

307. **DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

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)	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.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>CO Conservation District:</p> <p><i>See also Open Space Development Option in Section 311, which may allow smaller lot sizes, smaller lot widths and density bonuses.</i></p>	87,120 (2 acres), unless a larger lot area is required by Section 310.	250	40	50	30	10%	15%
<p>AR Agricultural Residential District:</p> <p><i>See the options of requesting overlay zoning for Traditional Neighborhood Development in Section 314, or for Open Space Development in Section 311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i></p> <p>Persons moving into the AR District are placed on notice that they should expect to experience odors, dust, late night operations, pesticide use and other impacts from agricultural activities, and that such impacts from normal farming operations are allowed under the State Right to Farm Act.</p>	65,340 (1.5 acres).	140	40	50	20, except 35 for a principal non-residential use	15%	30%

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	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.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
<p>R-1 Low Density Residential District:</p> <p>a) Single family detached dwelling:</p> <p> a1) Without Township-approved central water service and without Township-approved central sewage service</p> <p> a2) With Township-approved central water or Township-approved central sewage service</p> <p> a3) With both Township-approved central water <i>and</i> Township-approved central sewage services:</p> <p>b) Other allowed principal use</p> <p><i>See the options of requesting overlay zoning for Traditional Neighborhood Development in Section 314, or for Open Space Development in Section 311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i></p> <p><i>See also the Age-Restricted Residential Development Option in Section 315.</i></p> <p>All dwellings shall have a minimum principal building width and length of 20 feet (not including unenclosed structures).</p>	<p>a1) 43,560 (1 acre)</p> <p>a2) 39,000</p> <p>a3) 20,000</p> <p>b) 43,560 (1 acre)</p>	<p>a1) 150</p> <p>a2) 150</p> <p>a3) 90</p> <p>b) 150</p>	<p>a) through b): 25</p>	<p>a) through b): 30.</p> <p>See provisions for reduced yards in Section 805.</p>	<p>a): one side yard shall be a minimum of 10 feet and the minimum total of 2 side yards combined shall be 25 feet.</p> <p>b) 25 each.</p>	<p>a) through b): 30</p>	<p>a) through b): 40</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	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.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>R-2 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 <i>and</i> Township-approved central sewage services.</p> <p>b) The following housing types, each of which shall require Township-approved central water <i>and</i> Township-approved central sewage services:</p> <p> b1) Twin dwelling unit</p> <p> b2) Townhouse</p> <p> See also the minimum tract size requirement in Section 306 for twins and townhouses.</p> <p>c) Other allowed principal use.</p>	<p>a1) 43,560</p> <p>a2) 10,000</p> <p>b1) and b2): Minimum average lot area of 8,000 per dwelling unit (Note C).</p> <p>c) 25,000</p>	<p>a1) 150</p> <p>a2) 80</p> <p>b1) 35 per dwelling unit</p> <p>b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)</p> <p>c) 100</p>	<p>a) through c): 25</p>	<p>a) through c): 25</p>	<p>a1) 15</p> <p>a2) One side yard with a minimum width of 5', provided the total of both side yards is a minimum of 15 feet.</p> <p>b): 10, except 0 at the shared lot line of lawfully attached dwellings.</p> <p>c) 15</p>	<p>a) through c): 50%</p>	<p>a) through c): 60%</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	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.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>R-3 Medium High 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 <i>and</i> Township-approved central sewage services.</p> <p>b) The following housing types, each of which shall require Township-approved central water <i>and</i> Township-approved central sewage services:</p> <p> b1) Twin dwelling unit</p> <p> b2) Townhouse</p> <p> b3) Duplex or other Apartment dwellings, which shall be detached from other buildings.</p> <p>c) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.</p> <p>d) Other allowed use</p>	<p>a1) 43,560</p> <p>a2) 7,000</p> <p>b1), b2) and b3): Minimum average lot area of 5,000 per dwelling unit (Note C).</p> <p>d) 25,000</p>	<p>a1) 150</p> <p>a2) 50</p> <p>b1) 35 per dwelling unit</p> <p>b2) 20 per interior dwelling unit, and 40 for each end unit (Note B)</p> <p>b3) 40</p> <p>d) 100</p>	<p>a), b) and d): 25</p>	<p>a), b) and d): 30</p>	<p>a1) 15</p> <p>a2) 5</p> <p>b1 and b2): 10, except 0 at the shared lot line of lawfully attached dwellings.</p> <p>b3): 15</p> <p>c) 15</p>	<p>All uses: 60%</p>	<p>All uses: 70%</p>
<p>TND Traditional Neighborhood Development Overlay District: The requirements of Section 314 shall apply.</p>							
<p>R-C Residential-Cluster District: The requirements of Section 320 shall apply.</p>							

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	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.)	Maximum Percent Building Coverage	Maximum Percent Imper-vious Coverage
V Village District: The requirements of Section 318 shall apply.							
CN Neighborhood Commercial, CG General Commercial and ON Office Neighborhood Districts: Allowed use	30,000	100, except 200 for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	30, except 50 feet where off-street parking will exist between the principal building and an arterial street.	30 (Note A)	15 (Note A)	40%	75%
LI Light Industrial and GI General Industrial Districts: Other Allowed use.	87,120 (2 acres)	200	30	25 (Note A)	15 (Note A)	40%	75%

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	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.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>IN Institutional District:</p> <p>A minimum of 20 percent of the total lot area of lots in common ownership shall be set aside in land that is either maintained in tree cover or landscaped in trees and shrubs.</p> <p>In no case shall be a building be closer to a lot line or street right-of-way line than the building is tall, unless the abutting lot is in common ownership.</p> <p>An applicant may also utilize the optional Residential Retirement Development Provisions under Section 319 in place of the IN District provisions.</p>	15,000	100	40	25 each, except 50 for a building of 2 or more stories that has a side yard contiguous to an existing residential lot that is not in common ownership.	25 each, except 50 for a building of 2 or more stories that has a side yard contiguous to an existing residential lot that is not in common ownership.	60%	75%. An individual lot may have a maximum impervious coverage of 85%, provided that another lot is deed restricted to a lesser impervious coverage to ensure that the 75% maximum coverage is maintained on the average for the total lot area of adjacent lots.

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	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.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
<p>BC Business Campus District: See additional requirements for the BC District in Section 317. <i>(as amended by Ordinance 07-01, adopted 11/20/07)</i></p> <p>In no case shall a building be closer to a lot line or street right-of-way line than the building is tall, unless the abutting lot is in common ownership.</p>	30,000	150	35, except 50 adjacent to an arterial street	20 each, except 50 for a rear yard contiguous to an existing residential lot.	20, except 50 for a side yard contiguous to an existing residential lot.	50	60. See averaging option in Section 317.

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

Corner lot setbacks - see Section 803.B.

** = 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. 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 50 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 100 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 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for 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 5 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive,
2. in the IN district, a maximum building height of 60 feet shall apply, provided the setbacks in Section 307.A. are met, except for residential retirement development buildings which shall be governed by Section 319.G.5, *(as amended by Ordinance 08-03, adopted 4/1/08)*
3. in a Traditional Neighborhood Development, Section 314 shall apply,
4. in the BC district, the requirements of Section 317 shall apply, and
5. the maximum height for any other structure shall be 3 stories or 40 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 10 feet in the CO or AR districts and 5 feet in other districts, except in the following cases:
 - a. The minimum rear setback shall be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
 - 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. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - d. See Section 403 for swimming pools.
 - e. If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street along the front lot line and another street along the rear lot line), then the building or pool shall be separated from such street by a buffer yard meeting Section 803.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

308. WETLANDS AND LAKES.

308.A. Lot Area. Wetlands (as officially defined under Federal and/or State regulations) shall not count towards more than 50 percent of the required minimum lot area. The Township may require an applicant to prove that a lot will contain sufficient contiguous buildable land area that is outside of wetlands. This Section 308.A. shall only apply to a lot within a subdivision or land development submitted for approval after the adoption of this Ordinance.

308.B. 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. The Township may require that the qualifications and any certifications of the person conducting the wetland delineation be provided in writing to the Township. The Township may require that a statement be provided on the plan that is signed by the wetlands delineator stating that the wetlands are accurately shown according to a standard government wetlands manual or that wetlands are not present. (*as amended by Ordinance 07-01, adopted 11/20/07*)

308.C. Wetland Setbacks. 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 "wetland."

309. **SEWAGE AND WATER SERVICES.**

309.A. Central Water Service. A use shall not be considered to be served by "Township-approved central water service" unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

309.B. Central Sewage Service. A use shall not be considered to be served by "Township-approved central sewage service" unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.
2. At the time of subdivision or land development approval, the Board of Supervisors may request that agreements be established so that a central water or sewage system is dedicated to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to

post a bond to guarantee proper operation of a system for at least 2 years after dedication.

309.D. 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.D. 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 lot shall include both a primary and an 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, or
 - 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.
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.E. 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 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.F. 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 result in increased flow to a septic system, 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.** *(as amended by Ordinance 07-01, adopted 11/20/07)*

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 15 percent or more shall not be disturbed (re-graded) prior to the submission of a zoning site plan, or subdivision or land development plan. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance. *(as amended by Ordinance 07-01, adopted 11/20/07)*

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.** New single family detached dwellings are permitted on slopes that are no greater than 25%. *(as amended by Ordinance 07-01, adopted 11/20/07)*

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 20 percent. *(as amended by Ordinance 07-01, adopted 11/20/07)*

1. For such uses, the "building area" shall include locations of all proposed principal buildings and parking areas that serve such buildings and an area 20 feet around such buildings and related parking areas. *(as amended by Ordinance 07-01, adopted 11/20/07)*
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. **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) 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. *(as amended by Ordinance 07-01, adopted 11/20/07)*

311. OPEN SPACE DEVELOPMENT OVERLAY DISTRICT.

311.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) steer 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 preservation of significant areas of preserved open space.

311.B. Applicability. For land within the OSD Overlay District, this Section 311 allows an applicant the option to use the provisions of Section 311 in place of the provisions of the underlying zoning district. In order to use Section 311, the applicant must prove compliance with all of the requirements of this Section 311 to the satisfaction of the Township. If an area of land is not within the OSD Overlay District, then an applicant may request that the Board of Supervisors consider a zoning map amendment to add the OSD Overlay District to that land area. An Open Space Development shall be permitted by right within the OSD Overlay District.

1. An "Open Space Development" is a residential development that meets the requirements of this Section 311 and is approved by the Township as an Open Space Development. An Open Space Development shall only be allowed in the OSD Overlay District..
2. Uses. A Open Space Development shall only include the following uses: single family detached dwellings, nature preserves, Township-owned recreation, non-commercial recreation uses that the Township approves to be within the preserved open space, utilities necessary to serve the development, and customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as a Open Space Development.
3. A tract shall be eligible for approval for a Open Space Development if it includes a minimum of 10 acres of lot area in common ownership in the OSD Overlay District. 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.
 - (1) 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.
 - b. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the preserved open space) 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 311.

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 311.
 5. Procedures.
 - a. Applicants are strongly encouraged to first submit a Sketch Plan, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to discuss the preserved open space and development layout before large sums of money are spent by the applicant on detailed engineering.
 - 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.
- 311.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 a Yield Plan, except within the AR district.
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. A Yield Plan shall be submitted to the Township by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used, and instead the provisions for conventional development in the applicable zoning district would be used. The Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information described above. The Yield Plan shall show potential lots, streets, and retention/ detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
 3. The Yield Plan shall be reviewed by the Zoning Officer and Township Engineer, and then determined by the Planning Commission as to whether it represents a reasonably accurate estimate of the number of dwelling units possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise the Yield Plan until it is accurate.
 - a. For land that is not within the AR District, the maximum number of dwelling units allowed on the tract through Open Space Development shall be 10 percent greater than the number of dwelling units that is determined by the Township to be possible under the Township-accepted Yield Plan.

