by one street, alley, waterway or railroad shall be considered adjacent) _____ Ac.

(5) Subtract land located in another municipality _____ Ac.

(6) Subtract land which is already protected from development by an existing deed restriction or conservation easement. _____ Ac.

(7) Subtract land in a different zoning district, which shall be calculated separately _____ Ac.

= **BASE SITE AREA** _____ Ac.

- b. Resource Protection Ratios. Portions of a site which have overlapping resource protection restrictions shall be subject to the highest natural resource protection ratio and shall be calculated only once.
- c. Resource Protection Lands. The applicant shall utilize the following natural resource protection ratios for each resource and the acreage of each resource within the base site area to complete the following table. This completed table shall then be submitted with a subdivision or land development plan, and shall be revised as necessary based upon review by the Township. The table shall be completed to the nearest 3 decimal places (such as 2.221 acres).

| <u>Resource</u> | Natural Resource Protection Ratio for Resource | Acres of Land in Resource | Acres of Resource Protection Land (Acres of Land in Resource multiplied by Natural Resource Protection Ratio) |
|------------------------------|--|------------------------------|--|
| Floodplains | 1.00 | X | = |
| Lakes and Ponds | 1.00 | X | = |
| Wetlands | 1.00 | X | = |
| Steep Slope (15 to 24%) | 0.50 | X | = |
| Steep Slope (25% or greater) | 0.85 | X | = |

Total Resource Protection Land in Acres = _____

d. Determination of Site Capacity.

- (1) Take: Base Site Area from above _____ Ac.
- (2) Subtract Resource Protection Land from Subsection 3. above _____ Ac.
- (3) Results in Net Buildable Site Area _____ Ac.

For any residential use where there are provisions in Section 307 or 402 for the applicable zoning district that specify a minimum average lot area per dwelling unit:

- (4) State the Net buildable site area (from “(3)” above) _____ Ac.
- (5) Multiply (4) by 43,560 square feet _____ Sq. Ft.
- (6) Divide (5) by the Minimum Average Lot Area Per Dwelling Unit for the Use/ Zoning District. See the requirements of Section 307.A. _____
- (7) Equals: The Maximum Allowable Number of Dwelling Units on the Site = _____ D.U.

For any residential use where there are provisions in Section 307 or 402 for the applicable zoning district that specify a minimum lot area per dwelling unit:

- (8) Take: Net buildable site area (from (3) above) _____ Ac.
- (9) Multiply (8) by 43,560 square feet _____ Sq. Ft.
- (10) Divide (9) by the Minimum Lot Area Per Dwelling Unit for the Use/ Zoning District in square feet. See the requirements of Section 307.A. _____

(11) Equals: The Maximum Allowable Number of Dwelling
Units on the Site = _____ D.U.

For PRDs, which have their total maximum number of dwelling units determined under Section 312.I.5. by multiplying the net buildable site area by the maximum density.

(12)Take: Net buildable site area (from (3) above) in acres _____ Ac.

(13) Multiply (12) by the Maximum Density in Section 312.I.5.
for the Zoning District. _____

(14) Equals: The Maximum Allowable Number of Dwelling
Units on the Site = _____ D.U.

For Open Space Developments, which have their total maximum number of dwelling units determined under Section 313.C. by multiplying the net buildable site area by the maximum density.

(15)Take: Net buildable site area (from (3) above) in acres _____ Ac.

(16) Multiply (15) by the Maximum Density in Section 313.C.2.
for the Zoning District. _____

(17) Equals: The Maximum Allowable Number of Dwelling
Units on the Site = _____ D.U.

Note: The Township does not guarantee that the above number of dwelling units will actually be possible on a particular site, after considering all other requirements.

307.E. Required Buildable Areas on a New Lot. This Section 307.E. shall apply for any proposed new lot intended to be used for a new principal building.

1. If such lot is required to have a minimum lot area of 2 acres or greater, then such lot shall include a contiguous land area including a minimum of one acre that includes the proposed site of all building(s) and that does not include any of the following features: 100 year floodplains, lakes, ponds, perennial waterways and wetlands.
2. If such lot is required to have a minimum lot area of one-half acre or greater, but less than 2 acres, then such lot shall include a contiguous land area including a minimum of one-half acre that includes the proposed site of all building(s) and that does not include any of the following features: 100 year floodplains, lakes, ponds, perennial waterways and wetlands.

308. **WETLANDS.**

308.A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

308.B. Wetland Setbacks. This Section 308.B. shall only apply to an application that is submitted to the Township after the effective date of this Ordinance for approval for creation of a new lot. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any delineated "wetland" actually known to the Zoning Officer.

