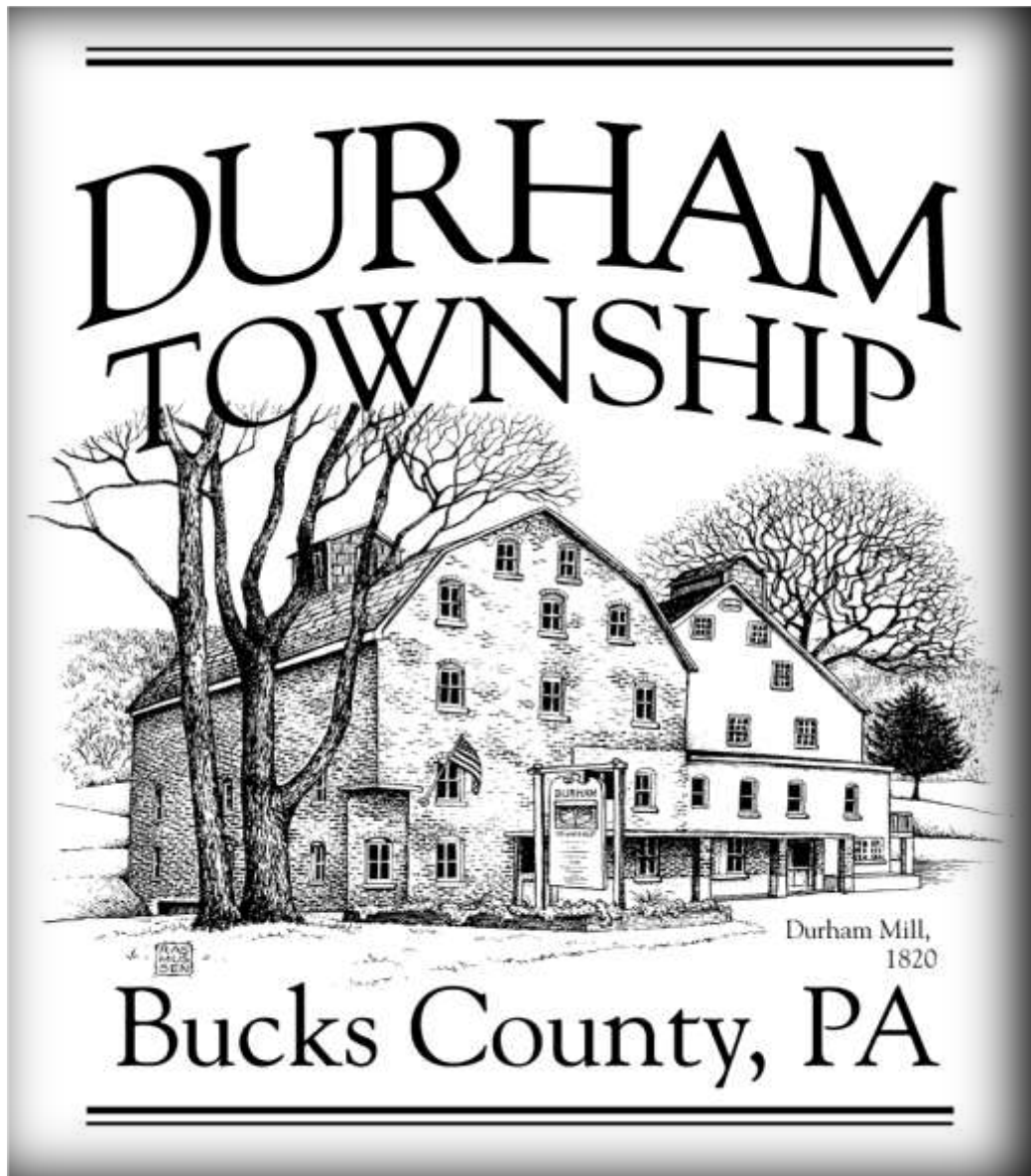


# ZONING ORDINANCE

2015-1



ADOPTED MARCH 16, 2015  
EFFECTIVE MARCH 21, 2015

Amendments Incorporated in this Text: NONE

***Durham Township Would Like to Thank All of Those Involved in the Development, Review and Compilation of This Ordinance:***

***Board of Supervisors:***

*Bartley E. Millett, Chairman*

*Richard M. Johnson, Vice Chairman*

*Manfred Marschewski, Member*

***Planning Commission:***

*Ken Klein, Chairman*

*Pete Thomson*

*Jim Pavlica*

*Cindy Skoriak*

*Tom Harbin*

*Lois Oleksa*

*Kathy Gentner*

***Township Manager:***

*Joseph M. Kulick*

***Township Solicitor:***

*Peter N. Harrison, Esquire*

***Township Engineer:***

*Scott Mease, Mease Engineering*

***Township Zoning Officer:***

*Edward Child*

***Special Thanks Go Out to the Bucks County Planning Commission for Their Assistance in Reviewing This Document***

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This new Zoning Ordinance is hereby ordained and enacted by the Board of Supervisors of Durham Township pursuant to authority and procedures of the "Pennsylvania Municipalities Planning Code" as follows:

## **ARTICLE 1 TITLE, PURPOSE AND JURISDICTION**

### **§ 100. Title**

An Ordinance regulating the location, height, volume, erection, construction, alteration, razing and size of structures; the percentage of lot which may be occupied, the size of yards, courts, and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for agriculture, water supply, conservation, soil conservation, forestry, significant wildlife and aquatic habitat, or other purposes; and providing for the administration, enforcement, and amendment of this ordinance in accordance with the provisions of the "Pennsylvania Municipalities Planning Code" as amended.

### **§ 101. Short Title**

This Ordinance shall be known as and may be cited as the "Durham Township Zoning Ordinance" of 2015. This Ordinance is also known as "the Zoning Code" of Durham Township.

### **§ 102. Purposes**

In addition to serving the purposes that are authorized for a zoning ordinance in the State Municipalities Planning Code and the goals and objectives of the Township Comprehensive Plan, which are hereby included by reference, the purpose of this Ordinance is to promote, protect and facilitate the public health, safety, and the general welfare by:

- A. Providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water, and the natural, scenic, historic, and aesthetic values of the environment; and to protect natural resources which are part of the ecological system to which we are all bound, and therefore are the common property of all the people, including generations yet to come, and must be protected to insure the health, safety, and welfare of all the people.
- B. Giving effect to the community objectives, policies and proposals of the Durham Township Comprehensive Plan as amended and incorporated therein as the comprehensive plan required by Section 606 of the Pennsylvania Municipalities Planning Code as amended.
- C. Securing safety from fire, panic, flood, and other dangers.

- D. Providing adequate light and air.
- E. Controlling and regulating the growth of the area, concentrating development in areas where adequate water, sewage, roads and schools can be provided and limiting development in areas where these facilities cannot be provided.
- F. Provide standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing; and to meet the goals of the Federal Housing Act of 1949.
- G. Promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flow, water supply, drainage, sanitation, schools, parks, and other public facilities; educational opportunities, recreation, soil fertility, and food supply.
- H. Lessening the danger and congestion of traffic on the roads and highways and reducing excessive numbers of roads.
- I. Protecting the tax base.
- J. Securing economy in governmental expenditures.
- K. Fostering agricultural and other industries; to preserve prime agricultural and farmland considering topography, soil type and classification, and present use.
- L. Protecting both urban and non-urban development through the use of a development district for urban uses and rural residential and resource protection districts for non-urban development.
- M. Providing for the use of land within the township for residential housing of various dwelling types encompassing all basic forms of housing as described in the Pennsylvania Municipalities Planning Code, as amended.
- N. Accommodating reasonable overall community growth including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

### **§ 103. Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public, health, safety, comfort, convenience, and general welfare.

- A. Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings, or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.
- B. Whenever the provisions of any other statute require a greater width of size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by and regulations made under authority of this Ordinance, the provisions of such statute shall govern.

- C. This Ordinance does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- D. Provisions in the Durham Township Subdivision and Land Development Ordinance providing for varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

**§ 104. Severability**

It is declared to be the intent of the Board of Supervisors that:

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of the Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

**§ 105. Repealer.**

The pre-existing Durham Township Zoning Ordinance, including all amendments thereto, is hereby repealed, as of the date that this new Zoning Ordinance becomes effective.

**----- End of Article 1 -----**



## **ARTICLE 2 DEFINITIONS**

### **§ 200. General**

- A.** Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Ordinance the meanings given in the following clauses.
- B.** For the purpose of this Ordinance words and terms used herein shall be interpreted as follows:
  - 1. Words used in the present tense include the future.
  - 2. The singular includes the plural.
  - 3. The word "person" includes a corporation, partnership, and association as well as the individual.
  - 4. The word "lot" includes the word "plot" or "parcel".
  - 5. The term "shall" is mandatory.
  - 6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
  - 7. The word "Municipal" or "Municipality" means Durham Township.
  - 8. The words "Governing Body" refer to the Board of Supervisors of Durham Township.
  - 9. The word "Commission" and the words "Planning Commission" always mean the Durham Township Planning Commission.
  - 10. The word "Engineer" means Durham Township Engineer.
  - 11. The word "Board" or the words "Zoning Hearing Board" always mean the Durham Township Zoning Hearing Board.
- C.** Any word or term not defined herein shall be used with a meaning of standard usage.
- D.** If a word or term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance or the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
- E.** The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

### **§ 201. Definitions**

**Accessory Building:** See the definition of "Building, Accessory."

**Accessory Parent/In-Law Dwelling:** A dwelling used as a residence by the parent(s) or parent(s) in-law of the owner(s) of record of a property which is accessory to only a single family detached residence.

**Accessory Structure:** A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use.

Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An “Accessory Building” is any accessory structure that meets the definition of a “building”. A portion of a principal building used for an accessory use shall not be considered an accessory building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

**Adult Entertainment:** The definitions under Use E-1 in Section 403.E. shall apply.

**Agriculture:** A principal use involving the cultivating of soil, the raising and keeping of livestock and poultry and the harvesting of the products of the soil, including horticulture.

**Agricultural Soils, Productive:** Land available for agricultural purposes that contains soils with a Land Capability Classification of Class 1 or Class 2 or listed as Prime Farmland in the Official Soil Survey provided by the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/>). In addition, other lands available for agricultural purposes identified in the Official Soil Survey with a Land Capability Classification of Class 3 or listed as Farmlands of Statewide Importance in the Official Soil Survey are also considered Prime Farmland for the purposes of this Ordinance. They consist of the following:

**PRIME AGRICULTURAL SOILS:**

<u>Symbol</u>	<u>Soil Name</u>	<u>Manuscript</u>
AlA	Alton	gravelly loam, 0 to 3 percent slopes
AIB	Alton	gravelly loam, 3 to 8 percent slopes
ArB	Arendtsville	gravelly silt loam, 3 to 8 percent slopes
BeA	Bedington	channery silt loam, 0 to 3 percent slopes
BeB	Bedington	channery silt loam, 3 to 8 percent slopes
BrB	Brecknock	channery silt loam, 3 to 8 percent slopes
BsA	Brownsburg	silt loam, 0 to 3 percent slopes
BsB	Brownsburg	silt loam, 3 to 8 percent slopes
CdA	Chester	silt loam, 0 to 3 percent slopes
CdB	Chester	silt loam, 3 to 8 percent slopes
CmB	Clarksburg	silt loam, 3 to 8 percent slopes
DaA	Delaware	loam, 0 to 3 percent slopes
DaB	Delaware	loam, 3 to 8 percent slopes
DfB	Duffield	silt loam, 3 to 8 percent slopes
DuA	Duncannon	silt loam, 0 to 3 percent slopes
DuB	Duncannon	silt loam, 3 to 8 percent slopes
EcB	Edgemont	channery loam, 3 to 8 percent slopes
FoA	Fountainville	silt loam, 0 to 3 percent slopes
FoB	Fountainville	silt loam, 3 to 8 percent slopes
GIB	Gladstone	gravelly silt loam, 3 to 8 percent slopes
GrA	Glenville	silt loam, 0 to 3 percent slopes
GrB	Glenville	silt loam, 3 to 8 percent slopes

LgA	Lansdale	loam, 0 to 3 percent slopes
LgB	Lansdale	loam, 3 to 8 percent slopes
LkA	Lawrenceville	silt loam, 0 to 3 percent slopes
LmA	Lehigh	channery silt loam, 0 to 3 percent slopes
LmB	Lehigh	channery silt loam, 3 to 8 percent slopes
Lt	Linden	loam
MaB	Manor	loam, 3 to 8 percent slopes
McA	Matapeake	silt loam, 0 to 3 percent slopes
McB	Matapeake	silt loam, 3 to 8 percent slopes
MdA	Mattapex	silt loam, 0 to 3 percent slopes
MIA	Mount Lucas	silt loam, 0 to 3 percent slopes
MIB	Mount Lucas	silt loam, 3 to 8 percent slopes
NbB	Neshaminy	silt loam, 3 to 8 percent slopes
PeA	Penn	channery silt loam, 0 to 3 percent slopes
PeB	Penn	channery silt loam, 3 to 8 percent slopes
PnB	Penn-Lansdale	complex, 3 to 8 percent slopes
RaA	Raritan	silt loam, 0 to 3 percent slopes
RaB	Raritan	silt loam, 3 to 8 percent slopes
ReA	Readington	silt loam, 0 to 3 percent slopes
Ro	Rowland	silt loam
WaB	Washington	silt loam, 3 to 8 percent slopes