- b. The allowed number of dwelling units may be rounded to the nearest whole number.
 - c. The Yield Plan shall not have any legal standing except for the purposes of determining density for an Open Space Development.
4. For land within the AR District, the maximum number of dwelling units allowed on the tract through Open Space Development shall be equal to an average of one dwelling unit for every 1.0 acre of total lot area.
 5. All provisions of the zoning district shall apply, except for provisions that are specifically modified by this Section 311. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. CO District - The minimum lot area shall be one acre (43,560 square feet). The same dimensional requirements shall apply as are provided for in conventional development in the AR district. A minimum of 60 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - b. AR District - The minimum lot area shall be 20,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the R-1 district. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - c. R-1 District - The minimum lot area shall be 10,000 square feet. The same dimensional requirements shall apply as are provided for in conventional development in the R-2 district. A minimum of 40 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 - d. R-2 District - The minimum lot area for single family detached residential lots shall be reduced to 5,000 square feet. All other dimensional requirements shall remain the same as are listed for the R-3 district. A minimum of 25 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Preserved Open Space.
 6. Utilities. Any lot of less than one acre shall be served by Township-approved public sanitary sewerage service and public water service.
 7. Subdivision of Part of a Tract. This subsection "7" 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 regular rectangle in shape 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 the Yield Plan determines that the applicant for an Open Space Development 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.

8. 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, lakes, and a maximum of one street.
 - a. 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:
 - (1) a reduction of the percentage of the preserved open space that is in one lot; or
 - (2) 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.
9. 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.

311.D. Conditions for Approval. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, 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, 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 clustered 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.
3. 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.

311.E. Preserved Open Space.

1. 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."
 - a. The Preserved Open Space requirements of this Section 311 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. The Preserved Open Space requirements of this Section 311 shall not be waived through a payment of a fee in lieu of land.
2. Open Space Standards. Required Preserved Open Spaces shall meet all of the following requirements:
 - a. 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 or the use of the land for timber harvesting, except for routine thinning of woods. 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 nature preserve, a horse farm, a wholesale plant nursery, and/or a Township-approved agricultural use.
 - b. 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.
 - (1) 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).
 - (2) 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.
 - c. 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.

- d. 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.
 - e. Lots and Preserved Open Spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 - f. 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.
3. 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:
 - (1) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (2) 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.
 - (3) 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.
 - (a) 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.
 - (4) 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.
 - (5) Dedication of a permanent conservation easement that results in the land being used for a Township-approved crop farming, wholesale tree farm, or an equestrian use, and which may include one of the allowed dwelling units on the lot.
 - (6) 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.

- b. 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.
 - c. 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".
4. **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 zoning or final subdivision plan approval, then a revised Township approval shall be required for the changed use.
- 311.F. **Steep Slopes.** Within an Open Space Development, no principal building shall be placed on slopes of over 25 percent.
- 311.G. **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.
- 311.H. **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.
1. 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.
 2. 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.
 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.
312. **CONSERVATION ALONG CREEKS.**
- 312.A. **Setbacks.** No new building (except an accessory storage shed with a floor area of 150 square feet or less), new or expanded vehicle parking, or business outdoor storage shall be located within 50 feet from the top of the bank of a perennial creek. This minimum setback shall be increased to 75 feet from the top of the bank of a perennial creek within the AR and CO zoning districts. A perennial creek shall be defined as a waterway shown as a perennial creek on the U.S. Geological Survey quadrangle maps. *(as amended by Ordinance 07-01, adopted 11/20/07)*
- 312.B. **Standards.** To the maximum extent feasible:
1. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the creek; and
 2. Existing healthy natural vegetation adjacent to a creek should be preserved.

3. Areas within the setback established by this Section shall be preserved in their natural state, except for: planting of trees and shrubs, erosion control improvements, public recreation improvements and necessary utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise prove difficult.

312.C. Vegetation. Where the majority of the existing trees and/or shrubs are removed from areas within the setback distance provided by Section 312.A as part of, or in preparation to, a subdivision, land development or construction of a new building, then new trees and shrubs shall be planted and maintained that will have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed.

1. Publications of the Pennsylvania Department of Conservation and Natural Resources (including "Stream ReLeaf") and/or the Chesapeake Bay Commission shall be used as standards for the planting of the buffer. These publications include recommended species. Native species of vegetation shall be used. If trees and plants do not survive, they shall be replaced within 100 days afterwards by the current owner of the property.

313. **OPTIONAL TRANSFER OF DEVELOPMENT RIGHTS ("TDR").**

313.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. encourage the permanent preservation of important farmland and environmentally sensitive areas;
2. direct growth to locations where public water and sewerage services are available; and
3. provide a voluntary method for landowners to be compensated by the free market to preserve their land.

313.B. Applicability.

1. The Transfer of Development Rights shall only officially occur at the time of final approval of a subdivision or land development plan or a conditional use approval. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.
2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Subdivision or Land Development Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property.
 - a. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.
3. The form of the Conservation Easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor and Planning Commission. The term Conservation Easement shall include, but not be limited to, an Agricultural Conservation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the County Agricultural Land Preservation Board may be utilized.
4. A Sending Property shall be within the CO, AR or R-1 districts. A Sending Property shall have a minimum lot area of 10 acres.

5. A Receiving Property shall be within the R-1 or R-2 districts.
6. The owners of the Sending and Receiving Properties shall voluntarily commit to participate in the Transfer of Development Rights. Once such Conservation Easement is established, it shall be binding upon all current and future owners of the Sending Property. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the Sending Property, unless the Township purchases the Development Rights.
7. Donations or Intermediaries. The right to develop a Sending Property may be purchased by or donated to the Township, a Township Authority, the County or an established incorporated non-profit organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall be established on the Sending Property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property(ies).

313.C. Definitions.

1. Sending Property. A lot(s) or portion of a lot that is restricted by a conservation easement or farmland preservation easement as a condition of approval of a higher density on the "Receiving Property" than would otherwise be permitted.
2. Receiving Property. A lot(s) that is approved to permit a higher density than would otherwise be permitted as a condition of the restriction of development on Sending Property.

313.D. Determination of Density.

1. Yield Plans shall be presented by the applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detailed septic perc tests are not required for such sketches, but new septic systems shall not be assumed to be possible in areas with severe soil and slope limitations.
2. Such Yield Plans shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan until it is accurate.
3. Based upon the Yield Plans, permission to develop the allowed number of dwelling units may be transferred from the Sending Property to the Receiving Property.
 - a. For each dwelling unit that would have otherwise been allowed on the Sending Property, one additional dwelling unit may be approved on the Receiving Property.
 - b. If one or more lots each include less than 1 acre of lot area and are not served by Township-approved central sewage service, such lots shall not be used to transfer density.

- c. If, for example, the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property.
 - d. The development of the Receiving Property shall still comply with all other requirements of this Ordinance, except for the maximum density, which shall be regulated by this Section.
 4. A partial transfer of the allowed dwelling units shall also be allowed, depending upon the amount of land affected by the permanent Conservation Easement.
 - a. For example, if under current zoning, 5 dwelling units would be possible on the western portion of a lot and 6 dwelling units on the eastern portion, the owner may choose to transfer the right to develop 5 dwelling units by placing a permanent conservation easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
 - b. If only a portion of a lot would be affected by the Conservation Easement, the applicant shall prove that the Conservation Easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.
 - c. Where a conservation easement would be established in phases over time, each phase shall be contiguous with a previous conservation easement, unless the applicant proves to the satisfaction of the Board of Supervisors that there is a valid public purpose for the easement to not be contiguous.
 5. The Receiving Property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted, as approved by the Township based upon the Yield Plan.
 6. The development of the Receiving Property shall comply with all other requirements of this Ordinance, except that the following requirements shall be reduced, provided the maximum overall density for the TDR is not exceeded:
 - a. For a Receiving Property within the R-1 district, for single family detached dwellings, a minimum lot area of 12,000 square feet and the minimum lot width shall be 90 feet shall apply, provided both central sewage and central water services are provided.
 - b. For a Receiving Property within the R-2 district, for a single family detached dwelling, the minimum lot area shall be reduced to 8,000 square feet and the minimum lot width may be reduced to 60 feet.
 - c. For a Receiving Property within the R-2 district, for other allowed dwelling types, the minimum average lot area per dwelling unit shall be reduced to 6,000 square feet.
 7. Utilities. To receive a transfer of development rights, any lot that includes less than one acre per dwelling unit on the Receiving Property shall be served by Township-approved central sanitary sewerage service and central water service.
 8. The transfer of development rights shall not be combined with reduced lot sizes and other incentives concerning Open Space Development or Traditional Neighborhood Development.

313.E. Once a conservation easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors may

extend time limits to complete the development of the Receiving Property in response to a written request.

1. If an approved development on the Receiving Property is not completed, the Township may allow a new development application to be submitted to use such transferred number of dwelling units on the same area of land. In such case, the number of additional dwelling units that are allowed shall be added to the number of dwelling units that would be allowed under the Township ordinances in effect at the time of the new development application.

314. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) OVERLAY DISTRICT.

314.A. Purposes. Traditional Neighborhood Development ("TND") is primarily intended to:

1. encourage new development to occur in a manner that will be consistent with the traditional patterns and scale of development and mix of uses that occurred in the region before 1946;
2. promote a mix of diverse but compatible types of neighborhood development;
3. avoid development that would be inconsistent with the character of the community, and could cause inefficient patterns of sprawled development;
4. encourage a blending of recreation areas, preserved natural features, compatible institutional uses, and a mix of housing at a medium density, including housing intended to be affordable to middle-income persons;
5. provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks;
6. encourage persons to live, work, shop, attend religious services and enjoy recreation within the Township;
7. encourage the creation of a sense of place, feelings of belonging and a community spirit that promotes social interaction and volunteerism;
8. encourage the location of principal non-residential uses with distinguished architectural features at prominent locations around a Central Commons, to serve as a focal point for the development;
9. serve the purposes for Traditional Neighborhood Development as listed in the State Municipalities Planning Code, as amended,
10. to allow a TND under this set of development standards to have a higher density and a wider range of uses than would otherwise be allowed, in return for a higher level of site design and preservation of common open space land, and
11. to promote the placement of new single family detached dwellings abutting pre-existing single family detached dwellings on abutting lots, when feasible.

314.B. Applicability. The TND Overlay District is shown on the Zoning Map. Within the TND Overlay District, in addition to development allowed under the conventional underlying zoning district, an applicant shall also have an option of developing a TND under the provisions of this Section 314. A TND shall be permitted by right within the TND Overlay District. If an area of land is not within the TND Overlay District, then an applicant may request that the Board of Supervisors consider a zoning map amendment to add the TND Overlay District to that land area.

1. If an applicant chooses to utilize these TND provisions, then all of the requirements of this Section 314 shall apply. All of the provisions of this zoning ordinance and other Township regulations shall remain in full force, except for provisions modified by this Section 314. Where Section 314 and another Zoning Ordinance or Subdivision and Land Development

Ordinance provision apply to the same matter, Section 314 shall apply in place of that other provision.

2. Minimum tract size - 80 acres. However, if one TND has been approved to include a minimum 80 acres, than an adjacent tract may have a minimum tract size of 20 acres, provided that the second TND is designed to be consistent with the first TND, including compatible architectural standards with the first TND and a logical extension of streets. The term "tract size" shall include the lot area of all lots prior to subdivision and land development, but after deleting existing legal rights-of-way of pre-existing public streets.
3. Stub Streets - Any TND shall be designed with stub street right-of-way extending to the edges of the tract if the Township determines that there is potential for interconnected streets onto an adjacent tract. The developer of the adjacent tract shall be responsible to fund the completion of the construction of such street extensions at the time they would be needed. Until such time, the stub right-of-way shall be maintained in vegetative ground cover. Any TND shall be designed with streets that can be interconnected with adjacent lands to the maximum extent feasible and desirable, in the determination of the Township.
4. Master Plan - The TND shall be developed following a single Master Plan. Consistent with final plan approvals, individual portions of the TND may be owned and constructed by different entities, provided there is compliance with the overall Master Plan and the phasing plan.

314.C. Master Plan for a TND.