309. **SEPTIC SYSTEMS.**

309.A. **On-Lot Septic Systems.**

1. Purpose - To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
2. This Section 309.A shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
3. Each new lot shall include both a primary and a reserve septic system location. Both locations shall be determined by the Township Sewage Enforcement Officer to meet PA. Department of Environmental Protection regulations for a septic system location prior to approval of the final subdivision or land development plan.
4. The requirement for a reserve septic system location shall not apply to the following:
 - a) a lot of over 10 acres,
 - b) the simple merger of two or more existing lots, or an adjustment to lot lines of an existing lot,
 - c) a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot,
 - d) lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township, or
 - e) existing lots of record.
5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The Township may require that the location be recorded on the deed.

309.B. **Well and Septic System Locations.** Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate (if required) septic system locations.

1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
4. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet minimum separation distances between septic systems and wells.

309.C. **Expansion of Septic Use.** If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would be expected to result under PA. DEP standards in increased flow to a septic system (such as addition of bedrooms), then the application shall be referred to the Sewage Enforcement Officer. The Sewage

Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

310. **STEEP SLOPES.**

- 310.A. **Purposes.** The following provisions are primarily intended to avoid erosion, sedimentation, stormwater management and winter driving hazards, particularly considering the Township's climate, in addition to serving the overall purposes of this Ordinance.
- 310.B. **Regrading.** Non-man-made slopes of over 15 percent shall not be re-graded after the adoption of this Ordinance in such a manner that circumvents the requirements of this Ordinance. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.
- 310.C. **Slopes Over 25 Percent.** A new principal building shall not be located on a slope greater than 25 percent.
- 310.D. **Single Family Dwellings and Steep Slopes.** The following provisions shall only apply to any lot that is submitted for preliminary subdivision approval after the effective date of this Section, or which is submitted for final subdivision approval if a preliminary plan submittal was not required, if the lot contains areas with slopes of 15 percent or greater that may be disturbed:
1. Any lot proposed to be used for a single family detached dwelling shall designate a proposed "building area" with a minimum of 3,000 square feet of land area. Such building area shall be part or all of the land areas within the proposed "building envelope," and shall not include land area within minimum setback areas. Such building area shall contain the proposed location of the dwelling. The dwelling shall be built within the proposed building area shown on the plan, except as may be approved under subsection 310.F.
 - a. If such building area for each lot includes more than 1,000 square feet of land area with a slope of greater than 15 percent, then the minimum lot area shall be one acre, unless a larger lot area is required by another section of this Ordinance.
 - b. Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. By committing to not place a principal building on slopes over 15 percent, the applicant can avoid the larger lot size requirement of this sub-section.
 2. Access. Each lot shall be accessible from an existing or proposed street by means of a driveway with a maximum grade of 15 percent.
 3. For the purposes of this Section, "building area" shall mean an area where the proposed dwelling is proposed to be located and which does not include areas within required minimum setbacks, and which is used to determine compliance with the slope regulations of this Section.
- 310.E. **Steep Slopes and Other Uses.** A lot shall only be used for a building for principal uses other than single family detached dwellings if the proposed "building area" includes an average slope of less than 15 percent.
1. For such uses, the "building area" shall include locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot septic systems.

2. Access. Each principal building and each parking area shall have vehicle access from an existing or proposed street by means of a driveway with a maximum grade of 10 percent.

310.F. Changes to Building Area. The “building area” may show the outer extent of areas being considered for a proposed building, without showing an exact location, provided all of those potential areas still meet the requirements of this Section. An applicant may change the proposed building area after subdivision approval is granted, provided that the applicant proves that the new building area will still comply with this Section. However, the building area shall not be so large as to attempt to circumvent the average slope provisions of this Section that apply to a building site.

310.G. Site Plan and Tree Protection. If an applicant proposes to alter or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.

1. Site Plan. The site plan shall show:
 - a. the proposed lot lines,
 - b. the existing and proposed contours, and
 - c. existing and proposed building locations, and the outer perimeter of the proposed “building area” as described above.
2. Mature Trees. Where building or alteration is proposed on slopes of over 15 percent, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 4.5 feet above the ground level) and other attractive natural vegetation will be minimized. The Zoning Officer may ask for reviews by the Township Engineer or Planning Commission. The Site Plan shall show wooded areas to be removed or preserved, and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

311. **AGE RESTRICTED RESIDENTIAL DEVELOPMENT.**

311.A. This Section 311 provides a density bonus, where allowed by Section 306, for a residential development that is age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note: As of 2009, such provisions were in 42 U.S.C. 3607.) This provision shall not change the allowed dwelling types in the district. This option is available as a by right bonus in any zoning district where dwellings are allowed.

311.B. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except one dwelling unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one head of household of each dwelling unit shall be age 55 years or older or who is physically disabled as defined by the Americans With Disabilities Act, and 2) no person under age 18 shall live in the dwelling unit for more than 60 days in any calendar year, unless such person has a disability as defined under the Americans With Disabilities Act. Any violation of such age restrictions shall be a violation of this Zoning Ordinance. In addition, in order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association that has the duty, authority and responsibility to enforce such age restrictions over time. If a household met this requirement at the time of initial occupancy, it shall not be required to move in case of death, divorce or separation of a resident of that same household.