#### AGRICULTURAL SOILS OF STATEWIDE IMPORTANCE

<u>Symbol</u>	<u>Soil Name</u>	<u>Manuscript</u>
AbA	Abbottstown	silt loam, 0 to 3 percent slopes
AbB	Abbottstown	silt loam, 3 to 8 percent slopes
AbC	Abbottstown	silt loam, 8 to 15 percent slopes
AmA	Amell	silt loam, 0 to 3 percent slopes
AmB	Amell	silt loam, 3 to 8 percent slopes
ArC	Arendtsville	gravelly silt loam, 8 to 15 percent slopes
BeC	Bedington	channery silt loam, 8 to 15 percent slopes
BrC	Brecknock	channery silt loam, 8 to 15 percent slopes
BsC	Brownsburg	silt loam, 8 to 15 percent slopes
BwB	Buckingham	silt loam, 3 to 8 percent slopes
CbA	Chalfont	silt loam, 0 to 3 percent slopes
CbB	Chalfont	silt loam, 3 to 8 percent slopes
CdC	Chester	silt loam, 8 to 15 percent slopes
CyB	Culleoka-Weikert	channery silt loam, 0 to 3 percent slopes
CyC	Culleoka-Weikert	channery silt loam, 8 to 15 percent slopes
DgC	Duffield-Ryder	silt loam, 8 to 15 percent slopes
EcC	Edgmont	channery loam, 8 to 15 percent slopes
FoC	Fountainville	silt loam, 8 to 15 percent slopes
GIC	Gladstone	gravelly silt loam, 8 to 15 percent slopes
GID	Gladstone	gravelly silt loam, 15 to 25 percent slopes
GnC	Glenelg	channery silt loam, 8 to 15 percent slopes

Ha	Hatboro	silt loam (Farmland of statewide importance)
KIB	Klinesville	very channery silt loam, 3 to 8 percent slopes
LgC	Lansdale	loam, 8 to 15 percent slopes
LgD	Lansdale	loam, 15 to 25 percent slopes
LkB	Lawrenceville	silt loam, 3 to 8 percent slopes
LmC	Lehigh	channery silt loam, 8 to 15 percent slopes
MaC	Manor	loam, 8 to 15 percent slopes
MIC	Mount	lucas silt loam, 8 to 15 percent slopes
NbC	Neshaminy	silt loam, 8 to 15 percent slopes
NkA	Nockamixon	silt loam, 0 to 3 percent slopes
NkB	Nockamixon	silt loam, 3 to 8 percent slopes
NkC	Nockamixon	silt loam, 8 to 15 percent slopes
PeC	Penn	channery silt loam, 8 to 15 percent slopes
PkB	Penn-Klinesville	channery silt loam, 3 to 8 percent slopes
PkC	Penn-Klinesville	channery silt loam, 8 to 15 percent slopes
PkD	Penn-Klinesville	channery silt loam, 15 to 25 percent slopes
PnC	Penn-Lansdale	complex channery silt loam, 8 to 15 percent slopes
RaC	Raritan	silt loam, 8 to 15 percent slopes
ReB	Readington	silt loam, 3 to 8 percent slopes
RIA	Reaville	channery silt loam, 0 to 3 percent slopes
RIB	Reaville	channery silt loam, 3 to 8 percent slopes
RIC	Reaville	channery silt loam, 8 to 15 percent slopes
StB	Steinsburg	gravelly loam, 3 to 8 percent slopes
StC	Steinsburg	gravelly loam, 8 to 15 percent slopes
WaC	Washington	silt loam, 8 to 15 percent slopes

If, in the future, the United States Department of Agriculture, Natural Resources Conservation Service, Soils Survey, Bucks County, 2002, is amended or revised to include different soils types under the classification of Prime Agricultural Soils or Agricultural Soils of Statewide Importance, the definition of Productive Agricultural Soils contained herein shall be deemed to be amended to include such soils.

**Alluvial Soil:** a fine - grained fertile soil deposited by water flowing over flood plains or in river beds fertile soil that can be found in aquatic communities. Areas subject to periodic flooding or are listed in the Official Soil Survey provided by the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey <http://websoilsurvey.nrcs.usda.gov> as soils having a flood frequency other than none.

**Alley:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

**Alteration:** As applied to a building or structure, a change or re-arrangement in the structural parts, or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Animal Equivalent Units (AEUs):** The definition and method of calculation in State Nutrient Management Regulations shall apply, except that under this Zoning Ordinance, AEUs are based upon acreage of a lot or adjacent lots in common ownership, and not acreage that is available for disposal of wastes. (Note: Animal equivalent units are based upon live weight per acre of livestock or poultry, calculated on an annualized basis. An animal equivalent unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.)

**Antenna:** A device used to collect or transmit telecommunications or electromagnetic signals. Examples are: panels, microwave dishes, and single pole known as whips.

**Apartment:** Apartments are multi-family dwelling units, where individual dwelling units share a common outside access. They share with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Apartment buildings shall contain three or more dwellings in a single structure.

**Area:**

- (a) **Building Area:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.
- (b) **Floor Area:** The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in the accessory building not in the main building intended or designed to meet the parking requirements of this Ordinance, nor any such floor space intended and designed for accessory heating and ventilating equipment.

**Asphalt Plant:** An operation or plant, accessory to a quarry, which has as its primary function the mixing of rock materials with asphalt oils or other binders for road building and construction purposes.

**Automobile:** Cars, trucks, vans, and like motorized modes of transportation. A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport. Often referred to as a motor vehicle.

**Automobile Accessories:** Parts, tires batteries and other related supplies which are used strictly for automobiles.

**Automobile Repair/Service Station:** A building or place of business that houses an automobile repair garage which may include spraying and body and fender work within an enclosed building. The service station may also include automobile mechanical repairs and/or dispensing of gasoline and automobile accessories. This term shall include freestanding automobile fueling points.

**Basal Area:** The cross sectional area of the stem of a tree measured 4½ feet above grade (dbh).

**Basal Area per Acre:** The sum of each tree's basal area in woodland divided by the number of acres within the woodland.

**Base Site Area:** The total area of a lot or tract of land minus the area devoted to ultimate right-of-way or restrictive easements and minus the area cut from the parcel by streets or other parcels and minus the area covered by previous subdivisions, as calculated under Article 5.

**Basement:** A story partly underground, but having one-half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement and determining square footage, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than 4 feet, or if used for business or dwelling purposes.

**Bed and Breakfast Inn:** A building containing less than six (6) guest rooms, converted or designed for the temporary lodging of transient guests, provided that no room shall have cooking facilities of any kind. They are typically converted from single-family residences and the like, and must be occupied by resident innkeepers.

**Board of Supervisors:** The Durham Township Board of Supervisors.

**Buffer Yard or Buffer:** A landscaped strip of land that a) separates one use from another use district, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways.

**Building:** A structure having a roof that is used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

- (a) **Building, Accessory:** A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. A portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- (b) **Building, Principal:** A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

**Building Area:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**Building Coverage:** That percentage of the lot area covered by the building area (the aggregate of the maximum horizontal cross-section areas of all buildings on a lot including accessory structures, above the ground level, measured at the greatest outside dimensions).

**Building Height:** The vertical distance measured from the elevation of the proposed finished grade to the highest point of the roof, measured along the front of the building. However, for a peaked or pitched roof, the maximum height may be measured to the mean height between the base of the roof and the top of the roof, provided that the roof area above the maximum building height is not inhabited by persons. See also exceptions in Section 500.H.

**Building Setback Line:** The rear line of the minimum front yards, as herein designated for each use and district, measured at a distance equal to and no greater than the minimum front yard setback from the ultimate right-of-way line.

**Building Spacing:** The minimum building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters.

**Carbonate Geologic Formation:** Carbonate geologic formations consist of limestone and dolomite bedrock; specifically Allentown Dolomite and Leithsville formation. Also referred to as Karst Geology.

**Cartway:** The hard or paved surface portion of any street, or that portion of a street customarily used by vehicles in the regular course of travel over the street.

**Car Wash:** A building or portion thereof, exclusively for the cleaning and washing of automobiles, trucks, or other vehicles for commercial purposes.

**Cavern:** A subterranean cavity or cave.

**Cellar:** A story partly underground and having more than one-half of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage.

**Church -** A building used for organized religious services and public worship.

**Closed Depression:** Remnants of sinkholes that have partially filled with soil by erosion and settlement of the sinkhole walls, generally found in areas of carbonate geologic formations.

**Club or Lodge:** A private club is a nonprofit association supported by dues or fees imposed on a uniform basis upon all members and paid at least in part for membership status rather than for periodic use of the club's facilities; includes, but is not limited to, fraternal, school, athletic, or other associations, with rules, bylaws, charter, or local or national affiliation and is based on membership of persons with common interests, pursuits, or purposes

**Cluster Development:** A development method that concentrates buildings in specific areas on a site to a specified amount of land, to be permanently preserved in Township-approved types of open spaces or involving the preservation of productive agricultural soils or environmentally sensitive lands as provided by this Ordinance.

**Commercial Communications Antenna/Tower:** A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not involve simple receipt of television, radio or amateur ham radio signals. Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit cellular telephone or other wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna.

**Commercial District:** The PC-I zoning district and any other commercial district that may be subsequently established.

**Commonwealth Waters:** All watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of the Commonwealth of PA

**Community Sewage Disposal System:** A system of piping, septic tanks or other facilities serving more than one (1) lot, or more than one (1) building, collecting and disposing of sewage in whole or in part into the soil through septic tank filter fields which is administered and maintained by such organizations as a homeowners association, community association, or other like organization of the people using the same system, as well as those of any sewer company or any other entity which may have a permitted franchise within the township.

**Community Water Supply System:** An individual well or series thereof serving more than one (1) lot or more than one (1) building which along with its appurtenant facilities is administered and maintained by such organizations as a homeowners association, community association, or other like organization of the people using the system, as well as those of any water company or any other entity which may have a permitted franchise within the township.

**Comprehensive Plan:** The Durham Township Comprehensive Plan, as may be amended from time to time, including maps, tables and text which may constitute a policy guide for decisions regarding land use, circulation, community facilities and utilities within the Township.

**Conditional Use:** A use which may be granted with conditions or denied by the Board of Supervisors after recommendation by the Planning Commission, when in compliance with all applicable standards and criteria.

**Condominium:** A condominium is an ownership arrangement. A condominium is a structure that has all of the following characteristics:

(a) The unit, the interior and associated exterior areas designated for private use in the development plan; is owned by the occupant.

(b) The unit may be any type of permitted structure.

(c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with applicable State law regarding condominiums and in accordance with the provisions for open space, roads, or other development features in this Ordinance and the Subdivision and Land Development Ordinance.

**Conservation Easement:** A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

**Construction:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes and the excavation, cutting, filling, and grading of lots in connection therewith or in preparation thereof.

**Conversion:** Any change to or in a building that would alter its use classification.

**Cul-de-Sac:** A street with an intersection at a street at one end and terminating at the other end in a vehicular turnaround.

**Day Care Center:** Any premises that provide day care or nursery school to persons under age 16 for portions of the day, but not including care by a relative or care provided by places of worship during worship services, and not including care of 6 or fewer children at a time which is considered an accessory use. This use shall also include providing care and supervision during portions of the day to 3 or more adults who need such a facility because of developmental or physical disability or because of old age or illness, but which does not routinely provide overnight housing or skilled nursing care.

**Dbh:** Diameter-breast-height 4.5 feet above grade.



**Decision:** Final adjudication of any board or other body granted jurisdiction under this ordinance, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Bucks County and the judicial district wherein the Township lies, unless otherwise provided by this Ordinance.

**Developer:** Any landowner, equitable owner or authorized agent of such landowner, or tenant with permission of the landowner, who formally proposes or makes, or causes to be made, a subdivision, land development or any other development.

**Density:** Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre.

**DEP:** The Pennsylvania Department of Environmental Protection.

**Determination:** Final action by an officer, body or agency charged with the administration of this ordinance or applications there under, except the Board of Supervisors and Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**Development:** Any man-made changes to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets or other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

**Disappearing Stream:** A stream that empties completely into a sinkhole or cavern.

**Driveway:** A private access way for vehicles which connects a street to a parking space, garage, dwelling, or other structure or use.

**Dwelling:** A structure containing one or more dwelling units.

**Dwelling Unit:** A single habitable living unit that shall be occupied by only one "family". See definition of "family". Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level.

**Easement:** A grant of the use of a parcel of land for the use of the public, a corporation, or person, for a specified purpose.

**Employee:** An employee is a person who works in the service of another person under an express or implied contract of hire, under which the employer has the right to control the details of work performance and is provided a reward for their performance.

**Environmental Impact Report:** An assessment which objectively describes, analyzes and documents both the beneficial and adverse environmental and cultural effects of a proposed project and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in this ordinance and the Durham Township Subdivision and Land Development Ordinance.

**Even-age Management:** Management of a forest stand where the range in tree age does not exceed 20% of the rotation length resulting in a forest consisting of trees of the same or nearly the same age.

**Family:** One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 4 unrelated individuals who maintain a common household and live within one dwelling unit with a common cooking facility.

**Farmland Lot:** A lot that meets applicable provisions of this Ordinance for a "Farmland Lot," and which serves to maintain open, contiguous, and productive or potentially productive farmland on a lot that is viable for agricultural uses.

**Farm Market:** A permanent structure operated on a seasonal or year-round basis that allows for agricultural producers to retail their products and agriculture related items directly to consumers and enhance income through value-added products, services and activities.

**Farm Winery:** Any place or premises, located on a farm, in which wine is manufactured and sold, and is licensed by the State of PA to do so as a farm or commercial winery or a micro-brewery.

**Felling:** The art of cutting a standing tree so that it falls to the ground.

**Flood:** A temporary inundation of normally dry areas by water.

**Flood (100 Year):** A flood that, on the average, is likely to occur once every one hundred (100) years, that is, one that has a one (1%) percent likelihood of occurring each year, but may occur more than once in any one (100) year period.

**Floodplain:** The area expected to be under floodwaters after the worst flood in an average 100-year period, as mapped on official Federal Floodplain Mapping, and in addition to any other areas defined as a Floodplain under Article 7.

**Floodplain Soils:** A soil formed on the alluvial deposits of the floodplains of major rivers. Floodplain soils are distinguished by the presence of a large number of organisms, stratification, and the existence of buried humus horizons. Soils located in a floodplain.