1. Before any use is approved or lot is subdivided for a TND, the applicant shall submit and have approved an Overall Master Plan. Such Master Plan shall be submitted as part of or prior to a preliminary plan submission for a "Traditional Neighborhood Development." Such Master Plan should address coordinated vehicle access from all adjacent land owned, equitably owned or otherwise controlled by the applicant. If the applicant's land extends into an adjacent municipality or zoning district, then it is requested that the Master Plan also show such area to plan for a coordinated road and infrastructure system.
 - a. The Master Plan shall be fully coordinated with any existing, proposed or approved development on adjacent land, including providing for pedestrian and bicycle access to adjacent tracts.
 - b. Landscaped open space and recreation areas shall be interspersed within the TND. Pedestrian and motor vehicle routes shall be laid out to complement the interaction between the commercial core of the TND and residential areas.
2. The Overall Master Plan shall show proposed streets, alleys, cartway widths, approximate lot lines and dimensions, common open spaces, recreation areas, major pedestrian and bicycle pathways, parking areas, major detention basins and proposed types of housing and non-residential uses. The Master Plan shall designate certain areas for primarily commercial development, certain areas as Preserved Open Space, and certain areas for various types and densities of residential development. The intent is to have the higher density areas closer to the proposed commercial core, and lower residential densities adjacent to pre-existing single family detached housing developments on adjacent lots.
3. The Master Plan and application for the Traditional Neighborhood Development shall be reviewed by the Township Planning Commission and the Board of Supervisors. After any modifications, the Master Plan shall become part of the approved preliminary plan under the

Subdivision and Land Development Ordinance. Once preliminary plan approval is granted for the Traditional Neighborhood Development, then individual lots may be submitted for final plan approval under the Subdivision and Land Development Ordinance and uses allowed by this Section may occur as permitted by right uses.

- a. The Master Plan is not required to include the same level of engineering detail as a preliminary subdivision plan. Stormwater calculations, construction details, erosion and sedimentation control plans, profiles and similar engineering details are not required at the Master Plan stage. The Master Plan shall include sufficient information to accurately show existing conditions and the proposed layout of the homes, non-residential uses, lots, open space and streets.
4. Changes to the Master Plan may occur provided there is compliance with Township Ordinances. The Township may require that a revised Preliminary Subdivision or Land Development Plan be submitted and approved if there are substantial changes from the previously approved Preliminary Plan.
5. The Master Plan shall designate various areas of the TND for various types or ranges of uses and types of housing. The intent is to have most business uses and denser housing clustered at one area of the development. The intent is to have less dense housing towards the perimeter of the TND, particularly adjacent to pre-existing single family detached housing that is outside of the TND.

314.D. Overall Requirements. A TND shall meet all of the following requirements:

1. The existing street system shall be extended into the new development, to the maximum extent feasible. Streets shall be interconnected through the development. The development shall have a central focal point, such as a central commons, park, commercial area that is similar to a historic main street and/or allowed institutional building. Streets or trails should lead towards this focal point.
 - a. A cul-de-sac street shall be permitted only where the applicant proves that there is no reasonable alternative. Street linkages shall be provided to allow connections with future phases of development or adjacent tracts. Where direct street access is not practical between two areas, then the Township Board of Supervisors may require the provision of bicycle and pedestrian access using an easement.
2. A minimum of 60 percent of the dwelling units shall have access to a front door accessing onto an unenclosed front porch with a minimum depth of 5 feet and a minimum length of 8 feet. Such porch shall be covered by a permanent roof. Such porch shall not be enclosed, now or in the future.
 - a. A minimum of 50 percent of single family dwelling units at the intersection of two or more public streets shall have a porch that wraps around the front and side of the dwelling, or shall have separate front and side porches facing onto the streets.
3. The applicant shall prove that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of the lot. A minimum of 50 percent of the dwelling units shall not have garage doors for two or more motor vehicles facing onto a street at the front of the dwelling. The placement of garages along rear or side alleys or to the rear of the lot with a side driveway is encouraged. No garage shall be located with a smaller setback from the front lot line along a street than the living quarters of the dwelling. For single family detached dwellings that have a front facing garage, the garage should be setback a minimum of 20 feet greater than the front of the dwelling. No

garage or carport shall be permitted within 5 feet from the right-of-way of an alley. (However, on-street parallel parking may be approved along an alley under other provisions of this Section 314.)

- a. Garage doors shall not make up more than 50 percent of the front street level of the facade of a dwelling. Driveways and off-street parking spaces shall not make up more than 50 percent of the land area of the front yard between the front of a dwelling and the street right-of-way.
 - b. All streets and alleys shall have a right-of-way, whether public or private.
 - c. See Section 314.I. which allows on-street parking to be counted towards off-street parking requirements. To the maximum extent feasible, vehicle parking, carports and garages shall be placed to the rear or side of lots, preferably with rear or side access. For example, the following alternative methods of providing parking are permitted and encouraged:
 - (1) a rear landscaped shared parking court or shared carport structure,
 - (2) a garage placed towards the rear of the lot, with a side driveway that is of minimal width within the front yard and then widens in front of the garage,
 - (3) a detached rear garage or rear individual parking pad or side-entry garage accessed from a rear alley or side street,
 - (4) decks built to extend over garages or over driveways leading to garages, or
 - (5) a landscaped shared parking court connected to a street, provided that parked vehicles do not need to back out onto a through-street and provided that all paving is setback a minimum of 20 feet from any dwelling (other than a front porch).
 - d. If driveways pass through the front of the lot (such as to reach detached rear garages), then it is encouraged to place driveways of adjacent dwellings immediately adjacent to each other. This would allow the driveway on each lot to be more narrow than would otherwise be possible. However, each property owner shall still be responsible for their own half of the driveway, and each half shall be wide enough to allow a passenger car to travel on each lot. As an alternative, the Township may approve shared driveways with maintenance by a legally binding homeowner association.
4. All principal buildings shall have a minimum roof pitch of 4/12 or have the appearance of such a roof pitch as viewed from the street, except a flat roof may be approved for townhouses or connected commercial buildings if the buildings have a decorative cornice. Variations in rooflines are specifically encouraged.
5. Sidewalks or other Township-approved pedestrian pathways shall be provided along both sides of each street, unless a modification or waiver is granted in writing by the Board of Supervisors under the Subdivision and Land Development Ordinance. The width of sidewalks shall be a minimum of 8 feet along a commercial main street (which may include street tree wells) and a minimum of 5 feet in other locations.
- a. A sidewalk in a commercial main street area shall be constructed primarily of decorative masonry or material that has the appearance of decorative masonry. This may include interlocking brick pavers or concrete pavers or patterned concrete that has the appearance of brick. The use of dry laid pavers on a suitable subsurface of concrete, sand or stone and stone dust is encouraged.
 - b. Pedestrian crosswalks shall be provided in the commercial main street area using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture. The use of pavers, patterned concrete or stamped textured asphalt is encouraged.
 - c. The materials, depths and cross-sections of the sidewalks and crosswalks shall be subject to approval by the Township, after review by the Township Engineer.

6. Commercial. Allowed commercial uses and their parking areas shall occupy a minimum of 5 percent and a maximum of 15 percent of the total land area of the Traditional Neighborhood Development. This percentage may be increased to 20 percent if the commercial area will be adjacent to an arterial street. No such maximum percentage shall apply in portions of a TND that are within a commercial district. A principal commercial use shall be setback a minimum of 200 feet from any dwelling outside of the TND that existed at the time of the enactment of this Section.
 - a. If a new TND is proposed adjacent to a previously approved TND, and if the first TND included a commercial area, then the second TND is not required to include commercial uses.
 - b. Off-street parking for a commercial use shall not be located between the commercial use building and the front lot line along a street. Off-street parking shall be located to the side or rear of a commercial building.
 - c. The majority of commercial uses shall be placed in a Main Street style commercial area, with the businesses fronting upon a through-street, and with parking being on-street or to the rear or side of the businesses. Buildings in commercial areas of the TND are encouraged to have dwelling units or offices placed above first-floor commercial uses.
 - d. Bulb-out curbs, raised textured crosswalks and similar traffic calming measures are encouraged to be used in the main street area.

7. Housing Types.
 - a. The allowed housing types within a TND are listed in Section 314.E.
 - b. Any new dwelling units located within 150 feet from a single family detached dwelling that existed or approved outside of the TND at the time that the TND Overlay District was applied to the subject tract shall be a new single family detached dwelling. If such existing single family detached dwelling is on a lot of over 20,000 square feet, then any new dwellings built within 150 feet of such dwelling area shall have a minimum lot area of 8,000 square feet. The Township may require that a 20 feet wide planting area with a naturalistic mix of deciduous canopy trees, flowering trees, evergreen trees and shrubs be planted along the perimeter of the TND tract where there are concerns about compatibility with the adjacent uses. Such planting area may overlap a rear yard, but shall be free of buildings and fences.
 - c. A minimum of 30 percent of the dwelling units shall be single family detached dwellings.

8. Any alleys shall be designed to discourage through-traffic. All streets, whether public or private, shall be constructed following Township roadbed specifications for a public street. Any alley shall be constructed with 6 inches of crushed stone, 2 inches of BCBC and 1 inch of binder course, unless a modification is granted by the Board of Supervisors.
 - a. Alleys shall have a minimum paved width of 12 feet if limited to one-way traffic and 16 feet if allowing two-way traffic. Additional width shall be required if any parallel parking is provided. The right-of-way for an alley shall be at least 4 feet wider than the cartway (2 feet on each side of the cartway). An alley shall have adequate sight distance at all corners and intersections of alleys.
 - b. Any alleys shall be maintained by a legally binding homeowners association, at no expense to the Township.

9. New streets shall be sufficient in width to allow on-street parking along at least one side of each street, and to provide room for bicycle riding, unless a separate bicycle pathway is

provided. The Township may require a prohibition of parking on one side of a street if the street does not have sufficient width for parking on both sides.

10. Any commercial uses that are developed shall be located in an area that is adjacent to a street that is similar to a traditional main street of a historic borough or a Central Commons that is immediately adjacent to such a street. One or more prominent sites adjacent to a Central Commons should be proposed for a principal non-residential use. The subdivision approval for the Traditional Neighborhood Development may allow for two or more alternative uses for certain sites, to allow a developer with reasonable flexibility to attract different uses.
11. Public Transit. An applicant for a Traditional Development Neighborhood shall provide evidence that they have contacted the provider of public transit services and requested the provision of service to the development once it is significantly complete. If public transit service is intended to eventually be provided, the applicant shall show that provisions have been made for convenient public transit stops. The Township may require the applicant to construct one suitable shelter for persons waiting for a public bus. The applicant shall also contact the School District and request comment about appropriate school bus stops within or adjacent to the TND.
12. Street Lights. The applicant shall install street lights meeting minimum requirements of the Township and the electric provider. Such street lights shall be of sturdy construction, have a decorative design similar to designs used more than 50 years ago, be dark in color (such as black, dark gray or dark green), and have a maximum total height of 22 feet. Street lights shall be provided at all street intersections and at other locations approved by the Township as part of the Subdivision and Land Development approval process.
13. Architecture. The intent is to have unified and consistent architectural styles, while avoiding monotony. The applicant shall establish legally enforceable provisions controlling the styles of architecture, rooflines, porches and the general types of exterior materials in such a manner as to incorporate the best features of traditional architecture commonly found in boroughs and villages in Pennsylvania, unless the applicant proves to the satisfaction of the Board of Supervisors that a more contemporary architectural design would be appropriate. Such features shall include front porches on most dwellings, landscaped front yards, non-prominent garage doors, varied rooflines and use of masonry on most facades. The emphasis shall be upon sides of a building visible from a street.
 - a. Such provisions shall be approved and sealed by a Registered Architect. The substance of such draft provisions shall be provided to the Township in writing for review at the time of Preliminary Subdivision submission. Such provisions shall be subject to approval by the Board of Supervisors as a condition of Final Subdivision and Land Development approval. Any future substantive changes to the architectural provisions established under this Section shall require approval by resolution of the Board of Supervisors.
 - b. Such provisions shall not be designed to require excessive uniformity in design, nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character. Such provisions shall limit monotony and excessive modernity in architectural design. Standards should also be established for the design of fencing.
 - c. The architectural provisions shall promote the use of display windows facing onto the public street on a majority of commercial principal buildings in the development. Blank walls without window and door openings shall be avoided facing onto a public street. Where window openings are not feasible, then enclosed display windows may be used.