- 311.C. If an entire residential development is approved under this Section 311, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 15 percent. Alternatively, where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 15 percent under this Section 311. The minimum side yards may also be reduced by 15 percent. An Age Restricted Residential Development shall meet all other requirements of Township ordinances, including limitations on the housing types allowed in that zoning district.
- 311.D. This density bonus shall only be approved if the development includes an appropriate system of sidewalks or pathways that is accessible under the Americans With Disabilities Act.

312. **ADDITIONAL REQUIREMENTS FOR A PLANNED RESIDENTIAL DEVELOPMENT (PRD).**

- 312.A. **Purposes.** It is the purpose of this Article to encourage and promote flexibility and ingenuity in the layout and design of large new developments, enabling the developer to provide a variety of housing types, appropriate nonresidential uses, while using open space areas to protect the environment and provide recreation on parcels of 100 acres through the approval of a Planned Residential Development by the Board of Supervisors. To meet these ends, procedures combining the administration of zoning and subdivision approval have been developed for use in PRDs.
- 312.B. **PRD Approval.** Any landowner, as defined in the Pennsylvania Municipalities Planning Code, may request the approval of a Planned Residential Development on a tract containing 100 or more acres of land, consisting of one or more contiguous parcels of land under one ownership. Such approval by the Supervisors shall be in accordance with this section upon approval of a tentative plan.
- 312.C. **Densities and Uses.**
 - 1. The density, impervious surface ratio, and open space ratio of PRDs shall be those allowed for in this Section. The density shall be that of the district in which the land lies. Where land is in two districts, density shall be calculated using the proportion of the site in each district to arrive at composite density for the entire site.
 - 2. The uses shall be those indicated in Section 312.I. Nonresidential uses, except recreational uses, public schools, residential accessories, such as garages, and uses belonging to the homeowners association, shall be limited to an area less than 5 percent of the total site area. Land devoted to nonresidential uses, as defined in this Section, shall not be used to calculate density. Such nonresidential uses shall be surrounded by a buffer yard of 50 feet.
- 312.D. **Common Open Space.** Common Open Space shall meet the “Open Space, Common” definition in 202.
- 312.E. **Application Procedure.** The application procedures, as detailed below, is summarized as follows, which shall be accomplished within the time limits established by the PA. Municipalities Planning Code, unless a written time extension is provided by the applicant:

Step 1. Feasibility Review and Recommendation.

Step 2. Tentative Review including a Public Hearing.

Step 3. Issuance of Findings, and a Tentative Decision.

Step 4. Final Review.

Step 5. Final Decision in part or in whole.

1. Feasibility Review. A feasibility review is recommended to allow the evaluation of potential development sites to determine certain planning restraints, natural limitations, man-made capacities, or other factors which operate to limit the development potential of each particular site proposed for PRD. A fee shall be required at the time of submission in accordance with the Township fee schedule.
 - a. Natural Site Determinants. The developer shall map all relevant natural resources information and shall complete and compute net buildable site area calculations as provided in Section 307.
 - b. Capacity Determinants. The applicant shall describe traffic generation, including an analysis of the capacity of streets serving the site as well as predictions on traffic generated by the site, and sewer and water capabilities indicating the improvements needed to serve the site.
 - c. General Site Analysis. The applicant shall submit a location map showing the area within one-half mile radius of the site and to the nearest arterial highway designated in this Ordinance. The following information shall be provided: identifiable areas of homogeneous land use; structures of historical or architectural interest; and facilities including school, fire companies, sewer, water and recreation areas. Evidence of compliance with density and intensity requirements of this Ordinance shall also be detailed.
 - d. The Supervisors, after considering any recommendations of the Township Planning Commission and County Planning Commission, shall respond in writing to the applicant within 60 days from the receipt of the feasibility review application, indicating general approval or disapproval of the proposal. The response shall detail areas of the site recommended for conservation, any improvements or dedications on or off-site that shall be required.
 - e. General disapproval of a proposed PRD during a feasibility review shall not preempt a developer from applying for tentative approval as specified in the Ordinance.
2. Application for Tentative Approval. An application for tentative approval shall be filed as specified below. A fee shall be required at the time of submission in accordance with the Township fee schedule.
 - a. A plan indicating the location, size, topography, and vegetative cover of the site and the nature of the landowner's interest in the land proposed and developed.
 - b. A site plan and other drawings showing the overall density, impervious surface ratio, and open space ratio, and the density of the land use to be allocated to various portions of the site to be developed, the location and size of the common open space, the use, approximate height, bulk, and location of buildings and other information including building elevations, planting plan schedule, provisions for parking of vehicles, and location and width of streets and public ways.