**Flood Proofing:** Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The portion of the 100-year floodplain that is the main channel that carries the bulk of floodwaters, as mapped on official Federal Floodplain Mapping, and as further defined in Article 7.

**Floor Area:** The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in the accessory building not in the main building intended or designed to meet the parking requirements of neither this Ordinance, nor any such floor space intended and designed for accessory heating and ventilating equipment.

**Floor Area Ratio:** The ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

**Forest:** Shall have the same meaning as the term "Woodlands."

**Forester:** A person who is, as a minimum, a graduate of a 4-year college or university forestry curriculum accredited by the Society of American Foresters.

**Forestry:** The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

**Forest Cover:** A category of forest defined by its species composition and environmental factors.

**Forest Management Plan:** A written description with a map of a specific forestry operation prepared before the operation commences, which meets the requirements of Section 403.A.3 of this Ordinance and the provisions herein.

**Forest Plan Preparer:** A forester who has a minimum of 4 years' experience in the field of forestry including the preparation of forestry plans.

**Forest Technician:** A person who is, as a minimum, a graduate of a 2-year forest technician program established by the Society of American Foresters.

**Fracture Traces:** Linear topographic depressions or lines of depression less than one mile in length revealing faults, joints, or fissures in the bedrock. These linear features are characterized by increased permeability, along which the solution of carbonate rocks is intensified and hence along which groundwater movement is concentrated.

**Funeral Home:** A licensed funeral home where bodies are prepared for burial and which is also used for visiting hours as part of a funeral. This shall not include a cemetery, crematorium or mausoleum, unless the requirements for such use are also met.

**Garage, Private:** An enclosed or covered space for the storage of one or more motor vehicles.

**Garage, Public:** A building, not a private garage, used for the storage of motor vehicles for compensation.

**Ghost Lakes:** Small bodies of water that occur in and occasionally around closed depressions or sinkholes after periods of heavy precipitation. They may form from slow permeability of soils, rises in the groundwater table, or from the creation of a natural liner of impermeable or slowly permeable clays or soils in the depression.

**Group Home:** A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where the persons need special care due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

(a) See standards in Section 403.B.2 and provisions allowing modifications in Section 1009.B.

**Group Home Land Development:** A lot that includes two or more group homes or halfway houses and that is operated with central services and facilities.

**Halfway House:** This term shall mean either of the following:

(a) A use that otherwise meets the definition and requirements of a Group Home, but that includes more than 6 residents; or

(b) A use that involves housing and support facilities for persons who need such facilities because of their involvement in an abusive relationship.

This term shall not include a "Treatment Center."

**Haul Road:** A road used to move forest products from the log landing to a public roadway.

**Hazardous Waste:** Solid waste that is especially harmful or potentially harmful to public health as defined in the Pennsylvania Solid Waste Management Act (Act 97). This shall include, but not be limited to, explosives, toxic materials, and medical wastes. For the purposes of this Ordinance, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g. aerosol cans, fertilizers, herbicides, household cleaners, paints, pesticides, etc.) for use in their home.

**Hearing:** An administrative proceeding conducted by the Board of Supervisors, the Zoning Hearing Board, or a hearing officer appointed by either of these bodies pursuant to this ordinance and the Pennsylvania Municipalities Planning Code.

**Historic Feature:** Structures and sites having remarkable significance to local, regional, state, or national cultural traditions, heritage or history.

**Home Occupation:** An activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. See additional provisions in Section 403.H. including provisions for a No Impact Home Occupation.

**Hotel, Motel, Inn:** A building or group of buildings containing rooms for rent for the accommodation of transient guests which may include a restaurant that complies with the requirements of Use E-6.

**Hydric Soils:** Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part and can support the growth and regeneration of hydrophytic vegetation. For the purpose of this Ordinance, hydric soils shall include both poorly drained and very poorly drained soils including those soils that have been modified by anthropomorphic activities. Final determination of the presence and extent of hydric soils rests with the township based on soils information provided by the applicant.

**Impervious Surface:** Impervious surfaces shall mean man-made surfaces that do not absorb surface water. All buildings, parking areas, paving, roads, sidewalks, and all areas in concrete, asphalt and compacted stone shall be considered impervious surfaces within this definition.

**Impervious Surface Ratio:** The impervious coverage of a lot measured as a ratio of total impervious coverage to net buildable site area, or to total lot area where a net buildable site area is not established.

**Industrial District:** PC-I zoning district.

**Karst Geology:** A type of terrain that is formed over limestone and dolomite by solution of a carbonate rock and which is characterized by closed depressions or sinkholes, caves and underground drainage.

**Kennel:** The keeping of more than 6 dogs/cats that are more than 6 months old on a lot as part of a commercial use or a pet breeding or pet boarding activity, and which may also include the keeping of other household pets

**Lakes and Ponds:** Natural or artificial bodies of water that retain water year-round. A lake is a body of water, naturally occurring or manmade, covering an area of two or more acres. A pond is a permanent body of water, naturally occurring or manmade, covering an area up to two acres. The shoreline of such water bodies shall be measured from the maximum condition rather than permanent pool if there is any difference.

**Lake or Pond Buffers:** An area surrounding the shoreline of a lake or pond.

**Land Development:** The definition in the Subdivision and Land Development Ordinance shall apply.

**Landing:** A place where logs are assembled for transportation in loads.

**Lineaments:** Linear topographic depressions or lines of depression longer than one mile in length revealing faults or fissures in the bedrock. These linear features are characterized by increased permeability, along which the solution of carbonate rock is intensified and hence along which groundwater movement is concentrated.

**Livestock:** Animals of any kind raised and/or maintained for sale, resale, or agricultural field production. The keeping of one (1) or more horses or ponies for non-commercial recreational purposes, or the keeping of common household pets such as dogs, cats, and the like for non-commercial purposes, shall not be considered as the keeping of livestock.

**Lopping:** To cut tops and slash into small pieces to allow material to settle close to the ground.

**Lot:** A lot is a parcel of land, used or set aside and available for use as the site of one or more buildings and any buildings accessory thereto, or for any other purpose, in one ownership and not divided by a street, not including any land within the ultimate right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is the owner of the lot. In the case where an existing deeded parcel of land is divided into two or more tracts by public streets, for the purpose of this Ordinance, each tract shall be considered a separate lot.

- (a) **Lot Area:** The area contained within the property lines of a lot shown on a subdivision plan or required by this Ordinance, excluding any area within an ultimate street right-of-way, provided that the area of any easements shall be included in the lot area of developments of fewer than five lots.
- (b) **Corner Lot:** A lot that has an interior angle of less than 135 degrees at the intersection of 2 street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.
- (c) **Through Lot:** An interior lot having frontage on two parallel or approximately parallel streets.

- (d) Lot Width: The distance measured between the side lot lines at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.
- (e) Flag Lot/Lane Lot: A lot which does not have the required frontage on a street but which gains access to a street by means of a strip of land connecting the lot to the street.

**Lot Lines:**

- (a) Lot Lines: Any boundary line of a lot.
- (b) Lot Line, Front: The line separating the lot from the ultimate right-of-way; provided that in the case of a corner lot the owner shall have the option of choosing as the front lot line one of the two lot lines which separate the lot from the ultimate right-of-way. The other lot line shall be a side lot line.
- (c) Lot Line, Rear: Any lot line that is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.
- (d) Lot Line, Side: Any lot line that is not a street line or a rear lot line.

**Micro-Brewery (Craft Brewery)**: Small/Independent facility for the production of a limited amount of malt liquors and is licensed by the state. It can also include a state licensed winery.

**Mini-Market/Convenience Store**: A retail store offering primarily groceries, prepared food items, and other small consumer items intended for quick carry-out only trade.

**Mini-Warehouse/Self Storage Units**: A use involving the storage of primarily household items and personal property of a type typically stored within a home, within a building that is divided into numerous rental units.

**Mobile or Manufactured Home**: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. For the purposes of this Ordinance, travel trailers are not considered as mobile homes.

**Mobile or Manufactured Home Lot**: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobile or Manufactured Home Park**: A parcel of land or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Modular or Sectional Home**: A dwelling that is constructed off-site in transportable sections and assembled on the site and which meets the Township Construction Codes, as opposed to the HUD Code for Manufactured Homes.

**Motel**: See Hotel, Inn

**Municipal Waste:** Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, excluding hazardous waste as defined by Pennsylvania Act 97.

**Net Buildable Site Area:** The base site area minus lands required for Resource Protection Set Aside as defined in Article 5.

**No Impact Home Occupation:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**Noise:** Any sound which annoys or disturbs humans or animals or which causes or tends to cause adverse psychological or physiological effect on humans or animals. The noise regulations of Section 507 shall apply.

**Nonconforming Use:** A use, whether of land or of structure, which does not comply with the applicable use provisions of this ordinance, where such use was lawfully in existence prior to the enactment of this ordinance.

**Nonconforming Structure or Lot:** A structure or lot which does not comply with the area, setback, yard, building height, location, size, impervious surface, or other dimensional requirements of this Zoning Ordinance or amendments heretofore or hereafter enacted where such structure or lot complied with such regulations at the time the structure was constructed or the lot created or was established prior to Township zoning regulations.

**Normal Farming Operations:** The definition in the State Right to Farm Act shall apply.

**Open Space or Common Open Space or Preserved Open Space:** A parcel or parcels of land within a tract which meets all of the following standards, in addition to all other applicable requirements of this Ordinance:

- (a) Is designed, intended and suitable for active or passive recreation by residents of a development or the general public, except where a provision of this Ordinance may specifically allow the open space requirement to be met with privately owned land protected by a conservation easement; or land to be protected from development to preserve environmental resources (such as agricultural soils, wetlands, woodlands and steep slopes),
- (b) Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- (c) Will be deeded to the Township and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than “common or preserved open space” and non-commercial recreation, and
- (d) Does not use any of the following areas to meet minimum common/preserved open space requirements:
  - 1) Existing street rights-of-way,
  - 2) Vehicle streets or driveways providing access to other lots,
  - 3) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than

agricultural buildings and any pre-existing dwelling which are permitted within a Farmland Lot),

- 4) Off-street parking (other than that clearly intended for noncommercial recreation),
- 5) Area needed to meet a requirement for an individual lot
- 6) For land intended to be open to the public, that does not have provisions for entry with a 15-foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
- 7) Land that includes a stormwater detention basin or community sewage treatment facilities,
- 8) Portions of land that have a width of less than 50 feet, and
- 9) Areas that are under water during normal weather conditions.

See also Section 511.C.2, which addresses utilities in open space. See also the definition in this section for "Recreation Land" and "Resource Protection Land."

**Open Space Ratio:** The total amount of required open space divided by the base site area.

**Operator:** The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his agents, or subcontractors, or employees.

**Owner:** The individual, partnership, company, firm, association, or corporation that hold title to land.

**PennDOT:** The Pennsylvania Department of Transportation.

**Permit:** Written permission, warrant, or license granted by a governmental authority.

**Pinnacles:** Tall, slender spires of carbonate bedrock. Pinnacles are formed from the chemical dissolution of carbonate rocks along planes of weakness (joints or fractures). Such pinnacles can be above the natural grade or below the surface of the ground.

**Public Hearing:** The definition in the State Municipalities Planning Code shall apply... a formal meeting held pursuant to public notice by the governing body or planning commission, intended to inform and obtain public comment, prior to taking action in accordance with this act. (Note: A public hearing is held by the Board of Supervisors regarding a proposed zoning ordinance amendment.)

**Quarry (or Mineral Extraction):** The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Quarry" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

**Recreation Land:** Common open space that is designated for, available for and suitable for recreational purposes, and which does not include or utilize any areas of greater than 15 percent slopes, any wetlands or any 100 year floodplains in order to count towards the minimum amount of recreational land.



**Recreational Vehicle:** A recreational vehicle is a portable structure, self-propelled or towable by a passenger car, of such size and weight as not to require special highway movement permits, primarily designed or constructed to provide temporary living quarters for recreational, camping or travel use or to carry such equipment, not for profit. Snowmobiles, motorcycles, or other vehicles that do not provide living quarters shall not be considered recreational vehicles.

**Recyclable Materials:** Those materials which may be processed or re-fabricated for re-use and which are specified by the Township for separation from the regular solid waste. Such material may include, but not be limited to, aluminum products, cardboard, ferrous containers, bi-metal containers, glass containers, newspaper, magazines, periodicals, other paper products of various kinds, plastic containers, and yard wastes.

**Recycling:** The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed or processed as municipal waste, as defined in this Ordinance.

**Related or Relative:** Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit".

**Report:** Any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a solicitor to anybody, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received, or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**Residential District(s):** The RR, RP, and VC zoning districts.

**Residual Waste:** Any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility, or air pollution control facility, provided that it is not hazardous.

**Resource Protection Land:** Land which is categorized as Resource Protection Land under Article 5 and which is intended to primarily preserve natural features and sensitive land areas, including but not limited to wetlands, floodplains, stream valleys, prime agricultural land, steep slopes, and woodlands.

**Restaurant:** A place for the sale and consumption of food and beverage that does not include drive-through service and that is not a "Tavern" unless the requirements for such use are also met.

**Restaurant with Drive-Through Service:** A place for the sale and consumption of food and beverages that includes ordering and providing of food to customers while they sit in their vehicles on the lot. This shall not include a "Tavern" unless the requirements for such use are also met.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, alley, crosswalk, sanitary or storm sewer, stream, drainage ditch, or for another public or special use. The usage of the term "right-of-way" for land plotting purposes in the Township shall mean that every right-of-way hereafter established or shown on a final record plan is to be separate and distinct from lots or parcels adjoining such right-of-way, and not included within the dimensions of such lots or parcels.

**Right-of-Way - Future or Ultimate:** The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; or a right-of-way established to provide future access to or through undeveloped land.