- d. The Township may require that some or all of the architectural provisions be recorded and/or be included in a Development Agreement with the Township. The Township shall have the authority to ensure that a system continues to be in place to enforce the architectural provisions that were required by the Township. However, the Township shall accept no responsibility to directly enforce private deed restrictions upon individual properties.
 - e. The architectural provisions shall promote use of front or side porches, and be designed to minimize the visual impact of garage doors as viewed from a street.
 - f. The architectural provisions shall require use of decorative masonry, or materials with a closely similar appearance, on specified minimum percentages of the front facades of a majority of the principal buildings in the development. A maximum of 40 percent of the dwelling units shall have a front facade that is composed primarily of vinyl siding.
 - g. The architectural provisions shall promote varied rooflines, overhangs and/or setbacks along attached dwelling units.
 - h. The architectural provisions shall promote the use of architectural detailing and features, such as decorative porches, decorative cornices, shutters on multiple principal buildings in the development.
 - i. The architectural provisions shall address the locations of front doors, particularly to ensure that most dwellings and business uses have a front door facing onto a street at the front of the building.
 - j. Buildings of over 150 feet in length shall be designed to have the appearance of smaller connected buildings.
 - k. Such provisions shall address minimum sizes of street level front windows, roof pitches as viewed from the street, siding materials, porches, front stoops, front awnings, screening of rooftop mechanical equipment and similar matters. Such provisions shall also address allowed materials for fences visible from a street.
14. Utility meters. Utility meters larger than 100 square inches each shall not be attached to the front of a dwelling in a manner that makes them highly visible from a street. If utility meters are attached to the front of the dwelling, they should have colors similar to adjacent building materials and /or should be screened by landscaping.

314.E. Allowed Uses.

- 1. The following uses shall be allowed within an approved Traditional Neighborhood Development, provided all the uses are consistent with the Overall Master Plan:
 - a. Single family detached dwellings
 - b. Twin Dwellings, side-by-side, with each dwelling on its own fee-simple or condominium lot
 - c. Townhouses, with each dwelling on its own fee-simple or condominium lot
 - d. Places of Worship*
 - e. Public transit passenger shelters
 - f. Library, Community Center, Post Office* and Museum*
 - g. Child or Adult Day Care as a principal use meeting Section 402 or as an accessory use meeting Section 403
 - h. Nursing Home* or Assisted Living/Personal Care Center*, which shall not exceed 10 percent of the total tract area of the development
 - i. Offices*
 - j. Meeting Facility for a Membership Club*
 - k. Retail Store*, Art Gallery*, Farmers Market*, Financial Institution,* Personal Service Use*, or Restaurant * with each establishment limited to a maximum floor area of 10,000

square feet. Outdoor cafes* are encouraged and may extend onto a sidewalk, provided that a minimum 4 feet wide pedestrian pathway is maintained. Drive-through facilities, fuel sales and "adult uses" are prohibited in all cases, except that a financial institution may include a drive-through.

- l. Exercise Club* or Hotel/Bed and Breakfast Inn with a maximum of 30 guest rooms*
- m. Apartment dwelling units may only be allowed above a street-level commercial use or where allowed under subsection "s." below , and may only be allowed in areas designated for such uses in the approved Master Plan. These dwelling units may be designed as "Live Work Units" that encourage a person to work on the first floor and live in the upper stories.
- n. Indoor or outdoor non-commercial recreation facilities owned by the Township or a property-owner association.
- o. Preserved open space or a nature preserve.
- p. Golf course with a minimum acreage of 50 acres.
- r. Major and minor home occupations and accessory uses shall be addressed in the same manner as the underlying zoning district, except that a major home occupation shall be permitted by right in an area of the TND that is approved by the Township for commercial uses.
- s. A second dwelling unit in an allowed single family detached dwelling building or above the garage of a single family detached dwelling, provided: 1) no more than 5 percent of such dwellings shall have a second dwelling unit; 2) the locations of the lots allowed to have a second dwelling unit shall be designated on the Master Plan; and 3) the second dwelling unit shall not include more than 1,000 square feet of habitable indoor floor area and shall not include more than 2 bedrooms.

* Uses marked with an asterisk shall only be permitted adjacent to or within 200 feet from a Central Commons within a TND or along a traditional downtown-style main street, unless the uses are placed within a rehabilitated historic building. Business buildings shall have their main pedestrian entrance facing a street or a Central Commons. No outdoor commercial storage shall be permitted unless it is completely screened by landscaping and/or buildings.

314.F. Preserved Open Space.

1. A minimum of 20 percent of the total lot area of the tract shall be permanent Preserved Open Space.
 - a. The minimum amount of Preserved Open Space shall be reduced from 20 to 15 percent of the total lot area of the tract if the applicant commits to construct and continue to provide a minimum of 3 of the following types of recreational facilities, and provided such facilities are available at a minimum for use of the residents and their invited guests with no charge that exceeds the costs of operating and maintaining the facility. A minimum of one of the 3 recreation facilities shall be a community center with a minimum floor area of 2,500 square feet built around an ADA-accessible meeting room for community meetings and social events. That community center may be temporarily used as a sales office until the TND is completed, and may also include a property-owners association office.
 - (1) 2 golf putting greens.
 - (2) 2 regulation-sized tennis courts.
 - (3) One full or 2 half basketball courts.

- (4) An outdoor amphitheater that allows seating by a minimum of 100 people and is used for outdoor music concerts, at a minimum, and which does not involve shows with a mandatory admission charge.
 - (5) A swimming pool.
 - (6) A roofed picnic pavilion with tables and seating for a minimum of 40 persons.
 - (7) A fitness center with a variety of exercise machines.
 - (8) An open grass generally level play field with a minimum length of 100 feet and a minimum width of 50 feet that allows for unscheduled informal sports by young persons.
 - (9) An improved area near the commercial main street area that is suitable for special events, including both hard-surfaced and landscaped areas and benches.
 - (10) A decorative water fountain or waterfall of sufficient size and scope so as to be a focal point of the community, located at or near the commercial main street.
 - b. A minimum of 25 percent of the required preserved open space shall be in an interconnected area that is linked together with a looping recreation trail. The Preserved Open Space shall meet the definition of "Open Space, Preserved or Common" in Section 202.
 - (1) SALDO. This open space requirement shall be in place of any recreation land or fee requirements in the Subdivision and Land Development Ordinance, provided that a minimum of 50 percent of the required preserved open space is improved for active and passive recreation purposes that is open to use by the residents of the TND, at a minimum. A payment of a fee in lieu of providing open space required by this Section shall not be allowed for a TND.
 - (2) A landscaping plan for the Preserved Open Space shall be prepared by a Registered Landscape Architect.
 - c. A minimum of 25 percent of the required preserved open space shall be composed of the following areas when added together: landscaped central commons, squares, greens or similar areas suitable for at least passive recreation and that each include walkways/paths and trees.
2. At least a portion of the Preserved Open Space shall be provided within at least one Central Commons with a minimum lot area of 20,000 square feet.
 - a. The majority of the Central Commons should be planted so as to eventually result in a canopy of deciduous trees over areas of the Commons that are not planned for active recreation. Existing trees may be retained to serve the same purposes, if found acceptable by the Township Shade Tree Commission.
 - b. The required Central Commons shall have a minimum width and minimum length of 60 feet.
 - c. The required Central Commons shall include benches of durable construction and hard surface pathways. The majority of the pathways in a Central Commons shall be ADA-accessible.
 3. Stormwater detention basins and drainage channels shall not be used to meet the minimum Common Open Space requirements, except for areas that the applicant proves to the satisfaction of Township Board of Supervisors would be able to be attractively maintained and be usable for recreation during the vast majority of weather conditions or that would have the appearance of a natural scenic pond.

314.G. Dimensional Requirements.

1. Single family detached dwellings:**
 - a. Minimum lot area - 5,000 square feet. See provisions in Section 314.D.7. that require larger lot sizes adjacent to certain pre-existing single family detached dwellings.
 - b. Minimum lot width at the minimum building setback line - 40 feet, except 50 feet if garage door(s) for 2 or more vehicles will face the front of the dwelling along a street.
2. Twin dwelling unit:**
 - a. Minimum lot area - 4,500 square feet
 - b. Minimum lot width at the minimum building setback line - 30 feet, except 40 feet if garage door(s) for 2 or more vehicles will face the front of the dwelling along a street.
3. Townhouse dwelling unit:**
 - a. Minimum lot area - 2,000 square feet
 - b. Minimum dwelling unit width at the front of the enclosed dwelling unit - 18 feet, except 24 feet if garage door(s) for two or more vehicles will face onto the front of the dwelling along a street.
 - c. Maximum number of connected townhouse dwellings: 8.
 - d. Minimum separation distance between each set of townhouses: 20 feet.
4. Principal non-residential use (a lot may include more than one allowed non-residential use, and within Township-approved commercial areas, principal buildings with a first floor business use may be attached to each other and may include upper story dwelling units):
 - a. Minimum lot area - 5,000 square feet
 - b. Minimum lot width at the minimum building setback line - 30 feet
5. Maximum building coverage for each phase of the TND after completion: 40 percent.
6. Building setbacks/yards** (along a street, minimum yards shall be measured from the proposed future/ultimate right-of-way):
 - a. Front yard and side yard from a local street - minimum 5 feet, maximum 30 feet from a new local street.
 - b. Front yard or side yard from a collector street - minimum 10 feet, maximum 35 feet from a new collector street.
 - c. Any yard from an arterial street - minimum 30 feet, except minimum of 10 feet if the arterial street is integrated into the commercial portion of the development.
 - d. Side yards - minimum 5 feet each, except 0 where buildings are approved to be attached. Commercial buildings shall be allowed to be attached to each other within the approved commercial portion of the development. Each twin dwelling unit shall have one side yard, while a side yard shall be required for each end townhouse unit. A detached garage located to the rear of the lot shall have a minimum side yard setback of 3 feet. If a garage is only connected to a dwelling by a breezeway, it may be considered to be attached or detached by the applicant for the purposes of meeting setback requirements.
 - (1) For a detached principal building, the subdivision plan may be approved with one side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking. In such case, one side yard may be a minimum of 3 feet, provided the total width of the two side yards equals a minimum of 10 feet.
 - e. Rear yard for a principal non-residential building - minimum 30 feet.

- f. Rear yard for a vehicle garage serving a dwelling or a dwelling unit that is allowed to be above a garage - minimum of 5 feet. A deck attached to a dwelling may extend into the rear yard and may extend over a vehicle garage, provided the deck is not enclosed.
- g. Each dwelling unit, other than an apartment, shall have a minimum of 300 square feet of usable outdoor space for the exclusive use of the residents of that dwelling unit. If a single family detached dwelling is allowed to have an accessory dwelling, then the two dwellings together shall provide 300 square feet of such outdoor space. Such outdoor private space may be a yard, garden, patio, porch or unenclosed deck or a combination of such features. Measures shall be used to provide some measure of privacy for residents in rear yards, such as use of decorative walls, fencing, berming, latticework, awnings or landscaping.
- h. See provisions in Section 803 that require two front yards for corner lots.
- i. Swimming pools and accessory buildings that are not vehicle garages shall have a minimum side yard and rear yard setback of 3 feet.
- j. A maximum of 20 percent of the single family detached, twin or townhouse dwelling units are not required to have a minimum lot width directly along a street-right-of-way, provided each dwelling unit: a) has a minimum lot width of 20 feet along an alley, and b) fronts upon a landscaped common open space with a paved or concrete sidewalk or pathway that provides pedestrian access to a street.
- k. A maximum of 5 feet of the required front yard setback may be used for an unenclosed front porch, stoop, steps, handicapped ramp, awning, or canopy.

** In place of individual fee-simple lots meeting these dimensional requirements, an applicant may choose to utilize a condominium form of ownership. In such case, the lots shall be laid out so that the dimensional and coverage requirements would be physically able to be met as if the dwellings were on fee-simple lots. However, for a condominium development, the actual lot lines do not need to be legally established.