- c. Such drawings and documents as are required to establish the feasibility of proposals for the disposal of sanitary wastes and stormwater, the substance of covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including easements or grants for public utilities, the feasibility of the proposed maintenance and use levels of various areas of the open space in sufficient detail so that the Township may evaluate the use of the open space and maintenance that it is expected to receive. Elevations and perspective sketches are encouraged. The written document shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the zoning plan and the best interests of the Township; the required modifications to municipal land use regulations otherwise applicable to the property; the form of organization proposed to own and maintain common open space; and in the case of development plans calling for development over a period of years, a schedule of proposed time within which applications for final approval of the various sections of the proposed planned residential development are intended. This schedule must be updated annually on the anniversary of the grant of tentative approval.
- d. Immediately upon receipt, the plans shall be referred to the Township Planning Commission and the County Planning Commission for review.
- e. A fee, as stipulated in the fee schedule, adopted separately, shall be charged the developer by the Township for reviewing tentative plans.

3. Public Hearing.

- a. Within 60 days after filing an application for tentative approval of a planned residential development pursuant to this article, a public hearing pursuant to public notice on said application shall be held by the Supervisors in the manner prescribed for the enactment of an amendment of this Ordinance. The Chairperson, or in his absence, the Acting Chairperson of the Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath, and every party of record at the hearing shall have the right to cross-examine adverse witnesses.
- b. A verbatim record of the hearing shall be kept by the Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting the proceedings, and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved; or, if not accepted in evidence, shall be properly identified and the reason for the exclusion noted clearly in the record.
- c. The Supervisors may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

4. Findings.

- a. The Supervisors, within 60 days following the conclusion of the public hearing provided for in this article, shall, by official written communication to the landowner, either:
 - (1) Grant tentative approval of the development plan as submitted;

- (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (3) Deny tentative approval of the development plan.
- b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Supervisors, notify the Board of his refusal to accept all said conditions, in which case the Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- c. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial; and said communication shall set forth particularly in what respects the development plan would or would not be in the public interest, including, but not limited to, the findings of fact and conclusions on the following:
- (1) Those respects in which the development plan is or is not consistent with the purposes for a PRD and this Section;
 - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - (3) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the planned residential development in the integrity of the development plan.
- d. In the event a development plan is granted tentative approval, with or without conditions, the Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed; or in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be more than 3 months; and in the case of

development over a period of years, the time between applications for final approval of each part of a plan shall be not more than 12 months.

312.F. Status of Plan After Tentative Approval.

1. The official written communication provided for in this article shall be certified by the Zoning Officer and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same should be noted on the zoning map.
2. Tentative approval of a development plan shall not qualify a plot of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been tentatively approved with conditions accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner; provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.
3. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Supervisors in writing; or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan, for which final approval has not been given, shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time; and the same shall be noted on the zoning map and in the records of the Zoning Officer.

312.G. Application for Final Approval.

1. An application for final approval may be for all the land included in a development plan; or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the Township within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, funds or securities in sufficient amount as determined by the Supervisors to insure performance and such other requirements as may be specified by ordinances, as well as any conditions set forth in the official written communication at the time of tentative approval. A fee shall be required at the time of submission in accordance with the Township fee schedule. A public hearing on an application for final approval of the development plan, or a part thereof, shall not be required provided the development plan, or part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.
2. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Supervisors shall, within *the time periods established by Section 711.B. of the Municipalities Planning Code*, grant such development plan final approval.

3. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Supervisors may refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - (a) Refile his application for final approval without the variations objected to; or
 - (b) File a written request with the Supervisors that it hold a public hearing on his application for final approval. All plans will be referred to the Township Planning Commission and Carbon County Planning Commission for review. If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be conducted in the manner prescribed in this article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article.
4. A development plan, or any part thereof, which has been given final approval, shall be so certified without delay by the Supervisors and shall be filed on record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development plan, or part thereof, as finally approved, no modification of the provisions of said development plan or part approved shall be made, except with the consent of the landowner.
5. Abandonment of PRD. When the landowner fails to meet the schedules fixed in the tentative approval and does not appear to request an extension prior to the scheduled date, or when final approval has been granted and the developer fails to start work within one year, or when work is stopped for a period of one year, the PRD shall be considered to be abandoned. If the landowner fails to meet the above deadlines, and within such time does not request an extension, abandonment shall be considered to have taken place.

312.H. Required Number of Copies for Reviews and Fees.

1. Copies.

| | |
|-------------------------|---|
| Feasibility Application | 12 copies required |
| Tentative Application | 18 copies required |
| Final Application | 14 copies, including 2 mylar copies, required |

2. Fees. All applicants for PRD approval (feasibility, tentative and final) shall, at the time of making application, pay to the Zoning Officer for use of the Township a fee in accordance with a fee schedule adopted by resolution of the Supervisors upon enactment of this Ordinance or as such schedule may be amended by resolution of the Supervisors.