**Road:** See definition of "Street"

**Roadside Farm Stand:** A direct marketing operation, without a permanent structure, and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced, as well as locally grown agricultural products, enhanced agricultural products and handmade crafts.

**Roomer, Boarder, or Lodger:** A person occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator, not including family members. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this Ordinance not as a roomer, boarder, or lodger but as a guest of a commercial lodging establishment (motel, hotel).

**Sanitary Sewage/Sewer:** Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin and the system of piping that conveys such liquid waste.

**School:** A religious, sectarian and non-sectarian, denominational private institution or a public institution which is not conducted as a private gainful business, both of which have access to a collector or private street, and are licensed by the State.

**Sensitive Land Areas:** These include at least the following: floodplains, springs, wetlands, steep slopes, woodland edges, erodible soils, soils of low permeability, areas of significant wildlife and aquatic habitat, critical features pertaining to carbonate bedrock areas, and areas of developmental hazard including dumps, oil and gas pipelines, and automobile salvage yards and gas stations.

**Service Station:** A building or place of business that houses an automobile repair garage which may include spraying and body and fender work within an enclosed building. The service station may also include automobile mechanical repairs and/or dispensing of gasoline and automobile accessories. This term shall include freestanding automobile fueling points.

**Sewage facilities:** - A system of sewage collection, conveyance, treatment and disposal that will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste:

- (a) Community Sewage System: a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site, and which does not meet the definition of a community on-lot sewage system.
- (b) Community On-lot Sewage System: a system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of domestic sewage into a soil absorption area or retaining tank located on one or more of the lots.
- (c) Central Sewage Service: Service by a Community Sewage System or a Community On-Lot Sewage System:
  - 1) Public Sewage Service - Service by a Community Sewage System that is owned or operated by a municipality or municipal authority.
- (d) Individual Sewage System: a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal. The term includes:
  - 1) Individual On-lot Sewage System - an individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank, all facilities located on-lot.
  - 2) Individual Sewage System – a system that uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- (e) On-Lot Sewage Service: Service of a lot by an Individual Sewage System. Any percolation tests required for the installation of a private sewer system shall be conducted by the Bucks County Department of Health and pursuant to the regulations of that agency and the requirements of the Township Subdivision and Land Development Ordinance.

**Shooting Range:** A State licensed facility used for target practice related activities such as a gun club or sportsmen’s club and shall include a commercial shooting range, such as a rifle or pistol range, sporting clays, trap shoots, target shooting and other uses involving the licensed discharging of firearms.

**Shopping Center:** A building or a group of buildings that primarily includes retail sales with a minimum of 3 retail establishments, and which may include offices, day care centers, financial institutions and personal care uses, and which may also include other commercial uses allowed in the applicable district if such other uses are allowed and approved. It shall be designed as a planned complex of related structures with fully coordinated interior and exterior traffic and pedestrian circulation patterns.

**Shrub:** A perennial woody plant different from a tree by its low growth and multiple stems.

**Sign:** Any name, name plate, poster, panel, display illustration, structure or device used for visual communication, which is affixed, painted, or represented directly or indirectly upon a building or other outdoor surface for the purpose of bringing the subject thereof to the attention of the public or advertising a business, commodity, service or product or for identifying a business, structure, or use of land.

**Significant Aquatic Habitat:** A habitat supporting a balanced indigenous aquatic community; an area where a group of populations occupying a common area and consisting of desirable species of fish and shellfish, including the biota of other trophic levels, which are necessary as part of the food chain or otherwise ecologically important to the maintenance of these populations. All watercourses and wetland watersheds shall be considered Significant Aquatic Habitat areas.

**Significant Wildlife Habitat:** Natural areas providing food and/or shelter opportunities for diverse terrestrial communities of desirable composition and density.

**Sinkholes:** Funnel-shaped or steep sided depressions in the land surface that are caused by the dissolution and collapse or subsidence of the roofs of subterranean caverns in carbonate geologic formations, or loss of soil overlying solution channels in carbonate formations.

**Site:** The site shall be defined as a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots or developed by a land development within the boundaries of Durham Township.

**Site Area:** All land area within the site as defined in the deed and as measured by an actual site survey.

**Site Area; Net Buildable:** Certain land areas as measured under Article 5.

**Skid Road:** Main route for skidding logs from woods to the landing.

**Skid Trail:** A temporary trail used for skidding logs from the site of felling to the main skid road.

**Skidding:** Dragging trees on the ground, by any means, from the stump to the landing.

**Slash:** Debris left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

**Snags:** A standing dead tree without branches or the standing portion of a broken off tree. Snags may provide feeding and/or nesting sites for wildlife.

**Solid Waste:** Waste, including but not limited to municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**Solid Waste Facilities:** Solid waste facilities shall mean one or more of the following as permitted by the Pennsylvania Department of Environmental Resources:

- (a) **Composting Plant:** A facility at which composting is done. Composting shall mean the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. Compostable material shall mean organic waste that is capable of undergoing composting. Composting activities associated with normal farming operations shall not be included in this definition of composting plant.

- (b) Landfill or Municipal Landfill or Sanitary Landfill: A facility for disposing of solid waste on land without creating nuisances or hazards to the public health or safety.
- (c) Recycling Center: A facility established to receive, process, store, handle, and ship recyclable materials.
- (d) Resource Recovery Facility: A plant, establishment, set of equipment or other operation that recovers useful materials and/or products, including heat, electricity, and/or recyclable materials from otherwise waste materials. A resource recovery facility shall not include a landfill.
- (e) Transfer Station: A facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.
- (f) Waste-To-Energy Plant: A facility used for the incineration of solid waste and the production of steam and electricity or other useful forms of energy.

**Solution Channels:** Solution-widened joints or fractures occurring in carbonate bedrock. They can vary from one inch to several feet in width and can be part of a network of channels through carbonate rocks.

**Special Exception:** A "special exception" deals with special permission, granted only by the Zoning Hearing Board, in accordance with explicit standards and criteria, to occupy land for specified purposes when such use is not permitted by right.

**Specified Anatomical Areas:** One or more of the following:

- (a) Uncovered human male or female genitals.
- (b) Human female breasts that are uncovered in the area of the areolas.

**Specified Sexual Activities:** One or more of the following:

- (a) Human genitals in a visible state of sexual stimulation.
  - (b) Acts of human masturbation, sexual intercourse, oral sex or sodomy.
  - (c) Fondling or other erotic touching of uncovered human genitals.
- See the definition of "Adult Entertainment" in Use E-1 in Section 403.E.

**Springs and Seeps:** The point where ground water discharges to become surface water.

**Stable:** Any building, structure or portion thereof which is used in whole or in part for the shelter or care of livestock.

**Stand:** A grouping of trees of sufficiently uniform species composition, age, and condition to be distinguished from surrounding stands and managed as a single unit.

**Stand Prescription:** The type of forest management treatment if any, to be applied to a particular stand to achieve the stated management objectives. The stand prescription should include, but not be limited to, detailed instructions on how that treatment is to be carried out on the ground, the desired residual stand, and details on any other treatments to be applied.

**Stand Regeneration Treatment:** A selection, shelter wood, seed tree, or clear-cut that is designed to replace existing stand with a new stand of young trees.

**State:** The Commonwealth of Pennsylvania and its governmental agencies.

**Steep Slopes:** Areas where the average slope is 15 percent or greater that, because of this slope, are subject to high rates of storm-water run-off, erosion, and/or pollution.

**Stormwater Management Basin:** Structures designed for the temporary storage of stormwater. Stormwater management basins include detention and retention basins. Stormwater collection and conveyance systems are not included within this definition.

**Story:** That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75 percent or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor.

**Story, Ground:** That story with its floor level immediately above the average finished grade level of the adjoining ground at any particular point or side of the dwelling.

**Stratum:** A single sedimentary bed or layer of a formation that consists of approximately the same kind of rock material.

**Stream:** Rivers, creeks, springs, and other perennial or intermittent watercourses containing water at least on a seasonal basis during an average water year. The term "stream" shall include all "Intermittent Streams" and all "Perennial Streams".

- (a) Springs or Seeps: See definition in this Section.
- (b) Stream, Ephemeral: A natural channel or natural swale that carries water after a storm but is otherwise often dry.
- (c) Stream, Headwater: The beginning reach of a stream, which collects water from springs and seeps and provides a hydrological connection to a perennial stream. These channels may be ill defined and may move from year to year depending upon groundwater input, snowmelt and runoff, but are typified by hydric soils and hydric vegetation.
- (d) Stream, Intermittent: A stream that has seasonal flow.
- (e) Stream, Perennial or Watercourse, Perennial: A stream that has water flow during the majority of the year and is identified as a perennial stream or perennial watercourse on USGS mapping or within the Cooks Creek Watershed Conservation Plan, as adopted by the Township, as may be officially amended as it pertains to Durham Township by resolution or ordinance of the Durham Township Board of Supervisors, whichever is more inclusive.

**Street or Road:** A public or private way used or intended to be used for passage or travel by motor vehicles and which provides the principal means of access to two or more abutting lots.

**Street Line:** The dividing line between the street and the lot. The street line shall be the future/ultimate right-of-way line.

**Strike of Bedrock:** The direction or bearing of a surface or subsurface stratum of the inclined bedrock in relation to the horizontal surface. The strike is perpendicular to the dip or slope of the stratum.

**Structure:** A combination of materials assembled, constructed or erected at a fixed location, the use of which requires location on the ground or on the water, or attachment to something having location on the ground or water, whether or not affixed to the land.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

**Swimming Pool:** Shall include any pool, regardless of design, or construction materials or the permanency of its location both above and below ground level, which is built, erected or used for the purpose of bathing or swimming and all buildings, equipment, and appurtenances thereto.

**Tavern:** An establishment which sells alcoholic beverages for on-premises consumption and off-premises consumption, and which is licensed by the State of Pennsylvania for such purpose, and which involves alcoholic beverage sales making up a majority of the business' total sales.

**Telecommunications Equipment Building:** Structures and accessory equipment buildings used to house equipment required for the delivery of wireless telecommunications or the broadcasting of radio or television signals.

**Temporary Structure or Use:** A structure or use for which a temporary zoning permit may be issued during construction or for special events subject to the provisions of this ordinance.

**Tops:** The upper portion of a felled tree not merchantable because of small size, taper, or defect.

**Tower:** A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures.

**Townhouse:** One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by un-pierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.

**Township:** Durham Township, Bucks County, PA.

**Travel Trailer/Camper:** A portable vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation and vacation use.

**Treatment Center:** A facility involving overnight housing of any of the following: a) persons undergoing criminal rehabilitation (such as a criminal halfway house), and which is not a prison, or b) persons undergoing treatment for a current addiction to a controlled substance that was used in an illegal manner or alcohol, or c) persons with a type of mental illness or other behavior that causes the person to be known to be a threat to the physical safety of others.

**Twin Dwelling Unit:** One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical listed fire-rated assembly (fire resistant wall) to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

**Uneven-age Management:** Management of a forest stand to maintain or create and regenerate a forest that has three or more distinctly different age classes including regeneration.

**Use:** Any activity, occupation, business or operation carried on, or intended to be carried on.

- (a) Use, Accessory: A use located on the same lot with a principal use, and clearly incidental and subordinate to, the principal use.
- (b) Use, Principal: The main use on a lot.

**Utilities:** Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water and sewage, including the appurtenances used in connection with the supplying of such services such as buildings, wires, pipes, poles and the like.

**Variance:** The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and original intent of the ordinance.

**Watercourse:** This term shall have the same meaning as a "Stream."

**Water Supply:**

- (a) On-Lot Water Service: Service by a private individual water supply and distribution system.
- (b) Private Centralized Water Supply and Distribution System: Any privately owned system for supplying and distributing water from a common source(s) to two or more lots.
- (c) Private Individual Water Supply and Distribution System: A system for supplying and distributing water to a single lot.
- (d) Public Water Supply and Distribution System: Any water supply and distribution system that is owned and/or managed by the Township and/or the municipal authority.

**Wetlands:** Wetlands shall mean areas that are defined as wetlands under Federal or State regulations, whichever are more restrictive.

**Wildlife Habitat:** The native environment of an animal ideally providing all elements for life and growth: food, water, cover and space.

**Wind Energy Systems:** A device, which includes a structure and associated mechanisms and supporting components, which is installed above ground for the purpose of generating electrical energy, and may include, but not limited to, wind driven turbines and wind mills.

**Woodlands or Forest:** Areas, groves, or stands of mature or largely mature trees (i.e., greater than 6 inches caliper, except for dogwoods which shall be considered mature when the caliper is 2 inches or more) covering an area greater than one-quarter acre: or groves of mature trees (greater than 10 inches caliper) consisting of more than 10 trees; or any lot which has more than one viable tree of a caliper of 6 inches or greater per 1,500 square feet of lot area, and the associated intermediate layers in these areas including the understory shrubs and smaller trees, the ground layer of herbaceous plants, and the forest floor. Forest or woodlands are intended to encompass the entire woodland ecology and its importance in providing significant wildlife habitat, moderating climatic extremes, enhancement of scenic values, decreasing and run-off, stabilizing soils, and acting as a buffer.



**Yard:** The area(s) of a lot that must remain free of buildings or other structures except as otherwise permitted in this Ordinance, and which may be used as lawn or planted area or parking or driveway space, in compliance with this Ordinance. A "yard" is measured at right angles from ultimate right-of-way line or lot line to the nearest building wall.

**Yard, Front:** A yard that extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by this Ordinance, measured from the future/ultimate right-of-way of public streets. In the case of a lot fronting on a private roadway, the front yard shall be measured from the easement/right-of-way line of the private roadway.

**Yard, Rear:** A yard which extends across the full width of a lot, for a depth equal to the minimum rear yard setback distance required by this Ordinance, measured from the rear lot line.