- 7. Parking Setback. No parking area of 5 or more spaces shall be located within 30 feet from a contiguous lot line of a dwelling that is outside the perimeter of the TND and that existed prior to the enactment of this Section.
- 8. Maximum Overall Density. The maximum overall density of the Traditional Neighborhood Development shall be determined as follows, as calculated in acres (and decimals):
 - a. Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
 - b. Delete 75 percent of all areas of land with a slope exceeding 25 percent and delete 50 percent of the area of lands with a slope over 15 to 25 percent from "a" above.
 - c. Delete 50 percent of the area of lands within the 100 year floodplain from "a." above.
 - d. Multiply the resulting acreage by the following dwelling units per acre to result in the maximum number of permitted dwelling units within the development. See bonuses in subsection "9." below.

For acreage in the AR Agricultural Residential District: 2 dwelling units per acre.

For acreage in the R-1 District: 4 dwelling units per acre.

For acreage in the R-2 District: 6 dwelling units per acre.

Note: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, new preserved/common open

space, new alleys or similar features. Therefore, the actual density that could be achieved on a "net" piece of land would be higher than the above numbers.

- e. Each 3 beds in a nursing home or personal care center shall be counted the same as one dwelling unit for the purposes of controlling density.

9. Density bonuses:

- a. As an option to the applicant, the applicant may apply for conditional use approval from the Board of Supervisors to approve the following increases in the maximum density provided in Subsection "8." above. In such case, only the increase in density shall need conditional use approval. *(as amended by Ordinance 07-01, adopted 11/20/07)*
 - (1) If the applicant proves that the architectural standards required by Section 314.D.13 will result in excellence in traditional architectural beyond the minimum requirements of this Ordinance, the maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre.
 - (2) The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to provide a minimum of 30 percent of the total tract area in Common Open Space.
 - (3) The maximum density may be increased by a maximum of 0.5 additional dwelling unit per acre if the applicant commits to construct substantial recreation improvements and landscaping beyond the amounts of landscaping and improvements that would otherwise be required. The market value of the additional recreational improvements and landscaping shall exceed a minimum of \$15,000 per each additional dwelling unit that is allowed.
 - (4) The maximum density may also be increased through use of the Age-Restricted Housing Bonus provided in Section 315.

- 10. Maximum Building Height - 45 feet or 3 stories, whichever is more restrictive. See exceptions in Section 802 and definition in Section 202.

314.H. Landscaping and Street Trees.

- 1. See Section 804. A green area with a minimum diameter of 4.5 feet shall be provided to accommodate street trees between the curb and the sidewalk, unless an alternative location for street trees is specifically approved by the Township. Tree wells may be used. Areas that are between the dwelling and the street curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping.
- 2. A minimum of one deciduous street tree shall be required for an average of each 50 feet of street frontage on each side of each existing or proposed street. A uniform separation is not required between street trees. Such street trees shall have a minimum trunk width when planted of 2 inches, measured 6 inches above the ground level. The species shall be approved by the Township Shade Tree Commission.
- 3. The site design of a Traditional Neighborhood Development shall carefully consider and maximize the preservation of existing healthy attractive trees with a trunk width of 6 inches or more, measured at a height of 3.5 feet above the ground level.
- 4. A landscape planting plan shall be prepared by a registered landscape architect. Such plan may specify a range of species in various locations and may include typical planting locations without specifying the exact location of each plant. Such plan shall state the minimum initial

sizes of landscaping. Such landscaping plan shall be offered for review by the Planning Commission and Shade Tree Commission and shall be approved by the Supervisors as part of the Subdivision Plan.

314.I. Parking Incentive. An applicant may meet a maximum of 50 percent of the off-street parking space requirements of adjacent uses by counting on-street spaces parallel to the curb along a local street or along an alley. This provision shall be permitted only:

1. for spaces along the same side of a street along curb that is directly contiguous to the set of lots being served, or a new alley within a TND, and provided the spaces are within 200 feet of each use they serve; and
2. if the applicant proves to the satisfaction of the Board of Supervisors that the street or alley would be sufficiently wide to allow the parking, and that there are no unusual safety hazards involved, compared to typical on-street parking at other locations; and
3. if the applicant proves that such number of parking spaces could be legally accommodated along the street, considering the locations of driveways, fire hydrants and street corners.

Note: Required parking may also be reduced through Section 602.F., particularly for shared parking among uses.

314.J. Deed Restrictions/Covenants. The applicant shall submit a written statement of the proposed substance of deed restrictions or similar controls that would affect matters addressed in this Ordinance.

314.K. Association Provisions. If applicable, a draft set of homeowner association or condominium association provisions shall be submitted for legal acceptance by the Township Solicitor prior to recording of the Final Subdivision Plan.

314.L. SALDO and Street Standards. As authorized by the Traditional Neighborhood provisions of the State Municipalities Planning Code, the Township Board of Supervisors shall have the authority to modify specific street and other requirements of the Subdivision and Land Development Ordinance, without proof of hardship, in order to result in a development that is pedestrian-oriented and that promotes low-speed traffic.

1. For example, the Board of Supervisors may approve reduced street cartway widths, street right-of-way widths and street curve radii.
2. The Board of Supervisors may also defer certain submission requirements from the preliminary to the final plan stage.
3. The applicant shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes for a Traditional Neighborhood Development as stated in this ordinance and the State Municipalities Planning Code and would be in the public interest while protecting public safety.
4. The following street right-of-way and cartway widths shall be allowed for new streets that are not dedicated to the Township or the State, in addition to options that are allowed under the Subdivision and Land Development Ordinance:

- a. A street fronting upon commercial development with two-way traffic may be constructed with two travel lanes of 12 feet each, diagonal parking lanes of 18 feet each or 8 feet wide parallel parking lanes, a 4.5 feet wide planting area for street trees using tree wells on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 8 feet in width (which may count walkable parts of tree wells as sidewalks), and a right-of-way width that extends a minimum of 9 feet on either side of the curbline.
 - b. A street with two-way traffic that does not front upon commercial development may be constructed with two travel lanes of 10 feet each and 8 feet wide parallel parking, a 4.5 feet wide planting strip with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-of-way width that extends a minimum of 9.5 feet on either side of the curbline.
5. Any street within the TND Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the Township under Township ordinances.
 6. The development shall be subject to review by Township Fire Officials to assist the Township in determining whether sufficient access points, cartway widths and turning radii will be provided for access by emergency vehicles and equipment.
- 314.M. Access Controls. The applicant shall prove that the development involves a fully coordinated interior traffic access system that minimizes the number of streets and driveways entering onto a State highway.
- 314.N. Phasing. A phasing plan shall be submitted for the TND. The applicant shall show that each phase of the TND would be able to function properly and meet Township requirements if later phases of the TND are not completed.
- 314.O. Signs. For commercial uses, signs shall be allowed meeting the requirements for signs in the CN district. However, no signs shall be internally illuminated, and no freestanding sign shall have a height exceeding 8 feet.
- 315. AGE RESTRICTED RESIDENTIAL DEVELOPMENT.**
- 315.A. This Section 315 provides a density bonus 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 2006, 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.
- 315.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 Social Security disability regulations, and 2) no person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year, unless such person has a disability as defined under Federal fair housing regulations. 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.

- 315.C. If an entire residential development is approved under this Section 315, 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 315. 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.
- 315.D. This density bonus shall only be approved if the development includes an appropriate system of sidewalks or pathways. At least one looped portion of a pathway system shall have slopes and a surface that are intended for use by older persons, with slopes consistent with the Americans with Disabilities Act (ADA) or no more than five percent (5%), whichever is less. *(as amended by Ordinance 07-01, adopted 11/20/07)*

316. **HISTORIC BUILDINGS.**

316.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources.
2. Establish a clear process to review and approve demolition of designated historic buildings.
3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value.
5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
6. Carry out recommendations of the Township Comprehensive Plan.

316.B. Applicability.

1. This Section 316 shall apply to any principal building within a V Village District, except for a building or building addition for which the Zoning Officer has knowledge that it was built after 1945. The applicant may provide evidence to the Zoning Officer that a building was built after 1945. This Section 316 shall also apply to any principal building identified on the Historic Buildings Map as a Historic Building.
2. Any partial or complete demolition of a principal building regulated by this Section 316 shall only occur in compliance with this Section.
3. Demolition shall be defined as "The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building." A partial demolition shall include, but not be limited to: removal of an attached porch roof, removal of porch columns and removal of exterior architectural features.

316.C. Historic Buildings Map. An Historic Buildings Map may be adopted as part of this Ordinance, or a later amendment of this Zoning Ordinance.

316.D. Approval of Demolition.

1. A building regulated by this Section 316 shall not be demolished, in whole or in part, unless the applicant proves to the satisfaction of the Board of Supervisors as a conditional use that one or more of the following conditions exists:
 - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner; or
 - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or
 - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by Section 316. For example, a demolition may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard; or
 - d. The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape. To meet this condition, the applicant may present information concerning the proposed design of any replacement building or use to show that the proposed building or use will result in a net improvement to the streetscape.
2. For approval of a demolition, the standards of this Section 316 shall apply in place of the general conditional use standards. In reviewing the application, the Board of Supervisors shall consider the following:
 - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring Historic Buildings and on the historic character of the surrounding neighborhood.
 - b. The feasibility of other alternatives to demolition.
3. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
 - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
 - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
 - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
 - d. A written statement of the reasons for the demolition.
 - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused.
5. Emergency. The Zoning Officer may issue a permit for the demolition without compliance with this Section if the Building Inspector certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.

6. In the V District where new construction or vehicle parking is proposed in place of the demolished building, information about the proposed use shall be provided prior to approval of the demolition.
7. If a principal building is to be demolished, a performance bonding shall be required to be posted to ensure that the site is adequately cleared after the demolition, with proper disposal of debris.
8. A separate demolition permit shall also be required under the Township Construction Codes, and the applicant shall prove compliance with State Department of Environmental Protection requirements for disposal of the debris.

316.E. Exceptions. Conditional use approval shall not be needed for the following:

1. Demolition of accessory buildings or structures.
2. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street (not including an alley).
3. Removal of features that were added after 1945, such as a modern porch or aluminum siding or carport.
4. Relocation of a building within the Township, provided that the relocation does not result in a partial or complete demolition that is regulated by this Section.

317. **ADDITIONAL REQUIREMENTS FOR THE BC DISTRICT.**

317.A. Impervious Coverage. The maximum impervious coverage provided in Section 307.A. may be modified as follows, if the flexibility is used to provide a substantial buffer adjacent to existing dwellings:

1. Within a subdivision or land development, the maximum impervious coverages of certain individual lots may be approved to be a maximum of 70 percent, provided that deed restrictions are put into place to restrict the maximum impervious coverage of other lots to a lower percentage, so as to ensure that a maximum impervious coverage of 60 percent is maintained for the total land area of all lots. This provision is intended to allow for substantial buffer areas adjacent to dwellings or for common recreation areas.
 - a. For example by deed restrictions, one lot of 2 acres might have a maximum impervious coverage of 75 percent, while another 2 acre lot is approved with a maximum impervious coverage of 55 percent, resulting in an average impervious coverage of 65 percent.

317.B. Height. A maximum height of 60 feet or 6 stories, whichever is more restrictive, shall apply if a BC District includes more than 10 contiguous acres. If a BC District includes less than 10 contiguous acres, then a maximum height of 40 feet or 3 stories, whichever is more restrictive, shall apply. Also, a maximum height of 40 feet or 3 stories, whichever is more restrictive, shall apply for any portion of a building that is within 100 feet from the lot line of an existing residential use.

1. Customary extensions of a building that are not occupied by persons may exceed this height limit, such as elevator equipment, skylights, water towers, chimneys, smokestacks, parapet walls used to screen mechanical equipment, and similar features.

317.C. Landscaping and Screening.

1. See Sections 803 and 804.
2. Planting strips shall be provided adjacent to each public street. The planting strip shall have a minimum width of 30 feet adjacent to the curblines of an arterial street and 15 feet adjacent to the curblines to any other street. If curbing is not provided, then such width shall be measured from the street right-of-way line. A sidewalk of approved width and approximately perpendicular driveways of approved width may be placed within this planting strip. The planting strip shall be maintained in deciduous shade trees, shrubs and an attractive vegetative ground cover.
3. As part of land development review for each new principal building, a landscaping plan shall be submitted to the Township. A minimum of 20 percent of each lot shall be landscaped, which shall include grass or other vegetative ground cover and an appropriate distribution of trees and shrubs.