312.I. Site Area and Allowed Uses. A PRD shall have a minimum gross site area of 100 acres. When developed in conjunction with a golf course, the minimum Base Site Area shall be 300 acres. A PRD may include all types of dwellings as permitted below. Commercial and institutional uses allowed in the C-2 district may be incorporated in the total community design, provided the total area occupied by commercial and institutional principal uses and related parking (other than a golf course) does not exceed 10 percent of the Base Site Area. Subject to the additional regulations in Section 312 of this Ordinance, a developer may apply for a PRD.

1. Residential Uses. The following residential uses shall be allowed in a PRD:

a. Single-Family Detached.

- (1) A single-family residence on an individual lot with private yards on all 4 sides of the house.
- (2) Lot area minimum: 8,000 sq.ft.
 Lot area average: 10,000 sq.ft.
 Minimum yards; front – 35 ft.; side – 10 ft.; rear – 40 ft.
 Minimum lot width at front setback line: 70 ft.
 Minimum building spacing: 20 ft.
 Maximum height: 30 ft.

Parking: 3 bedrooms or less, 2 off-street parking spaces; 4 bedrooms or more, 3 off-street spaces.

b. Single-Family Detached - off center.

- (1) A single-family residence on an individual lot, with the building set close to one side property line. The one side yard may be reduced to 5 feet provided there are no windows in the side of the building with the reduced side yard; and, the other side yard shall be no less than 15 feet. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction.
- (2) Lot area minimum: 8,000 sq.ft.
 Lot area average: 9,000 sq.ft.
 Minimum yards: front – 25 ft.; side – 15 ft. x 5 ft.; rear – 40 ft.
 Minimum lot width at front setback line: 70 ft.
 Maximum building spacing: 20 ft.
 Maximum height: 30 ft.

Parking: 3 bedrooms or less, 2 off-street spaces; 4 bedrooms or more, 3 off-street spaces.

c. Twin Dwellings.

- (1) Twin Dwellings involve a building comprised of 2 single-family, semi-detached dwelling units, each dwelling unit being arranged from ground to roof and having only one wall in common with the other dwelling unit.
- (2) Table of Dimensional Requirements:

| | MIN. LOT AREA (sq.ft.) | AVG. LOT AREA (sq.ft.) | OFF-STREET PARKING | MINIMUM LOT WIDTH AT FRONT BUILDING SETBACK |
|------|------------------------|------------------------|--------------------|---|
| 1 BR | 3,200 | 3,600 | 1.75 | 36 |

| | MIN. LOT AREA (sq.ft.) | AVG. LOT AREA (sq.ft.) | OFF-STREET PARKING | MINIMUM LOT WIDTH AT FRONT BUILDING SETBACK |
|------|------------------------|------------------------|--------------------|---|
| 2 BR | 3,600 | 4,000 | 2.00 | 40 |
| 3 BR | 4,000 | 4,500 | 2.00 | 40 |
| 4 BR | 4,200 | 4,700 | 2.25 | 45 |
| 5 BR | 4,500 | 5,000 | 2.50 | 45 |

General:

| | |
|------------------------|--------|
| Building setback line: | 30 ft. |
| Minimum side yard: | 10 ft. |
| Minimum rear yard: | 35 ft. |
| Maximum height: | 30 ft. |

d. Townhouse.

- (1) The townhouse is a single-family, attached dwelling unit, with each dwelling unit arranged from ground to roof, having individual outside access.
- (2) Table of Dimensional Requirements:

| | MIN. LOT AREA (sq.ft.) | AVG. LOT AREA (sq.ft.) | OFF-STREET PARKING | MINIMUM LOT WIDTH AT FRONT BUILDING SETBACK |
|------|------------------------|------------------------|--------------------|---|
| 1 BR | 1,500 | 1,600 | 1.75 | 18 |
| 2 BR | 1,700 | 1,800 | 2.00 | 20 |
| 3 BR | 1,900 | 2,000 | 2.00 | 22 |
| 4 BR | 2,000 | 2,200 | 2.25 | 24 |
| 5 BR | 2,200 | 2,400 | 2.50 | 26 |

General:

| | |
|---------------------------------------|--------|
| Minimum building setback – street: | 30 ft. |
| Parking area: | 20 ft. |
| Pedestrian walk: | 15 ft. |
| Minimum building spacing: | 30 ft. |
| Maximum number of units in structure: | 4 |
| Maximum height: | 30 ft. |

e. Apartments.