**Yard, Side:** A yard which extends along a side lot line from the required front yard to the required rear yard, the minimum width of which shall be as required by this Ordinance, measured from the side lot line.

**Zoning Hearing Board:** The Zoning Hearing Board of Durham Township.

**Zoning Map:** The official map of Durham Township indicating the location of boundaries for each zoning district.

**Zoning/ Code Enforcement Officer:** The municipal employee, appointed by the Board of Supervisors, charged with enforcing the literal terms of this ordinance.

**---- End of Definitions ----**  
**Article 2**

## **ARTICLE 3**

### **ESTABLISHMENT OF DISTRICTS**

#### **§ 300. Establishment of Districts**

The Township of Durham is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use, that are deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

#### **§ 301. Names of Districts**

For the purpose of this chapter, Durham Township is hereby divided into districts, which should be designated as follows:

- AP** - Agricultural Preservation District
- RP** – Resource Protection District
- RR** - Rural Residential District
- VC** - Village Center District
- PC-I** - Planned Commercial Industrial District

The following overlay zoning districts are also established, as provided in this Ordinance:

- FP** - Floodplain Overlay District
- CG** - Carbonate Geology Overlay District
- WP** - Wellhead Protection Overlay District

#### **§ 302. Zoning Map** (attached as addendum)

Districts are bounded and defined as shown in the map entitled “Zoning Map of Durham Township” which accompanies and which, with all explanatory matters thereon, is hereby made a part of this chapter.

#### **§ 303. Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad line, or streams, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map.

- D. If land within Durham Township has been determined to be without a zoning classification for any reason, that land shall be developed only in accordance with the standards and requirements of the RP District.

### § 304. Purposes of Districts

The following zoning districts are intended to serve the following purposes, in addition to the objectives of the Comprehensive Plan:

- A. **Agriculture Preservation District (AP)** –To recognize and protect significant agricultural areas consistent with the latest version of the Bucks County Natural Resources Plan and the areas where farming predominates. This district recognizes that farming is Durham Township’s main commodity and all farmland must be considered to be developed land that is being used to produce a product. It is not a holding zone, but is an area having a positive purpose in utilizing the prime agricultural soils for the benefit of the entire community. This district protects agricultural areas from interference by incompatible uses. Agricultural activities within this district may generate noise, odors, and other disturbances that are considered part of normal farming operations. Residents of the AP district are advised that there may be noise, odors, dust, fumes or other disturbances associated with agricultural practices which are considered to be acceptable effects of farming and shall not be regulated by township nuisance laws. Residential development is to be placed on large lots or clusters where they can be setback from farms. This district is also intended to protect key areas that greatly affect the water quality of the water supply of many township residents and businesses and to carry out the Cooks Creek Watershed Conservation Plan.

The various minimum and maximum lot size requirements imposed upon residential uses in this District are designed to avoid intensive residential development in the AP District while simultaneously preserving and protecting existing farmland and agricultural soils. It is the Township’s finding that intense residential development adjacent to farming operations results in severe, detrimental impacts on agriculture and agricultural operations due to recognized conflicts between new residents in a farming area and existing farming operations. These residential/agricultural conflicts consist of increased trash in farm fields, increased traffic on country roads which impede the movement of farming equipment in an agricultural area, increased complaints and land use conflicts between new residents and existing agricultural operations with respect to noise, odors, dust and fumes, and increased pressure to extend public water and public sewer infrastructure into existing rural and agricultural communities thereby resulting in rapid loss of farmland. An additional potential conflict is with recreational vehicles trespassing on to farmland and damaging crops. The density requirements and minimum lot size in the AP District are also intended to provide sufficient area for on-lot water and on-lot sewer facilities and to provide a sufficient buffer area on the individual lots from farming operation disturbances. Limited use of community sewer and community water facilities is permitted on smaller lots where such lot sizes and facilities would enhance the preservation of Productive Agricultural Soils.

- B. Rural Residential District (RR)** - To accommodate all types of residential structures, single family and multi-family, to ensure a balanced community. Densities of 3 to 4 units per acre, depending on type of residential use, are encouraged in this district. The district encourages continued development of the Riegelsville Borough as the regional center. All such uses should have public sewer and water.

Performance standards encourage and ensure the protection of natural resources on the site. The district has rolling topography and through careful siting of new development, could provide a unique opportunity to use the topography in creating attractive and innovative designs that will provide scenic views of the surrounding landscape and attractive living environments. Where possible, it is encouraged that the topography be incorporated into the design solutions rather than extensive site leveling or re-grading of the site.

Run-off from this district must not significantly increase the amount of ground water percolating into the underlying rock strata. Those areas not specifically in the Carbonate Geology District should channel run-off out and away from that region.

- C. Resource Protection District (RP)**

To protect areas consisting largely of natural features such as mature forest, steep slopes, scenic areas, wetlands, streams, floodplains and ponds including those identified in the latest version of the Bucks County Natural Resources Plan. Intensities are such as to insure that these resources are preserved, while providing for residential development with suitable sewage disposal.

The land contained in this district is identified in the Durham Township Comprehensive Plan and the Bucks County Comprehensive Plan as those parts of the Township which contain important natural resource features and/or historic areas which have only a limited capacity for development. Wherever possible the growth of the Township and the County must respect these limitations. Good planning dictates that growth be channeled into those areas that can best accommodate it without damage to the environment or risking the health, safety and welfare of present and future generations.

- D. Village Center District (VC)** – To identify the existing village and the various qualities that give it its character and identity. New development should address those qualities of the village that are outlined so that it is appropriate in location, design, setting, materials, workmanship, and feeling and use them to complement the character of the village and add to its viability as the historic community center. To also accommodate light retail sales, services, and institutional uses that is considered necessary to serve the surrounding neighborhood. Existing historic structures should be preserved and existing buildings should be historically restored and/or adaptive uses found for them so that they are not destroyed. Lastly, any village development should be contingent on a through visual plan which insures the preservation of the Village Center historic character.

- D. Planned Industrial Commercial District (PC-I)** – To encourage industrial and selected commercial uses in an appropriate area. Such development shall be planned as a whole with coordinated street access. The intent is to encourage high quality industrial and commercial development that enhances the employment opportunities in the township and is designed with adequate road access and public utilities to minimize adverse impacts on the natural systems and residential uses in the surrounding area. No residential uses are permitted in this district.
- E. Floodplain Overlay District (FP)** – To recognize that streams represent a significant natural resource. These areas are important to the protection of the water supply, indigenous wildlife, and scenic beauty of the township and therefore must be protected from all development. FP is an overlay district and, as such, it adds to, but does not replace, existing regulations in the district affected. To protect key areas that greatly affects the water quality of the water supply of many township residents and businesses and to protect against flood-related damage.
- F. Karst/Carbonate Geology Overlay District (CG)** – This area of the township contains Karst topography which is a geological formation shaped by the dissolution of a layer or layers of soluble bedrock, usually carbonate rock such as limestone or dolomite, but has also been documented for weathering-resistant rocks, such as quartzite, given the right conditions. CG is an overlay district and, as such, it adds to, but does not replace, existing regulations in the district affected. This area can contain sinkholes, caves and other unstable underground areas. Geological testing by a qualified engineer is mandatory prior to any development.
- G. Wellhead Protection Overlay District (WP)** - Shall include all land within a 400 feet radius of a public water supply well. Within the Three (3) overlay districts, when two provisions of this ordinance apply to the same manner, whichever provision is more restrictive upon the use and development of land and structures shall apply. Check Riegelsville Well-Head Protection Manual for additional information.

----- End of Article 3 -----

## **ARTICLE 4 USE REGULATIONS**

### **§ 400. Applicability of Regulations**

Except as provided by law or this Ordinance, a building, structure or land shall only be used or occupied for the purposes allowed in the applicable zoning district, as provided in Article 4.

### **§ 401. Uses Subject to Other Regulations; Uses per Lot**

- A. All uses permitted by right, special exception or conditional approval shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and such other provisions as are specified in other articles herein.
- B. Utilities: No zoning or building permits shall be issued until approval is obtained from the Bucks County Health Department for well water and sewage disposal. See also requirements of the Township Subdivision and Land Development Ordinance concerning water supplies.
- C. Uses and Buildings Per Lot: In a residential district, no more than one principal use shall be permitted on a lot, except that: 1) essential services and commercial communications antennas/ towers (where such facilities are allowed by this Ordinance) may be located on lots containing other principal uses and 2) an "A-" (agricultural category) use can be combined with another use. In other districts, more than one type of principal use and more than one building may be allowed on a lot, provided that all of the requirements are met for each use and each building.

### **§ 402. Uses Not Specifically Addressed**

If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that **all** of the following conditions would be met:

- 1. The proposed use would be no more intensive with respect to external impacts and nuisances and environmental impacts than uses that are permitted in the District.
- 2. The proposed use would be closely similar in impacts and character to uses permitted in that District, considering the same standards that would otherwise apply for a change from one nonconforming use to another nonconforming use under Article 11.
- 3. The use would meet the standards that would apply to a conditional use in Article 8.
- 4. The use is not specifically prohibited in that District.

## § 403. Additional Regulations for Specific Uses

The following additional requirements shall apply for each of the following uses. Where two or more provisions apply to the same matter or use, the more restrictive provision shall apply. See the buffer yard requirements of Section 503, which requires a landscaped area between certain uses.

### A. Agricultural Uses:

1. **A-1 Agriculture:** Agriculture shall include uses such as horticulture; tilling of soil; raising of livestock or poultry that is not "Intensive Agriculture"; growing nursery trees, shrubs, and flowers, Christmas trees or vegetables; raising of insects; one single family detached dwelling on the same lot as an allowed agricultural use unless otherwise stated; and customary farm buildings, provided:
  - (a) One single-family detached dwelling shall be allowed on each farm. The township may require that the applicant prove compliance with any conservation easement that pertains to the property.
  - (b) Buildings and structures used for the keeping of animals shall not be located any closer than 100 feet to the lot line of a lot that is not in common ownership. Manure storage facilities shall be setback a minimum of 200 feet from any lot that is not in common ownership, unless a 100 feet setback is specifically provided in State regulations.
  - (c) The keeping of livestock or poultry shall be limited to lots of at least 5 acres in area. The keeping of livestock or poultry on parcels of land of 5 to 25 acres in area shall be limited to two animal equivalent units per acre. Riding academies/boarding stables and kennels shall not be considered part of use A-1, and instead shall meet the respective requirements for such uses.
  - (d) A landscape contracting business that involves storage of vehicles and non-plant materials for off-site use shall not be allowed as an agricultural use.
  - (e) Minimum parking: No less than 2 off-street parking spaces per dwelling unit and one space per on-site employee.
  - (f) If tractors and similar farm machinery are stored outdoors for more than 20 days, they shall be setback a minimum of 100 feet from the lot line of a principally residential lot.
  - (g) For the keeping of bees: a) a water supply shall be available for the bees, b) a 100 feet setback shall be provided between man-made areas used for the keeping of bees and any lot line of another dwelling; and c) warning signs shall be posted between the beekeeping areas and streets and lot lines.

2. **A-2 Accessory Agricultural Sales:** Sales of agricultural products, under Use A-1, A-3, A-4, A-5 & A-7, may be conducted from all or part of a portable or permanent structure not exceeding 2,000 square feet in floor area, under the following conditions:
- (a) Only agricultural products, dairy products, home-made crafts and home-made baked goods may be sold.
  - (b) A minimum of 25 percent of the products must be grown, produced or raised on the property.
  - (c) Access to the lot must be controlled by physical means to limit access to 2 points. The access point shall be no more than 24 feet wide. The access shall be able to meet safe sight distance requirements along a public street.
  - (d) Any new or expanded area of a building shall comply with the minimum setback requirements of the district.
  - (e) Minimum parking: No less than one off-street parking space for each 200 square feet of building floor area or a minimum of 4 spaces, whichever is greater. All parking shall be provided behind the legal right-of-way and provide an area to turn around prior to entering the highway (no backing out onto the highway).
  - (f) The use shall be accessory to a principal agricultural use that is on the same lot or an adjoining lot. Sale of fuel or related products, tobacco products, alcoholic beverages (except those listed under permitted uses), lottery tickets, vehicles, etc. is prohibited.
  - (g) In addition, "pick your own" fruits and vegetables shall be allowed as a by right use without having to meet the requirements of this use A-2.
  - (h) If an operator is only selling products produced by their own family, then a temporary roadside farm stand with a maximum floor area of 150 square feet may also be placed within the minimum front yard.
3. **A-3 Forestry:** The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Note: All tree trunk diameters in this Section shall be measured at 4.5 feet above the ground level.