317.D. Utilities. All new electric and telephone service lines within the development shall be placed underground.

317.E. Pedestrian Access and Amenities.

1. See the provisions of the Subdivision and Land Development Ordinance regarding sidewalks along streets. An applicant may apply for a modification under such ordinance to allow a bituminous asphalt bicycle/walking trail in place of concrete sidewalks.
2. Consideration should be given to providing pedestrian routes (such as crushed stone paths in areas that are not along a public street) and outdoor lunch areas with picnic tables and trees within a subdivision for the use of employees of businesses within the subdivision.

317.F. Additional BC Provisions.

1. Facade Materials. It is strongly encouraged that a minimum of 75 percent of the facades of buildings facing onto streets consist of glass, brick or other decorative masonry. This provision is intended to avoid metal or cinder block construction, at least as visible from a street. Subdividers are strongly encouraged to place such a requirement on each lot through deed restrictions.
2. Landscaped Front Yards. Parking in the front yard should primarily be used for visitor parking and handicapped parking. Other vehicle parking should primarily be placed to the side or rear of buildings.
3. Loading Docks. An applicant shall prove to the satisfaction of the Township that loading docks have been located within reason to seek to minimize their visibility from dwellings, public streets and expressways. No loading dock routinely served by tractor-trailer trucks shall be located within 75 feet of the existing right-of-way of a public street.
4. Access. The Board of Supervisors may require that vehicle access be provided using an alternative other than direct access from lots onto Linglestown Road or another arterial street. These alternatives may include, but are not limited to, access onto a street that is perpendicular to Linglestown Road, access by multiple lots onto a new interior street, use of a cross-

easement from an adjacent non-residential lot, or another method that is not in conflict with minimum sight distance requirements of the State. The Board of Supervisors may require that a new lot, use or land development include a cross-easement and an appropriate driveway design or a stub right-of-way to allow adjacent lots to access an arterial street at an appropriate and coordinated access point.

318. ADDITIONAL REQUIREMENTS IN THE V VILLAGE DISTRICT.

318.A. Purposes. The V District is intended to serve the following purposes, in addition to purposes described in the Comprehensive Plan and the overall objectives of this Zoning Ordinance:

1. to promote traditional neighborhood development in village areas, particularly to protect significant historic resources in accordance with the Traditional Neighborhood Development provisions of the Pennsylvania Municipalities Planning Code, which purposes are hereby included by reference;
2. to create traditional neighborhood development that regulates new development and infill development where existing uses and structures may be incorporated into existing development;
3. to promote the historic integrity of village areas;
4. to develop and redevelop in a manner generally consistent with historic development patterns and existing character of village areas;
5. to uphold the design principles of traditional neighborhood development;
6. to promote the use, reuse, and renovation of existing structures;
7. to preserve the look and feel of existing village characteristics, which may include a centrally located village square, greenspaces, commercial enterprises, public buildings, residences, and facilities for social activity, recreation and community functions;
8. to encourage a livable neighborhood with a fully integrated, mixed use, pedestrian-oriented community;
9. to provide for adequate and safe circulation patterns for pedestrians, bicyclists, motor vehicle traffic, and other modes of transportation through village areas;
10. to foster a sense of place and community by providing a setting that encourages the natural intermingling of everyday uses and activities within a recognizable community;
11. to support and enhance the economic viability of village areas;
12. to encourage off-street community parking areas located on small vacant lots and parcels adjacent to alleys, based upon site and land development plan approvals;
13. to protect natural, historic, and cultural resources of village areas through regulation of the use of land;
14. to encourage a variety of architectural features and building materials to give each building or group of buildings a distinct character; and
15. to develop compactly in ways that are designed for the human scale, including sensitivity to walking distances, the height of buildings, the design of streetlights and signs, sidewalks, and other features that preserve the look and feel of village areas as seen from public view.

318.B. Dimensional Standards.

1. Lot Area - 6,000 square feet minimum.
2. Lot Access - Each lot shall front on a public street, not including an alley. The Township may establish minimum cartway and pavement standards for abutting segments of an alley.

3. Minimum Lot Width - 50 feet measured at front lot line. The minimum lot width shall be 45 feet per dwelling unit for a single-family semi-detached dwelling.
4. Minimum Lot Depth - 120 feet measured at the side lot line.
5. Setbacks - The following minimum setbacks shall apply:
 - a. Front yard setback - 15 feet, 10 feet of which may be occupied by an unenclosed front porch, which may be covered by a roof. Where the majority of principal buildings on a block along a public street have a certain predominant front yard setback, then any new principal building shall be constructed with a setback that is not more than 10 feet greater than such predominant front yard setback.
 - b. Rear yard setback - 30 feet, except 5 feet from an alley for a storage building or vehicle garage that is accessory to a dwelling.
 - c. Side yard setback - 5 feet, except 10 feet for a new principal non-residential building from a lot line of a lot occupied by a principal dwelling.
6. Maximum Impervious Surface per lot - 80%, except 65% if the lot does not include a principal non-residential use.
7. Height Regulations -
 - a. Minimum Height - The height of a principal building or structure shall not be less than 22 feet. There shall be no minimum height for accessory buildings or structures.
 - b. Maximum Height -
 - (1) No principal building or structure shall be erected to a height greater than 35 feet.
 - (2) No accessory building or structure shall be erected to a height greater than 20 feet.
 - (3) Exceptions to maximum height include steeples of places of worship, cupolas, flagpoles, or other appurtenances usually required to be placed above the roof line, and not intended for human occupancy, provided that the height of the appurtenance shall not exceed a maximum of 20 feet over the building height.
 - c. All principal buildings shall be at least two stories and no more than three stories in height.
8. Building Area -
 - a. No single use shall exceed a gross floor area per floor of 3,500 square feet.
 - b. No building or structure shall exceed a total gross floor area of 5,000 square feet, unless otherwise specified herein.

318.C. Parking and Access.

1. If a public alley or a non-through-street borders any portion of the lot, then any new vehicle access to the lot shall be from the public alley or non-through street, unless existing conditions prohibit safe access from any public alley and any non-through street.
2. Parking spaces shall be located to meet the following requirements:
 - a. All uses shall provide parking on the same lot with the principal use that the parking serves or off-premises within 500 lineal feet of the lot. When the off-premises parking option is taken, it shall be met in one or more of the following ways:
 - (1) On-Street - Parking spaces along the street frontage of the lot, except where there are driveway curb-cuts, may be counted toward the minimum number of parking spaces required for the use on that lot.

- (2) Parking Lot -
 - (a) Parking for two or more private uses in an off-street parking lot, if the total number of spaces provided is not less than the sum of the spaces required for each use individually.
 - (b) However, the number of spaces required in a common parking lot may be reduced below this total if approved under Section 602.F.
 - (3) Fee-in-lieu -
 - (a) Fees-in-lieu of providing a certain number of the required off-street parking spaces may be allowed, as provided in this Section. A fee-in-lieu of parking shall only be allowed where additional parking is required because of a new building or building addition or change in use and the additional parking spaces cannot feasibly be provided on the lot. *(as amended by Ordinance 07-01, adopted 11/20/07)*
 - (b) Fee-in-lieu of parking shall be subject to such reasonable operations and maintenance fees as may be assessed for community lots.
 - (c) Fee-in-lieu of parking shall be permitted under the following provisions:
 - (i) If this option is chosen, the applicant must:
 - provide at least two of the required parking spaces on-site, and
 - provide a minimum of 50 percent of the total required off-street parking spaces in a manner that does not use the fee-in-lieu of parking option.
 - (ii) The Board of Supervisors, upon written application, may permit the payment of a fee by the applicant in lieu of the applicant's providing such required off-street parking within the V District.
 - (iii) The fee to be charged shall be a fee per space in accordance with the fee schedule adopted through resolution by the Board of Supervisors and on file at the administrative offices of the Township and payable in accordance with the administrative policies established by the Board of Supervisors. If a fee schedule has not been established for such fee, then the fee shall be \$3,000 per parking space.
 - (iv) All fees collected hereunder and all interest earned thereon shall be placed in the Parking Facilities Fund to be established by the Board of Supervisors, and such funds shall be used only for studies relating to parking and parking facilities, the acquisition and/or lease of land for improvement or maintenance of municipally operated off-street parking facilities.
 - (v) Such collected fees shall be expended for the purposes set forth herein within 10 years of the receipt thereof.
3. Off-street parking lots shall be located to the side or rear of buildings and shall not be located within the front yard. Side yard parking shall be designed so that parking spaces do not protrude into the front yard.
 4. Reduction of impervious surfaces through the use of interlocking pavers, or other pervious or semi-pervious materials is strongly encouraged for areas, such as community parking lots and parking areas for periodic uses in accordance with Chapter 170 Stormwater Regulations.

318.D. Village Design Standards.

1. Design and construction of new buildings and structures, alterations to existing buildings and structures, and demolition of buildings and structures shall be completed in a manner

consistent with the preservation of the character of a village and shall meet the following requirements.

- a. Principal buildings shall be located to have their front facade facing towards a public street. A principal building shall not be oriented to front toward a parking lot.
- b. No drive-through service or drive-in facilities shall be permitted.
- c. Outdoor Lighting:
 - (1) Lighting on pole fixtures shall not exceed 16 feet in height.
 - (2) The maximum maintained illumination average shall not exceed 5.0 footcandles for nonresidential sites and 2.0 footcandles for residential sites. The minimum maintained illumination average shall not be less than 2.0 footcandles for nonresidential sites and 0.5 footcandles for residential sites.
 - (3) The maximum permitted illumination at the property line for nonresidential uses that are located adjacent to other nonresidential uses shall not exceed 0.5 footcandles. All other uses, including nonresidential uses adjacent to residential uses, shall not exceed 0.2 footcandles as measured at ground level.
 - (4) Exterior lighting shall be recessed and shielded at the top and sides to:
 - (a) prevent light shining beyond the lot lines onto adjacent properties or public ways.
 - (b) direct light downward or otherwise angled in order to prevent glare and overhead sky glow.
 - (5) Lighting from all fixtures, including internally illuminated signs that are to remain illuminated during non-operating hours shall be reduced by at least 75 percent of the lighting level used during hours of operation; provided that such reduction shall not apply to residential uses.
- d. Outdoor Storage and Display -
 - (1) Outdoor storage and display area, when accessory to a permitted use, shall be regulated as follows:
 - (a) outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use or required parking area;
 - (b) outdoor storage, excluding display, shall be shielded from view from the public streets and adjacent residential uses, and shall not be located in the required front yard; and
 - (c) outdoor display shall only be permitted during business hours of operation. There shall be no overnight outdoor display of goods or services.
 - (2) Maximum Areas -
 - (a) Outdoor display areas shall not exceed 300 square feet.
 - (b) Outdoor storage areas shall not exceed an area of 25 percent of the total lot size.
- e. Restaurant Outdoor Seating Area - Outdoor customer seating areas shall be permitted as additional restaurant seating, provided the following standards are met:
 - (1) outdoor customer seating areas shall include, but not be limited to, patios, decks, terraces, and porches;
 - (2) outdoor customer seating areas shall not exceed 600 square feet; and,
 - (3) restaurant parking requirements shall include outdoor customer seating in the calculation for the total number of parking spaces required in accordance with Article 6.

- f. Fences, Walls and Hedges - All fences, walls, and continuous hedges shall conform to the following standards in addition to Section 403.
 - (1) chain link and solid fences are prohibited between a street and the front wall of the principal building;
 - (2) fences, walls, and continuous hedges within the area between the street frontage right-of-way and the building or structure may not exceed 42 inches in height; and
 - (3) fences, walls, and hedges within clear sight triangles shall not exceed 36 inches in height.
- g. Note: See also provisions of the International Construction Codes that provide flexibility in certain standards to encourage the reuse and renovation of historic buildings.

318.E. Demolition of an Existing Principal Building. The requirements of Section 316 shall apply.

318.F. Additional Requirements for New Principal Buildings.