- (1) Garden apartments are multi-family dwelling units, where individual dwelling units share a common outside access. They share with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain 3 or more dwellings in a single structure.
- (2) Table of Dimensional Requirements:

| | AVG. APT. AREA (sq.ft.) | MINIMUM LOT AREA PER D.U. (sq.ft.) | PARKING SPACES PER D.U. |
|------------|-------------------------------|--|-------------------------------|
| Efficiency | 500 | 1,300 | 1.50 |
| 1 BR | 655 | 1,750 | 1.75 |
| 2 BR | 950 | 2,000 | 1.75 |
| 3 BR | 1,125 | 2,250 | 2.00 |
| 4 BR | 1,330 | 2,550 | 2.25 |

General:

| | |
|------------------------------------|---------|
| Minimum lot size: | 2 acres |
| Minimum building setback – street: | 50 ft. |
| Parking: | 30 ft. |
| Minimum building spacing: | 50 ft. |
| Maximum street frontage: | 100 ft. |
| Maximum building height: | 30 ft. |

2. Golf Course. An area designed for the play of the game of golf. A golf course shall consist of at least 18 holes, shall be a minimum of 6,000 yards in length and shall be constructed to standards generally accepted by members of the American Society of Golf Course Architects concerning safety of players and surrounding non-golf areas.

General: Minimum lot size: 200 acres (exclusive of other associated uses such as housing)

3. Accessory Uses. Accessory uses and structures customarily incidental and subordinate to the above permitted uses shall be allowed, including the following:
 - a. Clubhouse
 - b. Golf course maintenance buildings
 - c. Rain shelters and rest facilities
 - d. Irrigation pump stations
 - e. Tennis courts
 - f. Swimming pool
 - g. Fitness center
 - h. Golf cart storage
 - i. Golf practice facilities

4. Special Design Regulations Within a PRD. A hierarchy of roads shall be planned for the PRD. A Collector Street shall provide access from existing township roads and permitted uses within the PRD. No residential uses shall take direct access from the Collector Street. Local Streets within the community shall service all residential units. No roadside parking is permitted along the Collector Street.
 - a. A pedestrian circulation system shall be planned for PRDs. Such a system shall be designed to provide for the safe movement of pedestrians between residential areas, open space and other amenities within the development. Suitable markings and signage shall be provided to

alert motorist and pedestrians of any roadway crossings. Such a system shall be shown on the overall master plan and subsequent final plans.

5. For a PRD, the following requirements shall apply, with the overall maximum density determined as provided under Section 307.D.

| | MINIMUM PERCENT OF THE TOTAL SITE AREA THAT MUST BE PRESERVED AS COMMON OPEN SPACE | MAXIMUM DENSITY IN DWELLING UNITS ALLOWED ON AVERAGE PER NET BUILDABLE ACRE | MAXIMUM IMPERVIOUS COVERAGE FOR THE TOTAL SITE AREA |
|----------------------------------|--|---|---|
| PRD Land within the R-1 District | 70% | 2.25 | .35 |
| PRD Land Within the R-2 District | 60% | 2.50 | .35 |
| PRD Land Within the R-3 District | 50% | 2.75 | .35 |

6. Common Open Space. All land held for common open space shall be designated on the plans and shall be deed restricted from further land development. The subdivision plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. A portion of the required Common Open Space may be used for a Golf Course.
7. Fee-Simple Ownership of a Golf Course with Perpetual Restrictive Covenant. With permission of the Township, an owner may transfer the fee simple title, with a perpetual restrictive covenant placed of record on the protected open space permitting the use of such protected open space only as golf course and accessory uses common to a golf course. Such a covenant shall be binding upon all heirs, successors or assigns of the owner, shall run to the benefit of the Township and the Association of the development.

313. OPEN SPACE DEVELOPMENT OPTION.

313.A. Purposes. To allow reasonable amounts of flexibility in site planning of residential development to: a) protect environmentally sensitive areas and avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) preserve areas of prime farmland, d) provide additional recreation land, e) direct development to those areas that are more physically suited for it, f) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and plow snow upon, g) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, h) conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats, i) reduce construction costs and municipal maintenance costs, j) provide for transitional forms of development between residential and agricultural or industrial areas or highways, with open space serving as a buffer, and k) allow each property owner a reasonable use of their land, related directly to the features and location and accessibility of the land. This option will encourage the establishment of significant areas of preserved open space.

313.B. **Applicability.** This Section 313 allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this Section 313 to the satisfaction of the Township.

1. An "Open Space Development" is a residential development that meets the requirements of this Section 313 and is granted approval by the Township as an Open Space Development. An Open Space Development shall only be allowed in zoning districts where the use is listed as allowed in Article 3.
2. **Uses.** A Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, community recreation buildings and outdoor non-commercial recreation facilities operated by homeowners associations, recreation uses that the Township approves to be within the preserved open space, crop farming, raising and keeping of horses, customary keeping of livestock as accessory to crop farming, utilities necessary to serve the development, and customary permitted accessory uses. Other housing types may be allowed as provided in Section C.4. below. In the R-1 district, the only allowed dwellings shall be single family detached dwellings. A manufactured home park shall not qualify as an Open Space Development. A golf course shall not count towards preserved open space under this Section 313.
3. A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 10 acres in the R-1 district and 5 acres in another allowed district of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. The amount of Preserved Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future rights-of-way of existing streets may be deleted from the total lot area before calculating the required amount of Preserved Open Space.
 - (i) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Preserved Open Space or allowed density.
 - (ii) See the definition of "Open Space, Preserved" in Section 202. That definition provides that certain features not count towards Preserved Open Space.
 - b. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space, such as an agricultural barn) shall not be included within the land area used to calculate residential density.
 - c. Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 313.
4. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Section 313.