- (a) Forestry is the management of forests and timberlands through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, beyond tree cutting that is necessary and approved as part of development of land or uses. These provisions are intended to ensure that forestry occurs in accordance with accepted silvicultural practices, as provided in Section 107 of the State Municipalities Planning Code.
- (b) Forestry is permitted by right, provided that a Zoning Permit shall be required for forestry. The following activities shall not need a zoning permit and are not required to comply with subsections 3. (c) and 3.(d):



- (1) Removal of diseased or dead trees;
  - (2) Removal of trees that are in such a condition or physical position as to constitute a danger to the structure or occupants of properties or a public right-of-way;
  - (3) Removal of trees with a trunk diameter of less than 6 inches;
  - (4) Removal of up to 5 trees with a trunk diameter greater than 6 inches on each acre of land per calendar year, provided such does not exceed 20 trees with a trunk diameter of 6 inches or more per lot per calendar year, and provided that such tree removal does not involve trees: a) on slopes of greater than 25 percent or b) on areas within 60 feet from the centerline of a perennial stream/watercourse or intermittent stream/watercourse, and 25 feet from the centerline of an ephemeral stream/watercourse. The removal allowed by this subsection (4) shall be in addition to trees allowed to be removed under the other subsections of this section 3.(b).
  - (5) For removal of trees as part of a development, Sections 508.B.7 and 8 shall apply in place of this subsection.
  - (6) Christmas Tree Farms in which trees are regularly replanted. This exception shall only apply to trees that were planted for harvest.
  - (7) Tree nurseries in which live trees are removed for replanting on another site. This exception shall only apply to trees that were planted for harvest.
- (c) A zoning permit application for forestry shall be accompanied by a forestry plan prepared by a Forester, Forest Technician, or Forest Plan Preparer. The Zoning Officer shall consult with the Township Engineer or a forester retained by the Township to determine the adequacy of the forestry plan. Each plan must contain the following components:
- (1) The criteria for selection of trees to be removed must be clearly stated and must conform to a plan for sustainable use of the forest resource. Such plan shall describe how the health and diversity of the forest will be protected and the potential for future timber harvests maintained.
  - (2) The forestry plan shall address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations and Chapter 105, Dam and Waterway Management Rules and Regulations in Title 25, Rules & Regulations, Part 1, Pennsylvania Department of Environmental Protection, Subpart C, Protection of Natural Resources.
  - (3) Forestry activities located within or discharging to any exceptional value or high quality watershed as classified by PA. DEP shall comply with all requirements of the PA Code, Chapter 92 and 93. The forestry plan shall specifically state how the

- applicant intends to comply with these regulations, and shall show the location of all perennial and intermittent watercourses.
- (4) The forestry plan shall address, at a minimum, the following:
    - [a] Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landing;
    - [b] Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
    - [c] Design, construction, and maintenance of stream and wetland crossings;
    - [d] Property boundary of the tract on which the logging will occur and boundary of the proposed harvest area;
    - [e] A stand description for each stand located in the proposed harvest area including number, species, and diameter of trees to be removed;
    - [f] Copies of all required permits shall be submitted as an Appendix to the forestry plan.
  - (5) Each Forestry Plan shall include a site map containing the following information:
    - [a] Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
    - [b] Significant topographic features related to potential environmental problems;
    - [c] Location of all earth disturbance activities such as roads, landings and water control measures and structures;
    - [d] Location of the crossings of all water bodies, including but not limited to, waters of the Commonwealth; and
    - [e] The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
  - (6) Proof of current general liability and/or worker's compensation insurance.
  - (7) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable. The application shall only be approved if the applicant demonstrates to the satisfaction of the Township that the area street system is suitable in terms of structure, cart way width, geometry, safety, and capacity to accommodate the additional truck traffic.
  - (8) Copy of County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.
- (d) The following requirements shall apply to all forestry operations, in addition to the requirement for a zoning permit:

- (1) The Township shall be notified at least five (5) working days prior to the commencement of operations and upon completion of all work prescribed under the forestry plan.
- (2) The forestry plan and all related permits shall be available at the forestry operation site.
- (3) Before any permitted logging operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and stump.
- (4) General operational requirements: The following requirements shall govern all forestry operations:
  - [a] A “No Logging” buffer zone with a width of 25 feet shall be maintained on the property on which the logging operation is to be conducted along all public streets. The buffer shall be measured from the legal right-of-way. No trees shall be cut, removed, skidded or transported within the “No Logging” buffer zone except as necessary for access to the site from the public street.
  - [b] A “No Logging” buffer zone with a width of 60 feet shall be maintained from the centerline of all perennial streams/watercourses and intermittent streams/watercourses; and 25 feet from the centerline of an ephemeral stream/watercourse. All earth disturbance related to forestry within this buffer zone shall be prohibited with the exception of temporary stream/watercourse crossings permitted by PADEP.
  - [c] No equipment, skidders, dozers, or tracked or tired machines or vehicles, shall be permitted within a no logging buffer zone except to permit crossing pursuant to Subsections [a] and [b] above. No trees shall be felled into a no logging buffer zone.
  - [d] A “Limited Logging” zone with a width of 50 feet shall be maintained on the boundary of the site on which the logging operation is to be conducted along abutting properties. Uneven-age management shall be practiced within the Limited Logging Zone where the residual stand must contain at least 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height.
  - [e] All temporary stream/watercourse crossings of a perennial or intermittent stream/watercourse shall be made with a temporary bridge. Skidding of trees and the operation of any vehicle and equipment thru a perennial or intermittent stream/watercourse shall be prohibited.
  - [f] Felling or skidding on, or across, any public street is prohibited without written approval of the Township or

Pennsylvania Department of Transportation, whichever is responsible for maintenance of said street.

- [g] No tops or slash shall be left within 25 feet of any public roadway.
  - [h] No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.
  - [i] Litter (trash) resulting from any forestry operation shall be cleaned up and removed from the site before it is vacated by the operator.
  - [j] Any soil, stones and/or debris carried onto public street must be removed immediately.
  - [k] On slopes of greater than 25%, uneven-age management shall be practiced where the residual stand must contain 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height. No equipment, skidders, dozers, or tracked or tired machines or vehicles shall be permitted on slopes greater than 25%.
  - [l] When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched (hardwood or straw mulch) as necessary to establish stable groundcover.
  - [m] Temporary stone tire cleaning entrance (when required as part of an approved erosion and sedimentation control plan) must be removed with the area graded to approximate original contour and seeded and mulched to establish stable groundcover.
  - [n] The no logging buffer zone, required by subsection 403.A.3. (d)(4)[c] above, along streams/watercourses shall be marked with survey tape, temporary non-destructive fencing or similar demarcation to prevent accidental incursion into the buffer zone with heavy equipment.
  - [o] Snags shall not be cut down unless the snag is a potential hazard to improvements (e.g. dwelling, outbuilding, etc.) on the property.
- (5) No tops or slash shall be left within a drainage swale.
  - (6) The use of clear-cutting must be fully justified by a forestry plan prepared by a qualified professional, and shall comply with Section 403.A.3(c)(1). Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clear cutting shall not be allowed on contiguous areas greater than 1/2 acre. A full set of stormwater calculations shall be submitted to show that post-development peak runoff will not exceed pre-development peak runoff.

- (7) If forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation. The forestry plan shall provide for replanting where necessary to continue proper forest management.
- (8) Financial Security: Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of roads. Financial Security shall not be released until the Zoning Officer issues a written notification that all provisions of this Ordinance and the permit have been complied with.

(e) Enforcement

- (1) Inspections: The Township Zoning Officer or other Township designated employee or consultant, may go upon the site of any forestry/logging operation before, during or after active forestry to: (1) review the Forestry Plan or any other required documents for compliance with this Ordinance; and (2) inspect the operation for compliance with the Forestry Plan and other on-site requirements of this Ordinance.
- (2) Violation Notices, Suspensions: Upon finding that a forestry/logging operation is in violation of any provisions of this Ordinance, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Zoning Officer may order the immediate suspension of any operation upon finding that: (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a Forestry Plan; or (3) the operation is causing an environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Ordinance, or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the Zoning Officer in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- (3) Penalties: Any landowner or operator who: (1) violates any provision of this Ordinance, or who fails to comply with a notice of violation or suspension order issued under Paragraph 2 of this subsection, shall be subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars

(\$1,000.00), plus costs and attorney's fees, in accordance with the Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.

- (4) Any operator who knowingly and willfully removes trees not designated for removal in the approved Forestry Plan or removes trees outside of the areas designated for removal by the Forestry Plan shall be subject to a civil penalty in the amount of One Thousand Dollars (\$1,000.00) per tree removed in violation of the provisions of the Forestry Plan and this Ordinance.

4. **A-4 Commercial Greenhouse:** Buildings and structures associated with interior vegetable production and/or horticultural or nursery uses, including permanent, temporary or portable, cold sheds and the like provided:

- (a) This use is required to include a plan for the recycling of some or all fertilizers, pesticides and other organic or inorganic chemicals used in or associated with the use.
- (b) Minimum lot area – 5 acres.
- (c) The maximum permitted building surface ratio shall be 0.20, unless a more restrictive requirement is established by the district regulations.
- (d) Retail sales shall be permitted in association with the greenhouse provided that retail sales shall be limited to items that were primarily grown on the premises, unless a Retail Store is allowed in that District.
- (e) Parking – one space for each 200 square feet of area devoted to servicing customers.

5. **A-5 Intensive Agriculture:** This use shall include production of mushrooms, or any raising of livestock or poultry use that involves an average per acre of more than 5 animal equivalent units on the lot or contiguous lots in common ownership. See the definition for "Animal equivalent units" in Section 201.

- (a) Minimum lot area – 25 acres, unless a larger lot area is required by the zoning district regulations.
- (b) All of the requirements for use A-1 shall also be met.
- (c) If any stream or swale is present, it shall be buffered by a 20-foot wide vegetated strip outside of the outer edge of the floodplain. The stream shall be adequately protected from contamination and sedimentation.
- (d) The use may be on the same lot as another "A - Agricultural" use provided the requirements for each are met.
- (e) In the zoning application, the applicant shall provide a written description of measures that will be used to avoid water pollution and control excessive odors and vectors.
- (f) Buildings and structures used for the keeping of animals shall not be located any closer than 300 feet from a lot in a residential district and 100 feet from any other lot that is not in common ownership. Manure storage facilities shall be setback a minimum of 200 feet from any lot

that is not in common ownership, unless a 100 feet setback is specifically provided in State regulations.

- (g) For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management Regulations that state setback shall apply. For any other manure storage facilities, a 100 feet wide minimum setback shall apply from all lot lines of lots that are not in common ownership.
- (h) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay its review fees.
- (i) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.

6. **A-6 Kennel**: The keeping of more than 6 dogs/cats that are more than 6 months old on a lot as part of a **commercial use** or a pet breeding or pet boarding activity or animal rescue, and which may also include the keeping of other household pets, which shall meet the following conditions:

- (a) Minimum lot area - 5 acres.
- (b) No animal shelter or runway shall be located closer than 300 feet to any residential building other than the owner's. No animal shelter or runway shall be located less than 100 feet from a lot line of another lot. Buildings shall be soundproofed to avoid nuisances to neighbors. The noise regulations of Section 507 shall apply.
- (c) The kennel shall be constructed so that the animals cannot stray there from.
- (d) The permanent capacity of the kennel shall not exceed 10 dogs or other animals per acre.
- (e) The property shall have a buffer yard of 20 feet in width containing a dense screen of plantings, planted in accordance with the buffer requirements of this Ordinance, along all property and street lines.
- (f) Parking. No less than one off-street parking space for each employee plus two (2) spaces for each 10 animals in capacity, except for training where one space shall be provided for each 3 animals involved in such training at one time.

7. **A-7 Nursery:** The outdoor raising of plants, shrubs and trees for sale and transplantation.
  - (a) Retail sales shall be permitted in association with the nursery provided that the sales facilities meet the requirements of use A-2. Any nursery which has associated with it retail sales shall have a lot area not less than 5 acres.
  - (b) Any building or structure associated with the nursery shall meet the yard, lot width and setback requirements for single family detached dwellings for the district in which the use is located. Only one single family detached dwelling shall be permitted on the property.
  - (c) Parking: One (1) off-street parking space for each one hundred (100) square feet of indoor retail sales area and one (1) off-street parking space for each five hundred (500) square feet of greenhouse or outdoor nursery sales area, plus one (1) additional space for each employee.
  
8. **A-8 Riding Academy/Boarding Stable:** Equestrian riding academy, livery or boarding stable, subject to the following provisions:
  - (a) Minimum lot area - 10 acres.
  - (b) Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for agriculture, use A-1.
  - (c) No more than 1 adult horse or similar animal per acre shall be permitted.
  - (d) Parking: one off-street parking space for each employee plus no less than one off-street parking space shall be provided for every 3 persons present at such facilities when they are used to capacity. Parking facilities and driveways shall be able to accommodate the largest vehicles used on the lot.
  
9. **A-9 Accessory Farm Business:** An accessory farm business is a low-intensity business use as provided below that is conducted on a lot containing a principal agricultural or plant nursery use.
  - (a) The following requirements apply to accessory farm businesses:
    - (1) The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland in Durham Township by allowing working farms to market their products and services directly to the public as an accessory use and in a manner that is compatible with the rural/residential character of the Township and with the Comprehensive Plan.
    - (2) Accessory agricultural sales are also allowed under use A-2.
    - (3) All accessory farm businesses shall meet the requirements for water supply, sewage disposal and restroom facilities of the Township, State and County.
    - (4) The accessory farm business is permitted as an accessory use only. The principal use of the property shall be agricultural. If any of the conditions to which the use is subject cease to be met, such as the lot not including a minimum of 15 acres with a



principal agricultural use, then the accessory farm business use shall also cease.

- (5) This use shall include the following as permitted by right uses:
  - [a] Sale and service of farm equipment and the sale and supply of farm supplies, such as feed, grain, fertilizer, and related accessory products.
  - [b] Accessory Farm Entertainment Uses if the requirements of subsection 9.(b) are also met.
  - [c] Pony/horseback rides.
  - [d] Educational tours.
  - [e] Boarding of horses and similar animals.
  - [f] Small engine repair.
  - [g] Blacksmithing or sharpening services.
  - [h] Rental storage in a pre-existing building.
- (6) Other accessory uses that the applicant proves to the satisfaction of the Board of Supervisors are closely similar to uses provided above may be approved as a Conditional Use including:
  - [a] Winery or Micro-Brewery
- (7) The use shall be conducted by a resident and owner of the property, his/her relatives, and a maximum of 2 other persons working on-site at one time, in addition to persons employed for agricultural uses. In addition, a farm building that existed prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
- (8) An Accessory Farm Business shall not occupy more than 10 percent of the lot area, and shall not involve construction of more than 5,000 square feet of building floor area for the use after the adoption of this Section. Any newly built or expanded building shall maintain a residential or agricultural appearance.
- (9) Any manufacturing use shall be of a custom nature, be conducted completely indoors, and not require daily service by tractor-trailer trucks.
- (10) The use shall not generate noises, odors, nuisances, nighttime lighting, or hazards beyond what is typical for an agricultural use.
- (11) Parking: Off-street parking areas shall be provided in designated areas to accommodate attendees. The driveway used by the public shall have sufficient sight distances at entrances onto a street/road.
- (12) Minimum tract area - 15 acres.