- 1. See Section 318.D.
- 2. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street and be consistent in character with the village.
- 3. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
- 4. For commercial or mixed use buildings with commercial uses on the first floor, no less than 20 percent of the front facade facing onto a public street on the ground floor shall consist of window or door openings of glass, Plexiglas or similar transparent materials. No more than 60 percent of the front facade of a building facing onto a public street shall consist of glass, Plexiglas or similar surfaces.
- 5. All roofs shall have a minimum pitch of 4/12 pitch.
- 6. Guidelines. The following advisory guidelines should be considered in the design of new construction. Some of these features may be required by other sections of this Ordinance in specific cases.
 - a. Exterior building materials facing onto a public street should be brick, stone, or wood, vinyl or aluminum siding or materials with a closely similar appearance, in keeping with the character of existing village development.
 - b. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.
 - c. See Section 318.B.5.
 - d. Modern additions and features should be placed towards the rear of the property.
 - e. New construction should have rooflines that are similar to adjacent older buildings. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
 - f. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have

a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings shall not be allowed facing onto a public street.

7. Review of New Construction. If a new principal building is proposed to be constructed or expanded, the applicant shall submit a plan elevation or sketch that shows the appearance of the building, as viewed from a public street. The applicant shall also submit a description of the exterior building materials that will be used on sides of the building that face a public street. This information shall be submitted to the Zoning Officer, who may distribute it to other Township officials for their review and advisory comment.

319. R-R RESIDENTIAL-RETIREMENT DEVELOPMENT ("RRD").

- 319.A. General Provision. Residential Retirement Development shall be allowed as an optional type of development in districts where authorized by Section 306. Where an applicant chooses to use this Residential Retirement Development option, the provision of this Section 319 shall apply in place of the zoning district provisions.
- 319.B. Purposes. The RRD Option is designed to accommodate nursing care, assisted living and independent retirement living primarily for persons age 55 and over. Such Development may provide residents with a series of compatible uses and services ranging from lodging, housekeeping, meal preparation and service, laundry service, transportation, recreation, health care, pharmacy and banking services, as applicable.
- 319.C. Application for Residential-Retirement Development. Any developer who desires to utilize the RRD Option shall submit to the Planning Commission and the Board of Supervisors through the Planning and Zoning Officer an application accompanied by:
 1. Location map showing the project in relation to the surrounding area;
 2. Sketch plan showing:
 - a. Property lines and easements with dimensions and area;
 - b. Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;
 - c. The building types and floor plans to clearly define the character of the project;
 - d. Topographic information showing existing features and conditions and proposed grading;
 - e. Landscaping plans showing open spaces, planting, existing and proposed trees and recreational area and facilities;
 - f. Existing streets, showing access to the project, proposed roads and parking layout with dimensions; and
 - g. Pedestrian circulation plan, providing for effective pedestrian travel on-site between facilities.
 3. Written information regarding land use designations, surrounding land uses, project design team, development schedule, type, size, number and estimated selling price of units and density calculations; and
 4. Written information regarding the following:
 - a. The nature and extent of the common open space in the project, the proposals for maintenance and conservation of the common open space, and the adequacy of the

amount and function of the open space in terms of the densities and dwelling types proposed in the plan;

- b. The manner in which such plan does make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment;
- c. The relationship, beneficial or adverse, of the proposed development upon the physical environment and the neighborhood in which it is proposed to be established;
- d. Whenever applicable, documents indicating compliance and approval of mandated State statutes or other laws shall be obtained and submitted as part of the application; and
- e. The manner in which such plan addresses the community need or demand for the type of housing and services proposed.

319.D. Criteria for Approval. A RRD shall be granted only if evidence is presented which establishes that:

1. The proposed development shall meet the requirements of this Section.
2. The proposed development shall not have substantial or undue adverse effects, as compared to a standard development permitted by the existing zone, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;
3. The proposed development shall be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the zoning district regulations applicable to that property;
4. The proposed development shall be served adequately by essential public facilities and services such as streets; police, fire and emergency medial protection; drainage structures, refuse disposal, water and sewers; hospitals; and public transportation. The Township may require the developer to provide written verification of the adequacy or availability of such services;
5. The proposed development shall not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

319.E. Permitted by Right Uses. Only the following uses shall be permitted by right in a RRD:

1. Nursing Home
2. Assisted Living Facility or Personal Care Center
3. Independent Retirement Living Apartment Units
4. Single-Family Detached Dwellings
5. Twin Dwellings
6. Townhouses
7. Apartments
8. Meeting and recreation center that primarily serves residents of the development and their guests, and which may include a temporary sales office while the development is under construction and management offices for the development after construction is completed. *(as amended by Ordinance 07-01, adopted 11/20/07)*

319.F. Conditional Uses. In a RRD, the following shall be conditional uses; as long as they are ancillary to a permitted use; and provided that drive-through service shall be prohibited and provided that no retail use shall exceed a building floor area of 10,000 square feet:

1. Office of Physicians, Dentists, Osteopathic Physicians, and other Health Practitioners;
2. Individual and Family Social Services, including Adult Day Care Centers;
3. Stores selling food, gifts, and household items;
4. Restaurants, Cafeterias and Coffee Shops without a separate exterior entrance;
5. Drug Stores and Pharmacies;
6. Financial Institutions; and
7. Beauty and Barber Shops.

319.G. Overall Requirements.

1. A RRD shall be limited to residential and medical development that serves the needs of persons age 55 and older and persons with significant disabilities. RRD promotes a continuum of care.
2. A minimum of 80% of all dwelling units must be occupied by at least one person 55 years of age or older. This shall be a permanent legally binding restriction placed in each applicable deed and each lease. If one member of any household is a person with disabilities, then the unit occupied by that household shall be considered part of the 80% requirement, regardless of the age of said person. Once a household qualifies based on age or handicap, it shall continue to be considered qualified, as long as at least one member of the original household continues to live in the unit. A note shall be placed on the plan stating the age/disabilities residency requirement. In the 80 percent of the dwellings that are age-restricted, no dwelling unit shall be occupied by a person under 18 years old for more than 90 days per calendar year, unless such person has a disability as defined under Federal fair housing regulations.
3. A plan for the entire tract of a RRD shall be approved and recorded as an entity. However, lots may be subdivided and sold as part of the overall land development plan. The overall land development plan may take place in phases.
4. All Nursing Care and Assisted Living Facilities are subject to all relevant federal and state regulations, and a condition of the land development approval process shall be that a statement be provided indicating that such requirements will be met. Proof shall be provided that all applicable State, County and Township licenses have been obtained following their receipt from the appropriate regulatory authority.
5. The maximum height of any structure on a tract in a RRD shall be no more than 40 feet measured from the average level of the grade at the building perimeter to the average height between the eave and the ridge of the roof. See height exceptions in Section 802. However, if the RRD is within the IN District, then the maximum building height may be increased to 60 feet, provided that the minimum yard setback to the lot line or street right-of-way shall be increased by 5 feet for each foot that the height of the building exceeds 40 feet, unless the abutting lot is in common ownership. *(as amended by Ordinance 07-01, adopted 11/20/07 and by Ordinance 08-03, adopted 4/1/08)*
6. Off-street parking shall be provided at the rate of 1.5 parking spaces for each dwelling unit. One visitor parking space shall be provided for every 4 patient beds located in an Assisted Living or Nursing Care Facility, plus at least one additional space for each full-time staff

member per maximum shift. In addition, space shall be provided for service vehicle parking and for automobile passenger pick-up and discharge near buildings.

7. Off-street parking for conditional uses shall be provided at the rate of 50 percent of the amount that would otherwise be required by Section 601, excepting that the number of employee parking spaces, where required, shall be provided at the rate of 100 percent of the requirements of Section 601.
8. A mobile/manufactured home park shall not be developed within the RRD regulations.
9. The maximum impervious coverage for the overall tract of a RRD is as follows:
 Maximum Impervious Coverage for the entire development after completion: 60%

10. The minimum structural setbacks for Nursing Homes and Personal Care/Assisted Living Facilities are as follows:

Minimum Lot Area	N/A
Minimum Lot Frontage	N/A
Minimum Yard Setback:	
Front Yard	25 ft.
Side Yard	10 ft.
Rear Yard	30 ft.
Minimum Distance Between Residential Structures	20 ft.
Minimum Distance Between Non-Residential Structures	40 ft.

11. For single family detached and twin dwelling units the following minimum lot areas and minimum lot widths shall apply:

<u>Bedrooms</u>	<u>Minimum Lot Area (sq.ft.)</u>	<u>Minimum Lot Width (feet)</u>
1	2,750	35
2	3,700	35
3	4,200	40

12. For townhouses, the following requirements shall apply:

<u>Bedrooms</u>	<u>Minimum Lot Area (sq.ft.)</u>	<u>Minimum Lot Width (feet)</u>
1	1,600	18
2	1,800	20
3	2,000	22

13. The minimum setbacks for Apartment Units are as follows:

<u>Minimum Yard Setbacks</u>	
Front Yard	20 ft.
Side Yard	5 ft.
Rear Yard	20 ft.
Minimum Distance Between Residential Structures	10 ft.

14. All required front, side and rear yard areas shall be landscaped with trees and shrubs and/or other ground cover. When a Nursing Home or Assisted Living/Personal Care Center is contiguous to an adjacent residential development, rear and side yard setbacks and buffer zones shall be increased by 100 percent. Minimum buffer distances are as follows:

	<u>Not Adjacent to a Residential Development</u>	<u>Adjacent to a Residential Development</u>
Front	15	30
Side	10	20
Rear	25	50

- a. Parking areas serving an Assisted Living/Personal Care or Nursing Home Facility shall not intrude upon minimum landscape requirements; however, entrance and/or exit drives may be located within the required front yard landscaped area if perpendicular to the street. Where adjacent to existing residential development, required landscaping shall be of a type that shall provide at maturity a visual screen or barrier between the residential zone and the RRD. Such landscaping shall include at least 50 percent evergreen species of trees and shrubs which are no less than 4 feet in height at the time of planting and 20 feet apart. Any trees or shrubs that fail to grow shall be replaced by the property owner within 12 months of planting.
15. If services and shops are developed as additional uses within a RRD, such facilities shall be designed primarily as a service to the occupants and shall be part of the complex. Delivery facilities to such services and shops shall be concealed or screened from the normal pedestrian circulation routes of the complex.
 16. An Assisted Living/Personal Care Center and any apartment dwellings shall be designed especially for the elderly, ill or handicapped by incorporating necessary safety and convenience features. At least one looped portion of a pathway system shall have slopes and a surface that are intended for use by older persons, with slopes consistent with the Americans with Disabilities Act (ADA) or no more than five percent (5%), whichever is less. *(as amended by Ordinance 07-01, adopted 11/20/07)*
 17. The maximum overall density shall be 10 dwelling units per acre. Each 3 overnight beds that are not within a dwelling unit (such as nursing home and assisted living beds) shall be counted the same as one dwelling unit for the purposes of determining density. *(as amended by Ordinance 08-03, adopted 4/1/08)*
- 319.H. Combination of Age-Restricted and Non-Age-Restricted Developments. *(as amended by Ordinance 07-01, adopted 11/20/07)*
1. Within the IN District two adjacent residential developments may be submitted for approval of their zoning densities in one application, provided the two adjacent developments are in common ownership at the time of such zoning density determination by the Township and a concept plan is submitted to the Township showing how the street access and open space of the two developments will be coordinated. Such developments may subsequently be developed by independent entities, provided there is compliance with the overall density determination under this Section and any conditions placed upon such determination by the Township.
 2. One of the two developments shall meet all of the requirements of this Section 319, including being age-restricted. The second development shall meet the requirements of this Section 319, except that the second development shall not be required to be age-restricted. If approved under this Section 319.H., then the maximum density of the two adjacent developments may be calculated as an average for the two developments as if they were a single development. At that time, a maximum density shall be assigned to each of the two developments, provided the requirements of this Ordinance are met.