5. Procedures
 - a. Applicants are strongly encouraged to first submit a Layout Plan for review by the Township for zoning compliance, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to mutually agree upon the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering. Detailed stormwater, grading, utility, profile and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.
 - b. The applicant and Township officials are strongly encouraged to walk the tract after a detailed Existing Features Map has been provided to the Township, but before the site layout has been finalized.
- 313.C. Density, Open Space and Lot Standards. The maximum number of dwelling units on the tract shall be determined based upon an Existing Features Map and Section 307.D.
1. An Existing Features Map shall be required to be submitted as part of the application for an Open Space Development. This Existing Features Map shall accurately show the locations of the following at a minimum: wetlands, 100 year floodplains, areas of woodland, existing topography, existing buildings with a description of any buildings over 70 years old, highlighting of 15 to 25 percent slopes and 25 percent and greater slopes, and any major scenic views from within the tract or from outside of the tract.
 2. The applicant shall submit the calculations required under Section 307.D. The maximum density for the overall tract shall be determined based upon the following maximum average densities per net buildable site acre:
 - a. R-1 District: A maximum density of 0.8 dwelling unit per net buildable site acre.
 - b. R-2 District: A maximum density of 1.5 dwelling units per net buildable site acre if all dwellings are served by Township-approved central water and central sewage services. Otherwise, the maximum density shall be 0.8 dwelling units per net buildable site area.
 - c. R-3 District: A maximum density of 3 dwelling units per net buildable site acre.
 3. All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this Section 313.
 4. An Open Space Development shall only be possible if Township-approved central water and central sewage services are both provided to any lot with a lot area of less than one acre. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. R-1 or R-2 District - For single family detached dwellings that do not have both Township-approved central water and central sewage services, the minimum lot area shall be 43,560 square feet per dwelling unit. The same dimensional requirements shall apply as are provided for conventional development in the R-3 district for single family detached dwellings. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. In the R-1 district, no dwelling shall be on a lot of less than 43,560 square feet, regardless of utilities.
 - b. R-2 District – If the application only involves single-family detached dwellings, and all dwellings on lots of less than 43,560 square feet are served by both Township-approved central water and central sewage services, then the minimum lot area per dwelling unit

shall be reduced to 15,000 square feet. The same dimensional requirements shall apply as are provided for conventional development in the R-3 district for single family detached dwellings. A minimum of 70 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.

- c. R-3 District – If the application only involves single-family detached dwellings, and all dwellings on lots of less than 43,560 square feet are served by both Township-approved central water and central sewage services, then the minimum lot area per dwelling unit shall be reduced to 10,000 square feet. The same dimensional requirements shall apply as are provided for conventional development in the R-3 district for single family detached dwellings. A minimum of 30 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - d. In the R-2 district, if a development includes any twin dwellings, townhouses, two family detached dwellings or apartments, then all dwelling units shall be served by both Township-approved central water and central sewage services. A minimum lot size shall not apply to individual dwellings, which may be in condominium-type ownership. The same dimensional requirements shall apply as are provided for such housing types in the R-3 district in Section 307.A, except that the density shall be determined by Section 2. above. A minimum of 80 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. Any new townhouses, apartments or two family detached dwellings shall be setback a minimum of 150 feet from the lot line of any existing single family detached dwelling that is not part of the same Open Space Development.
 - e. In the R-3 district, if a development includes any twin dwellings, townhouses, two family detached dwellings or apartments, then all dwelling units shall be served by both Township-approved central water and central sewage services. A minimum lot size shall not apply to individual dwellings, which may be in condominium-type ownership. The same dimensional requirements shall apply as are provided for such housing types in the R-3 district in Section 307.A., except that the density shall be determined by Section 2. above. A minimum of 50 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space. Any new townhouses, apartments or two family detached dwellings shall be setback a minimum of 150 feet from the lot line of any existing single family detached dwelling that is not part of the same Open Space Development.
5. See definitions of the areas that may count towards "Open Space, Preserved" in Section 202.
 6. Subdivision of Part of a Tract. This subsection "6" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering Preserved Open Space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the Preserved Open Space requirement based upon the area of the entire tract.
 - a. The land under the conservation easement shall be a logical shape that is subject to approval by the Township and shall be located where it could adjoin land that would be added as Preserved Open Space in the future if the total allowed number of dwellings would be developed.
 - b. The following hypothetical example assumes a tract includes 50 acres, and it is determined that the tract is allowed a total of 30 new dwellings. In this example, the

applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. At the present time, only one-third of the open space would need to be preserved, compared to if all of the allowed housing units would be developed. However, the preserved open space would need to be placed on the tract at a location where it could be joined by the remaining acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.