- (b) Accessory Farm Entertainment Use: This is a type of Accessory Farm Business that involves the use of a farm for certain entertainment uses, as provided below, such as festivals related to products grown on the farm. In addition to complying with Subsection A.9 (a). above, an accessory farm entertainment use is subject to the following additional requirements:

- (1) Minimum tract area - 25 contiguous acres.
- (2) The accessory farm uses permitted under this subsection (b) are limited to seasonal festivals related to products grown on the farm, craft fairs, sleigh rides, corn mazes, hayrides, petting zoos, horse shows, and closely similar activities. Food and non-alcoholic beverages may be sold to persons attending the activities on the site. This use shall not include racing of motorized vehicles or sale of alcoholic beverages, other than wine or beer produced on the premises.
- (3) No activity or event or building used for an activity or event shall be located within 100 feet of a lot line of a lot containing an existing dwelling, unless the owner of that dwelling provides a written waiver to the Zoning Officer. Parking shall not occur within a street right-of-way or within 25 feet from a lot line of an existing dwelling and 100 feet from an existing dwelling, unless the owner of that dwelling provides a written waiver to the Zoning Officer.
- (4) The use shall not be open to the public between 9 p.m. and 7 a.m., except that the use may be open to the public until 10 pm on Fridays and Saturdays. No one Accessory Farm Entertainment Use shall be open to the public for more than 31 days per calendar year. All Accessory Farm Entertainment Uses on a lot shall not be open to the public on a total aggregate of more than 90 days per calendar year, unless such time periods are increased as a special exception use. A zoning permit shall be required for an Accessory Farm Entertainment Use.
- (5) The following types of activities shall **not** be permitted:
  - [a] Activity that exceeds the noise limits of Section 507.B.
  - [b] Mechanical amusement rides.
  - [c] Flea markets involving sales by multiple households or vendors.
  - [d] Musical concerts involving amplified music that attracts more than 100 spectators requires a Conditional Use Hearing.
- (6) Parking: Off-street parking areas shall be provided in designated areas to accommodate attendees. The driveway used by the public shall have sufficient sight distances at entrances onto a street/road.
- (7) A traffic control plan and a parking control plan must be submitted to and approved by the Township Zoning Officer prior to the events other than educational tours. Two access points onto a road shall be possible to allow for emergencies.
- (8) The traffic access points shall be subject to approval by the Township.
- (9) Lighting shall meet requirements of Section 501. All event-related lighting is to be turned out 30 minutes after the event has concluded.

(10) Signs will be subject to the requirements of Article 9 of this Ordinance.

(c) Accessory Mineral Extraction Use – This is a type of Accessory Farm Business that involves the use of not more than five (5) acres of a farm for the extraction of materials from the ground, such as sand, clay, shale, gravel, topsoil, stone and other similar materials. Like other Accessory Farm Businesses, this use is permitted as an accessory use only. The principal use of the property shall be agricultural. If any of the conditions to which this use is subject cease to be met, such as the lot not including a minimum of twenty-five (25) acres with a principal agricultural use, then the Accessory Mineral Extraction Use shall cease. This use is subject to the following additional requirements:

- (1) This use shall be permitted as a Special Exception.
- (2) The minimum tract area of the farm on which this use is conducted shall be twenty-five (25) acres.
- (3) Extraction shall occur from no greater area than five (5) contiguous acres, regardless of the size of the farm on which this accessory use is conducted.
- (4) Prior to the grant of a Special Exception, an applicant for approval of an Accessory Mineral Extraction Use shall establish the following:
  - [a] That all required permits from applicable federal, state and local agencies have been obtained.
  - [b] Compliance with those provisions contained at Section 403.G.7 G-7 Quarry (a) through (f) deemed relevant by the Zoning Hearing Board to an Accessory Mineral Extraction Use of the size proposed given the size of the farm on which the use is proposed.

**B. Residential Uses:** All dwelling units shall provide a minimum of 2 off-street parking spaces per dwelling unit.

1. **B-1 Boarding House:** A residential use in which the entire building houses more than 4 unrelated persons and that includes two or more rental units that do not meet the definition of a dwelling unit. This use may or may not involve provision of meals to persons residing on the premises.
  - (a) Minimum lot area - 1 acre, unless a larger lot area is required by the applicable district.
  - (b) If an existing building is converted into a Boarding House, the provisions for a Residential Conversion in Section 403.B.9 shall also be met.
  - (c) Parking - One space per rental unit plus one space per non-resident employee.

2. **B-2 Group Housing;**

- (a) **B-2a Group Home.** A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where the persons need special care due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.
- (1) If a group home use will need federal, state or county permits, certifications or licenses, then the operator shall provide evidence of such permits, certifications or licenses to the Township prior to receiving an occupancy permit. Any revocation or suspensions of such permits, certifications or licenses shall be reported to the Zoning Officer in writing within 7 days.
  - (2) **Parking:** There shall be off-street parking provisions planned to accommodate a maximum of nine (9) vehicles. Six (6) parking spaces must be constructed and may be kept in reserve and need not be constructed unless the Board of Supervisors decide at a future time that the existing six (6) spaces are insufficient to handle the needs of a particular group home use, at which time they shall be constructed within six (6) months or the group homes occupancy permit will be suspended until the required parking spaces are installed. Said parking spaces shall be constructed so that no more than two (2) spaces appear in the front yard, thereby confining the remainder of the required spaces to the rear and side yards. The maximum number of parking spaces allowed for any group home use is nine (9).
  - (3) The applicant shall prove that there will be adequate on-site supervision, considering the type and number of residents.
  - (4) The use shall occupy a lawful dwelling unit. If a new detached group home is built, it shall meet the same lot area and dimensional requirements as a single family detached dwelling in that district.
  - (5) All group homes shall have a minimum of two thousand (2,000) square feet of building area, exclusive of building area covered by a garage or other similar building.
  - (6) A Group Home shall not involve more than 6 residents, in addition to bona fide paid staff. A larger facility is defined as a Halfway House, unless a modification is granted under Section 1009.B.

- (7) A Group Home shall not include a "Treatment Center" or a "Halfway House," although such uses may be included within a Group Home Land Development.
  - (8) See also Section 1009.B. which allows modifications of requirements where necessary to comply with Federal law.
- (b) **B-2b Halfway House.** This term shall mean either of the following:
- (a) A use that otherwise meets the definition and requirements of a Group Home, but that includes more than 6 residents; or
  - (b) A use that involves housing and support facilities for persons who need such facilities because of their involvement in an abusive relationship.
- This term shall not include a "Treatment Center."
- (1) A Halfway House shall meet the requirements for Use B-2a in addition to the requirements of Use B-2b.
  - (2) The applicant shall prove to the satisfaction of the Zoning Hearing Board that adequate safety and security measures will be in place.
3. **Reserved**
4. **Reserved**
5. **B-5 Mobile (Manufactured) Home Park:** A lot located in the RR District only that has been so designated and improved that it contains 2 or more Mobile (Manufactured) Homes.
- (a) All Mobile (Manufactured) Homes shall be set back not less than 50 feet from the ultimate ROW of the existing public street.
    - (1) A mobile home is a single-family dwelling as defined in Section 201
    - (2) Each Mobile (Manufactured) Home shall be setback a minimum of 15 feet from an accessory building.
  - (b) The minimum yard requirements for each mobile home lot shall be: Fifty (50) feet for front and thirty (30) feet for rear and side yards. Such yards shall be measured from the perimeter of the mobile home pad.
  - (c) No Mobile (Manufactured) Home within a Mobile (Manufactured) Home park shall be located closer than 100 feet to an abutting lot line of a lot occupied by an existing single-family detached dwelling, and not less than 50 feet from any other lot line. A minimum 50 feet buffer area including substantial numbers of trees and shrubs and attractive vegetative ground cover shall surround the Mobile (Manufactured) Home Park and this area shall be free of fences, parking and buildings. This buffer area shall meet Section 502 unless an alternative landscaping plan is approved by the Township.

- (d) An enclosure of compatible design and material shall be erected around the entire base of each Mobile (Manufactured) Home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch, which is employed for the normal movement of the unit, shall be removed.
- (e) Each Mobile (Manufactured) Home shall be set level and anchored on a concrete pad, piers or other approved installation system. The installation shall meet the Township Construction Codes (including the one and two Family Code and the Plumbing Code) and the recommendations of the manufacturer.
- (f) Service buildings. Within a Mobile (Manufactured) Home park, nonresidential uses such as management office, storage facilities for the park residents, laundry facilities, maintenance buildings and storage areas for park maintenance equipment, and a community building for the use of the park residents may be constructed subject to the following standards:
  - (1) A maximum of 10% of the base site area may be used for these buildings and parking.
  - (2) All buildings must comply with the required buffer yard requirement, as provided in Section 502.
  - (3) All non-residential buildings must be set back at least 30 feet from adjacent Mobile (Manufactured) Homes.
  - (4) All non-residential buildings must be set back 30 feet from interior streets in the Mobile (Manufactured) Home Park.
- (g) Safe and convenient vehicle access shall be provided to public streets. All vehicle traffic shall first access a parking court or private street before accessing a public street.
- (h) The development shall be furnished with sufficient outdoor lighting to provide for safe vehicle and pedestrian movement at night, at no cost to the Township and shall be approved by the township engineer.
- (i) Any private street serving 8 or more dwelling units and any public street shall meet the requirements of the Subdivision and Land Development Ordinance for a public street, including street trees. All streets and parking areas shall be improved with bituminous asphalt or concrete or other hard surface materials pre-approved by the Township.
- (j) A convenient system of pedestrian walkways shall be provided throughout the park. The walkways shall meet accessibility requirements under the Americans with Disabilities Act. If this walkway system serves the same purpose as sidewalks, then sidewalks shall not be required on internal streets.
- (k) A minimum of 2 deciduous shade trees shall be planted or preserved on the site on the average for every dwelling unit. These trees shall have a minimum trunk diameter of 2 inches measured 6 inches above the ground.
- (l) All utilities shall be placed underground within the mobile (manufactured) home park.

- (m) Each dwelling unit shall be served with Township-approved and County-approved central water and central sewage systems, unless the average density is less than one dwelling unit per acre. All central & on-site systems must be approved by both the township and county.
- (n) Parking: In addition to the 2 parking spaces per dwelling, there shall be an additional 0.50 parking spaces per unit for guests to be located in common parking areas that are distributed throughout the development.
- (o) Where an application for a mobile home park is made as a variation of a Performance Subdivision in the RR District, the following dimensional requirements shall apply:
  - (1) Double-wide mobile home:
    - Lot area average: 10,000 sq. ft.
    - Lot minimum: 9,000 sq. ft.
    - Maximum Impervious Surface Ratio (on-lot): .35
    - Maximum Floor Area Ratio: .20
    - Minimum Yards: Front: 20 ft.  
Rear: 30 ft.
    - Minimum spacing between units and/or accessory buildings: 30 ft.

(2) All single-wide mobile home units shall be subject to the following dimensional requirements:

	<b>MIN. LOT AREA (sq. ft.)</b>	<b>MIN.AVG. LOT AREA (sq. ft.)</b>	<b>OFF-STREET PARKING</b>	<b>MINIMUM LOT WIDTH AT SET-BACK LINE</b>
2 BR	4,300	4,500	2.00	45
3BR	5,000	5,200	2.00	50
4BR	5,500	6,000	2.25	55

General: Max Impervious Surface Ratio (on-lot): .35  
 Maximum Floor Area Ratio: .20  
 Minimum Yards: Front 20 ft.  
 Rear 30 ft.  
 Minimum Unit Spacing: 30 ft.  
 Minimum Set-Back Line: 10 ft.

- (p) As a variation of Performance Subdivision, Mobile Home Parks are subject to all regulations relating to Performance Subdivision and all other township ordinances unless specific exceptions are indicated.

6. **B-6 Garden Apartments**

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

TYPE:	MIN LOT AREA (SQ. FT)	PARKING SPACES PER UNIT
Efficiency	1,300	1.50
1 Bedroom	1,750	1.75
2 Bedroom	2,000	1.75
3 Bedroom	2,250	2.00
4 Bedroom	2,550	2.25

General:	Maximum Impervious Surface Ratio (on lot):	.50
	Maximum Floor Area Ratio (on lot):	.45
	Minimum Lot Size:	1 Acre
	Minimum Building Setback Line - Street:	50 Feet
	- Parking:	30 Feet
	Maximum Number of Units per Building:	16
	Minimum Street Frontage:	100 Feet
	Maximum Building Height:	35 Feet
	Minimum Distance between Apartment Buildings:	30 Feet

7. **B-7 Performance Subdivision** Performance Subdivisions are residential uses permitted in the RR District. A performance subdivision is a development that allows a mix of housing types, provides a variety of housing choices, and involves clustered development with common open space.

- (a) General regulations.
  - (1) Each dwelling unit shall be served with Township-approved and County-approved central water and central sewage systems, unless the average density is less than one dwelling unit per acre.
  - (2) A minimum setback of 100 feet shall be required between any new apartment building and any abutting lot line of a pre-existing single family detached dwelling that is not part of a performance subdivision.
  - (3) The development shall consist of a harmonious grouping of buildings, service and parking area circulation, and open spaces, planned as a single unit, in such manner as to constitute a safe, efficient and convenient residential site.
  - (4) The development shall make the maximum feasible use of access onto new local streets as opposed to having driveways entering onto pre-existing public streets.
  - (5) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the site without



undue congestion to or interference with normal traffic flow within the region.

- (6) If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and intent of this Ordinance shall be fully complied with by the development at the completion of any stage. For example, maximum density and minimum open space shall be met with each phase.
- (7) The provisions for open space shall meet the requirements of Section 511.