3. Section 319.H. shall only be allowed to be used if a minimum of 60 percent of the dwelling units in the two developments together would meet the age restriction requirements of Section 319.G.2., including a restriction on occupancy by at least one person age 55 or older. In such case, the maximum average density of the two developments, when calculated together, shall not exceed 6 dwelling units per acre.
 - a. An applicant may choose a second option of having a minimum of 70 percent of the dwelling units in the two developments together meeting the age restriction requirements of Section 319.G.2., including a restriction on occupancy by at least one person age 55 or older. In such case, the maximum average density of the two developments, when calculated together, shall not exceed 8 dwelling units per acre.
4. For dwellings that are not age-restricted, the parking requirements of Section 601 shall apply instead of the parking standards for Section 319.

320. **R-C RESIDENTIAL CLUSTER DISTRICT.**

320.A. Purposes.

1. To allow the developer more choices of housing types, and enable development of lots smaller than those specified in other residential zoning districts, provided the land saved is reserved for permanent common use, usually in the form of open space.
2. To permit a procedure for development which shall:
 - a. Improve living and working environments;
 - b. Promote more economic subdivision layout;
 - c. Encourage a variety of types of residential dwellings;
 - d. Encourage ingenuity and originality in total subdivision and individual site design; and
 - e. Preserve open space to serve recreational, scenic and public service purposes.
3. In the R-C district, the maximum gross density of the zoning district it replaced shall not be exceeded.
4. This district is intended to recognize land areas that were specifically rezoned by the Township in the past for Residential-Cluster Development, in order to maintain a certain amount of consistency in regulations applying to ongoing developments. This district is not intended to be applied to land areas where the R-C district was not previously established. Instead, the intent is to promote use of the Open Space Development provisions in other areas of land.

320.B. Submission Requirements. In addition to submission requirements under the Subdivision and Land Development Ordinance, the following shall be submitted with development plans for an R-C Development:

1. Landscaping plans showing open spaces, planting, existing and proposed trees and recreational area and facilities.
2. Existing streets, showing access to the project, proposed roads and parking layout with dimensions.
3. Written information regarding land use designations, surrounding land uses, project design team, development schedule, type, size, number and estimated selling price of units and density calculations.

4. Written information regarding the following:
 - a. The nature and extent of the common open space in the project, the proposals for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
 - b. The manner in which such plan does make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment; and
 - c. The relationship, beneficial or adverse, of the proposed development upon the physical environment and the neighborhood in which it is proposed to be established.

320.C. Criteria for Approval. A Cluster Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. That the Cluster 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, 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 clustered 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 common 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 should be provided.
2. That the proposed Cluster Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, that areas along perennial creeks shall be preserved in their natural state, except for planting of trees and shrubs, 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. See Section 312.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
3. The proposed cluster development shall not have substantial or undue adverse effects, as compared to a standard development permitted by the existing zone, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
4. The proposed cluster development shall be constructed, arranged and operated so as not to interfere with the development and use of neighboring property.

5. The proposed cluster development shall be served adequately by streets.
6. The proposed cluster development shall not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.

320.D. Allowed Uses. Section 306 shall apply.

320.E. Qualifications for a Residential-Cluster Development.

1. Tract Size. Minimum developable tract size shall be ten contiguous acres for development where the replaced zoning district was R-1 or R-2, and 20 contiguous acres for development where the replaced zoning district was A-1 or P-1. Excluded from the determination of developable tract size are the following:
 - a. One-half of all land situated in the 100-year floodplain.
 - b. One-half of all land situated in slopes of over 15 percent.
2. Density. The maximum number of dwelling units on the tract shall be determined based upon an Existing Features Map and a Yield Plan.
 - (1). An Existing Features Map shall be required to be submitted as part of the application for a Cluster 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). A Yield Plan shall be submitted to the Township by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under Township ordinances in effect as of June 1, 2005 under the regulations of the zoning district that applied immediately prior to the rezoning to the R-C district. The Yield Plan shall be completed to an accurate scale, including accurately showing the Existing Feature Map information described above. The Yield Plan shall show potential lots, streets and retention/detention pond locations. However, the Yield Plan shall not serve as, and is not required to contain, the engineering detail requirements of a preliminary subdivision plan.
 - (3). Such Yield Plan shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units that were possible on the site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan until it is accurate.
 - (4). Density. The maximum number of dwelling units allowed on the tract through Cluster Development shall be equal to the number of dwelling units that is determined by the Township to have been possible under the Township-accepted Yield Plan. However, for land that was formerly in the A-1 district prior to rezoning to the R-C district, the Yield Plan may be based upon one-acre minimum lots.
3. Mix of Dwelling Units.
 - a. Where the replaced zone was either a R-1 or P-1 District, a minimum of 45 percent of the total number of units shall be single family detached dwellings.
 - b. Where the replaced zone was a R-2 District, a minimum of 25 percent of the total number of dwelling units shall be single family detached dwellings.
 - c. Where the replaced zone was an A-1 District, all proposed units shall be single family detached. However, if a tract includes more than 100 acres, then a minimum of 45 percent of the dwelling units shall be single family detached, provided that no housing type other

than single family detached houses shall be constructed within 150 feet from a lot of a single family detached dwelling that existed prior to the adoption of this Ordinance.

4. Permitted Lot Reductions. *(as amended by Ordinance 07-01, adopted 11/20/07)*
 - a. For a Cluster Development in any zoning district both public sewage service and central water service shall be provided.
 - b. For a Cluster Development in any zoning district the minimum yard requirements of the R-2 district shall apply, unless otherwise specified.
 - c. For a Cluster Development where the replaced district was the AR or CO District, the minimum lot area shall be reduced to 20,000 square feet and the minimum lot width shall be reduced to 90 feet, with minimum yard requirements meeting the R-1 district. However, if a tract includes more than 100 acres and the dwellings will be served by public sewer and water, then the minimum lot area may be reduced to 7,500 square feet for single family detached dwellings with a minimum lot width of 60 feet.
 - d. For a Cluster Development where the replaced zone was NOT the AR or CO District, for single family detached dwellings, a reduction in minimum lot area to 10,000 square feet shall be allowed with a minimum lot width of 75 feet. If a Cluster Development includes a tract of more than 100 total acres, then such minimum lot area may be reduced to 7,500 square feet with a minimum lot width of 60 feet. For all other types of allowed housing, up to 20 percent reduction is allowed from the minimum amount of land area required per dwelling unit.
 - e. No specific minimum lot area shall apply for townhouses, provided the overall density requirement is met for the tract. Individual dwellings may be held in a condominium arrangement.
5. Yard Dimensions. Yard dimensions shall be as recommended by the Planning Commission and approved by the Board of Supervisors as part of the preliminary plan approval, except that each lot in a cluster development which abuts property in a residential district shall have a side or rear yard of not less than the required side or rear yard of the abutting district, and that the yard setback for all lots fronting on public streets shall not be less than the front yard setback requirements of the respective zoning districts in which they were formerly located.
6. Buffer Areas. Buffer areas shall be required along exterior property lines where units in a proposed cluster development abut non-cluster residential development. Buffers shall consist primarily of six feet or higher evergreen trees spaced ten feet apart in staggered double rows. Additional plant materials and earthen mounding are encouraged to soften the linear appearance of the rows of evergreen trees. Where buffers are required, a planting plan shall be required which shows the location, size, species and number of plant materials to be used.

320.F. Housing.

1. In addition to the other allowed housing types, the following housing types may be constructed as part of a Cluster Development:
 - a. Atrium House. The atrium house is a single-family, attached dwelling unit with individual outside access. The lot shall be fully enclosed by a wall at least seven feet high. A private yard, herein called an atrium, shall be included on each lot. All living spaces, such as living rooms, dens and bedrooms, shall open onto the atrium.

<u>Bedrooms</u>	<u>Minimum Lot Area (sq. ft.)</u>	<u>Minimum Lot Width (feet)</u>
1	1,375	35
2	1,850	35
3	2,100	40
4	2,300	40
5	2,500	40

Minimum atrium dimension: 16 feet.

Minimum atrium area: 288 square feet.

- b. Lot Line House. A lot line house is a single-family detached residence on an individual lot, with the building set on one of the side property lines. An easement for maintenance on the adjoining lot is required.

Lot area minimum: 7,000 square feet.

Minimum yard: Front – 25 feet; Rear – 30 feet.

Minimum lot width at building setback line: 60 feet.

Minimum principal building spacing: 30 feet.

2. Not more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any group may be constructed in line.

3. Spacing of Buildings. Minimum distances between principal buildings shall be as follows:

- a. Single family detached. Thirty feet in former A-1 or P-1 zoned areas. Twenty feet in former R-1 or R-2 zoned areas.
- b. Twin Dwelling. Thirty feet between buildings in all areas.
- c. Apartments. Forty feet between buildings in all areas.
- d. Townhouse. Forty feet between buildings in all areas.
- e. Atrium House. Thirty feet between buildings in all areas.
- f. Lot Line House. Thirty feet in former A-1 or P-1 zoned areas. Twenty feet in former R-1 or R-2 zoned areas.

320.G. Garages and Accessory Buildings. Garages and accessory buildings may be located in any rear yard, provided that they do not violate the coverage regulation herein set forth and that side yards of not less than two feet are provided, and that a rear yard setback from the rear property line of not less than three feet is provided.

320.H. Impervious Coverage Regulations. The maximum permitted impervious coverage shall be 30 percent and shall apply to the developable tract area total, rather than to individual lots.

320.I. Height Regulations. Single-family residences shall not exceed 35 feet in height, and other permitted uses shall not exceed 40 feet in height.

320.J. Utilities. Both public water and public sewage shall be provided in any cluster development.

320.K. Open Space Requirements.

- 1. Open space areas shall be developed to complement and enhance the manmade environment. In the selection of the location of such areas, consideration shall be given to the preservation of natural and manmade features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed, such as floodplains, including streams and ponds, slopes equal to or greater than 15 percent, natural permanent vegetation, historical amenities and other community assets.

- a. A minimum of 40 percent of the total tract area shall be permanently preserved as "common open space," with a method of ownership and maintenance that is acceptable to the Board of Supervisors, after review by the Township Planning Commission. A minimum of 50 percent of the required common open space shall be in one contiguous tract, which may be separated only by creeks or by a maximum of one street. Common open space may also be traversed by an accessway limited to emergency vehicles.
2. The area shall be so located and designed that it is easily accessible to all people including the handicapped. Safe and easy access to common open space areas shall be provided either by adjoining road frontage, easements or paths.
3. Whenever possible, common open space areas shall be designed as a continuous system of usable areas, which are interspersed among groupings of residential buildings. Provided, however, in those instances in which the total minimum required open space is less than two acres in size, such acres shall be located in one parcel; and shall only be broken up if the development site or its physical constraints dictate otherwise with the concurrence of the Planning Commission and Board of Supervisors.
4. Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.
5. Accessways to the site shall be sufficiently wide so that maintenance equipment shall have reasonable convenient access to such areas. In all instances, such open space areas shall be maintained in a careful and prudent manner.
6. Common open space may be dedicated partially or entirely to public use. The Township Parks and Recreation Commission may recommend and the Board of Supervisors may approve the dedication of any common open space land for public use. However, the Board of Supervisors shall also have the right to not accept any dedication of open space if it finds that the size, location, type of development or cost of development or maintenance of such common open space or the availability of other public open space nearby would make public use undesirable or unnecessary.
7. Private Ownership. When common open space is not dedicated and accepted to public use, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall:
 - a. Obligate purchasers to participate in a homeowners association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
 - b. Obligate such an association to maintain the open areas and private streets and utilities.
 - c. Empower the Township to enforce the covenants in the event of failure of compliance. (*as amended by Ordinance 07-01, adopted 11/20/07*)
 - d. Provide for agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in

the deeds or other instruments of conveyance shall be evidenced by the recordation in the Office of Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

- e. Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.
 - f. Such covenants or equivalent legal arrangements shall be submitted for preliminary review with the preliminary plan and shall be reviewed and approved by the Board of Supervisors prior to the granting of final plan approval.
8. The common open space shall be limited to uses or a range of uses approved by the Board of Supervisors at the time of subdivision, land development and/or conditional use approval. Any future change to the allowed uses in the common open space shall require conditional use approval.
 9. The Board of Supervisors may require that the majority of the required common 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 common open space could be connected in the future to open space on that neighboring lot, or
 - d. adjacent to an arterial street where the open space will serve to buffer homes from the street.