7. A minimum of 50 percent of the required Preserved Open Space shall be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, water bodies, and a maximum of one street.
 - a. As part of this type of development approval, the Board of Supervisors may approve the following, if the applicant proves to the satisfaction of the Board of Supervisors that such configuration would serve the purposes of this Section and be in the best interests of the Township, considering the unique circumstances of the tract:
 - (i) a reduction of the percentage of the preserved open space that is in one lot; or
 - (ii) the crossing of the preserved open space by two or more streets.
 - b. An accessway limited to emergency vehicles may also cross the preserved open space.
8. The Board of Supervisors may require that the majority of the required Preserved Open Space be placed:
 - a. adjacent to an existing or planned public or homeowner association-owned recreation area,
 - b. adjacent to existing farmland,
 - c. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot, or
 - d. adjacent to an arterial street or expressway where the open space will serve to buffer homes from the traffic.

313.D. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Township that the following additional conditions shall be met:

1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features.
 - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
 - c. The dedication of recreation land at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The provision of preserved open space in a location that will allow homes to be buffered from highly-noxious, nuisance-generating uses, such as a heavily traveled street or

industrial uses. In such case, intensive landscaping and/or planting for eventual re-forestation shall be provided.

2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
 - c. The Township may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

3. Preserved Open Space.
 - a. Preserved Open Space. The minimum amount of "Preserved Open Space" shall be provided, which shall meet the requirements of this Ordinance and the definition in Section 202 of "Open Space, Preserved."
 - (1) The Preserved Open Space requirements of this Section 313 shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the Township Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed Preserved Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.
 - b. Required Preserved Open Spaces shall meet all of the following requirements:
 - (1) Preserved open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Forestry shall meet Township requirements and removal of healthy mature trees shall be limited to selective cutting following a Township-approved forest management plan that follows best management practices. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another Township-approved agricultural use.
 - (2) Improvements to Open Spaces. Where Preserved Open Space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 - (a) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
 - (b) Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed,

or natural areas for passive recreation that are intended for minimal maintenance.

- (3) All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
- (4) The applicant shall prove that all required Preserved Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of any adjacent residential lots.
- (5) Lots and Preserved Open Spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
- (6) Sufficient access points from each preserved open space shall be provided to streets for pedestrian access and maintenance access. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
- (7) Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the Township. The Township shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
 - (a) The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. The Township shall only accept ownership of open space if the Board of Supervisors has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:
 - (i) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (ii) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space.
 - (iii) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.

- (iv) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area.
 - (v) Dedication of a permanent conservation easement that results in the land being used for a Township-approved agricultural use, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
 - (vi) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (vii) Preservation of the Preserved Open Space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the Preserved Open Space shall be in addition to the land area that would needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit non-residential use/ non-agricultural use of the lot.
- (8) Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
 - (9) A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. The applicant shall prove compliance with State law governing homeowner associations. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings.
 - (10) Changes in Open Space Uses. If the required Preserved Open Space is proposed to be used for purposes that were not authorized in the Township approval, then a revised approval shall be required for the changed use.
- 4. Steep Slopes. Within an Open Space Development, the steep slope provisions of Section 503 shall still apply.
 - 5. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article will be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
 - 6. Landscaping Plan. An application for an Open Space Development involving over 10 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
 - (a) Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
 - (b) Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 - (c) Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

314. **DEVELOPMENT ALONG WATERWAYS, LAKES AND PONDS.**

- 314.A. Permits or approvals may be required for activity within or adjacent to a waterway from the State Department of Environmental Protection, the Army Corps of Engineers, the Federal Emergency Management Agency or other entities.
- 314.B. Any street, driveway or utility crossing of a stream shall be approximately perpendicular to the stream, to the maximum extent feasible. As part of any street, driveway or utility construction within or adjacent to a stream, the applicant shall complete remedial measures to mitigate the impact upon the stream, including planting of trees and thick lower-level vegetation and use of best management practices.
- 314.C. All areas within 50 feet from the top of the primary bank of a perennial creek or natural lake or pond, shall not be occupied by any of the following: a building, vehicle parking, or business outdoor storage. This width shall be increased to 100 feet along the Lehigh River and the Mud Run.
- 314.D. Vegetation. Where existing trees and/or shrubs are removed from lands that are within the widths specified in Section 314.C. as part of, or in preparation to, a subdivision, land development or permitted construction of a new building, then new trees and shrubs shall be planted and maintained. The new trees and shrubs shall have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed.
 - 1. During the time period of any maintenance agreement with the Developer, the Developer shall replace within 120 days any such trees or plants that do not survive. If such trees and plants do not survive beyond the maintenance agreement time period, they shall be replaced within 120 days afterwards by the current owner of the property.