- (b) A performance subdivision shall comply with the Subdivision and Land Development Ordinance, as amended.
- (c) Required dwelling unit mix. All performance subdivisions shall conform to the minimum standards for a mix of dwelling unit types as set forth below.

Number of Dwellings In Development	Minimum Required Number of D.U. Types	Maximum Percent Any D.U. Type
1 to 60	1	100
61 plus	2	70

Note: D.U. = Dwelling Unit.

- (d) Dwelling unit types. The following dwelling unit types shall be permitted in a Performance Subdivision: Single-family detached use B-11a and B11b; Twin house use B-15; Village House use B-16, Townhouse use B-14; and Apartments use B-6.
- (e) Each dwelling unit shall also meet the requirements of this Section 403.B. for that use type (such as the requirements for use B-14 Townhouses).
- (f) A convenient system of sidewalks or other approved pedestrian walkways shall be provided throughout the development. The walkways shall meet accessibility requirements under the Americans with Disabilities Act. Where this walkway system serves the same purpose as regular sidewalks, then sidewalks shall not be required.
- (g) A minimum of 2 deciduous shade trees shall be planted or preserved on the site on the average for every dwelling unit. These trees shall have a minimum trunk diameter of 2 inches measured 6 inches above the ground.
- (h) Parking: In addition to the 2 parking spaces per dwelling, or other stated parking space requirements, there shall be an additional 0.5 parking spaces per unit to be located in common parking areas that are distributed throughout the development, or through suitable on-street spaces on newly built streets.

8. **B-8 Private Camp or Cottage Development** A use planned in a unified manner for seasonal primarily outdoor recreational use and that includes two or more cottages for sleeping purposes for guests, in addition to recreational buildings and facilities.
- (a) See separate provisions for Use E-16 Recreational Campsites. Recreational vehicles shall only be allowed for overnight sleeping purposes within Use E-16.
  - (b) The cottages shall serve seasonal purposes. No person shall reside on the premises for more than 120 days in any calendar year, except for a caretaker and his/her family.
  - (c) Minimum lot area - 25 acres.
  - (d) Maximum density - A maximum sleeping capacity of 10 persons per acre.
  - (e) Minimum building setback from exterior lot lines - 75 feet. To the maximum extent feasible, any forested land within this perimeter setback shall remain preserved.
  - (f) A minimum of 75 percent of the total site area shall be maintained in open space, with any existing forest land preserved within such area, except at trail, driveway and utility crossings.
  - (g) To provide access for firefighting, each detached building shall be setback a minimum of 20 feet from any other building.
  - (h) Sewage disposal and fresh water facilities shall be satisfactory to the Bucks County Department of Health
  - (i) Parking: In addition to the 2 parking spaces per dwelling, there shall be an additional 0.50 parking spaces per unit for guests to be located in common parking areas that are distributed throughout the development.
9. **B-9 Residential Conversion:** Conversion of an existing detached single-family dwelling or suitable existing structure, to a two-family, single-family, or multi-family dwelling, is limited to two dwelling units per property, provided:
- (a) The property complies with all yard and building area requirements for the district and meets all minimum zoning requirements for lot size for the existing and proposed dwelling units.
  - (b) All required off-street parking is available for both dwelling units.
  - (c) The floor area per dwelling unit is not less than 900 square feet.
  - (d) The tenants in the dwellings who are not property owners will be registered with the township.
  - (e) All permits required by Bucks County: Department of Health, Conservation District, and any other agencies, are granted.

- (f) Any required State permits are granted, e.g. Department of Labor & Industry, if dwelling(s) are configured to require such permit.
- (g) The gross site shall be deed restricted against any further subdivision to make each dwelling a separate tax parcel. Other development or subdivision, keeping the primary and converted dwelling units on the same property, will be permitted.
- (h) Use shall not apply to Accessory Parent In-Law Dwelling use.
- (i) Exterior fire escapes and stairways shall only be used when the need cannot be met with interior stairways. When they are required; exterior fire escapes shall be located at the rear or side of the building.
- (j) Documentation is required that any existing well and septic system can accommodate additional demands, after any upgrades or replacement by the applicant.
- (k) Parking: No additional off-street parking shall be permitted in the minimum front yard. Parking in the side and rear yards shall be visibly buffered from the street and the adjacent yards.

10. **Reserved**

11. **B-11a (Less than 5 lots) and B-11b (5 or More Lots) Single-Family Detached**

**Dwelling:** A single-family detached dwelling involves a single dwelling unit with a front, rear and 2 side yards.

- (a) The following additional requirements shall apply for a single family detached dwelling which is a mobile (manufactured) home and that is placed outside of a mobile home park:
  - (1) An enclosure shall be erected around the entire base of each Mobile (Manufactured) Home that has the appearance of a perimeter foundation. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch and wheels shall be removed.
  - (2) Each Mobile (Manufactured) Home shall be set level and anchored on a concrete pad, piers or other approved installation system. The installation shall meet the Township Construction Codes (including the one and Two Family Code and the Plumbing Code) and the recommendations of the manufacturer.
  - (3) No Mobile (Manufactured) Home shall be placed, erected or relocated in the Township unless it was certified as meeting U.S. Department of Housing and Urban Development construction and safety standards for manufactured homes. (Note - Such standards applied to homes built in 1976 or later.)

12. **B-12 Single-Family Detached Cluster:** A single-family detached cluster use shall include single-family detached dwellings on individual lots that are clustered to preserve open space. See also Section 512 and the Cluster provisions in applicable districts in Article 6.
- (a) Cluster developments shall be located and designed to minimize intrusion of development upon the productive agricultural soils and protected natural resources. The development shall be kept in tight configuration to minimize the edge of the development that abuts active farmland.
  - (b) Each dwelling unit shall be served with Township-approved and County-approved central water and central sewage systems, unless the average density is less than one dwelling unit per acre.
  - (c) Parking: In addition to the 2 parking spaces per dwelling, or other stated parking space requirements, there shall be an additional 0.5 parking spaces per unit to be located in common parking areas that are distributed throughout the development, or through suitable on-street spaces on newly built streets.
13. **B-13 Subdivision Creating Large Lots:** This Use B-13 applies when an applicant proposes that every lot within a subdivision include a lot area that is at least three times the minimum lot area in the applicable district.
- (a) If Use B-13 applies, the applicant may request modifications or waivers to requirements of the Subdivision and Land Development Ordinance in recognition of the decreased impact of the proposed development. These modifications may include, but are not limited to, reduced road widths, the allowance of shared driveways, and reduced submission requirements. As a condition of such modifications or waivers, the Board of Supervisors may require that lots not be further subdivided, with enforcement through a deed restriction or conservation easement.
  - (b) Private streets and shared driveways may be approved as part of Use B-13
14. **B-14 Townhouse:** A townhouse dwelling is a one family attached or semi-detached dwelling within a building that involves 3 or more dwelling units attached side-by-side or back-to-back, with only one dwelling unit from ground to roof. No more than 2 vertical walls of each dwelling are in common with other such dwellings, provided:
- (a) A maximum of 5 dwelling units shall be permitted in a row, with no more than 8 dwelling units connected in any manner.
  - (b) Townhouses shall be arranged in groups or clusters. The total length of a row of townhouses shall not exceed 160 feet.
  - (c) To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, rooflines and details shall be required. In any case, a minimum of 2 feet variation in setback or rooflines shall occur at least every third dwelling.

- (d) Each townhouse dwelling shall have a minimum building width of 18 feet. However, if a townhouse dwelling has garage door(s) entering onto the front of the dwelling, then the minimum building width shall be 20 feet. If more than 50 percent of the front yard would be paved, then the minimum building width shall be 24 feet.
  - (e) Parking: In addition to the 2 parking spaces per dwelling, there shall be an additional 0.5 parking spaces per unit to be located in common parking areas that are distributed throughout the development, or through suitable Township-approved on-street spaces.
  - (f) Reserved.
15. **B-15 Twin House**: A twin house involves two single-family semi-detached dwelling units, with the dwelling units completely separated by one vertical wall.
- (a) Parking: A minimum of 2 off-street parking spaces per dwelling.
16. **B-16 Village House**: A village house is a single-family detached dwelling on a separate lot. It differs from other forms of single-family detached housing in its placement on the lot, which are similar to houses found in the historic villages and towns. The unit is intended to be located at the building setback line and is additionally distinguished from other single-family houses by planting or architectural treatment.
- (a) Each unit shall include a minimum of 2 of the following characteristics:
    - (1) An unenclosed front porch running across at least  $\frac{3}{4}$  of the house front, being at least seven (7) feet in width.
    - (2) A front yard enclosed by a decorative masonry wall or fence of wood, vinyl post or masonry construction at least 30 inches in height or a continuous hedge at least 24 inches in height.
    - (3) Off-street parking and driveways shall be located outside of the minimum front yard, such as by having a driveway and garage or parking pad access a rear alley or side street, or having a narrow driveway that widens to enter a garage towards the back of the dwelling. A minimum of two (2) off-street parking spaces per dwelling shall be provided.
  - (b) A Village House shall include a minimum of one canopy tree or two flowering trees within the front yard.
  - (c) Garages must be at least 20 feet back from the front of the dwelling unit. Garages may be placed within 5 feet of the side or rear yard property lines.
  - (d) The architecture of the Village House shall be compatible with and reflect architecture that is common within Bucks County villages, including pitched roofs, window sizes, and a front door facing onto the front of the lot.

- (e) If there is no vehicle parking in the front yard, then the minimum front yard may be reduced to 15 feet and the minimum side yard may be reduced to 6 feet, unless a less restrictive requirement is established in the applicable district.

- 17. **B-17 Farmland Lot:** A lot that meets applicable provisions of this Ordinance for a "Farmland Lot," and which serves to maintain open, contiguous, and productive or potentially productive farmland on a lot that is viable for agricultural uses. See requirements in Sections 508.B.10, 509. B.2 and 601.D.

**C. Religious, Educational, Recreational and Institutional Uses:**

- 1. **C-1 Cemetery:** A cemetery shall include a burial place for persons or pets, including a mausoleum and columbarium, provided:
  - (a) The minimum lot area shall be 5 acres. A cemetery may be accessory to a place of worship, provided the regulations for each are met.
  - (b) If the cemetery area exceeds 20 acres, one dwelling to be used for custodial personnel may be permitted. If the cemetery area is less than 20 acres, there shall be no dwellings.
  - (c) Maximum impervious coverage - 10 percent.
  - (d) Cemetery design standards.
    - (1) The maximum height of buildings and structures shall be 3 stories or 35 feet, whichever is more restrictive.
    - (2) Entrance features such as gates, fountains, statuary, and identification signs shall meet the principal front yard building setback for the zoning district. No such entrance feature shall exceed 12 feet in height.
      - [a] There shall be not more than 2 one-sided identification signs or one two-sided identification sign at each entrance, each with a maximum sign area of 10 square feet and a maximum height of 8 feet. No sign shall be illuminated. The number and size of signs within the interior of the cemetery that are not readable from the lot line or a street are not regulated.
    - (3) Parking: Parking along a driveway or parking on a stabilized shoulder shall be provided such that traffic can still reach a public street while the parking is being used.
  - (e) A crematorium shall need special exception approval and be set back a minimum of 250 feet from any lot line of a dwelling. A crematorium shall only be allowed within the PC-I district.
  - (f) Any building other than a crematorium shall be setback a minimum of 75 feet from any residential property line.

2. **C-2 Commercial School:** Such use shall include a trade, professional, music, karate, dancing or similar school, provided:
  - (a) Parking: No less than one off-street parking space per employee, plus 1 space per 3 students on-site during peak periods. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.
  - (b) The use shall not be open for business between the hours of 11 pm. and 6 am.
  
3. **C-3 Day Care Center:** Such use shall include providing day care or nursery school to persons under age 16 for portions of the day, but not including care by a relative or care provided by places of worship during worship services, and not including care of 6 or fewer children at a time which is considered an accessory use. This use shall also include providing care and supervision during portions of the day to 3 or more adults who need such a facility because of developmental or physical disability or because of old age or illness, but which does not routinely provide overnight housing or skilled nursing care.
  - (a) The minimum lot area shall be equivalent to the minimum lot area for a single-family detached dwelling for any district that allows such dwelling.
  - (b) The use may be an accessory use to a place of worship.
  - (c) For a child day care center, an outdoor recreation area shall be provided and be enclosed with a secure fence that meets the minimum Uniform Construction Code (UCC) requirements for this use. The recreation area shall be screened in accordance with Section 502 so as to protect adjoining dwellings and shall provide adequate shade for the clients.
  - (d) Such use shall show proof that it meets State regulations and has a State license, as applicable.
  - (e) Parking: No less than one off-street parking space for each employee plus 1 parking space per 5 persons cared for at peak times. Parking shall be buffered and screened in accordance with Section 502 when situated next to land in a residential use.
  - (f) In a residential district, the use shall not be open for business between the hours of 11 pm. and 6 am.
  
4. **C-4 Golf Course:** A golf course may include a clubhouse, restaurant, and other accessory uses, provided these are clearly accessory to the golf course.
  - (a) Minimum Lot area - 60 acres.
  - (b) No building or parking lot shall be closer than 100 feet to any residential lot line. No building shall be less than 50 feet from any other lot line.
  - (c) Primarily evergreen trees shall be planted where necessary between portions of the golf course and adjacent homes to reduce the potential of golf balls hitting homes.
  - (d) Two off-street parking spaces per golf hole, plus parking required by any restaurant/meeting facility, plus one additional space per 1.2 employees.
  - (e) Driving range: No less than one off-street parking space for every tee, plus one space for each employee.

- (f) A driving range shall not be lit for nighttime use.
- (g) The applicant shall present a plan for protecting the water quality of watercourses and groundwater, which shall include proper management of pesticides and fertilizers that is acceptable to the township. When conditional use approval is required, the Board of Supervisors may place conditions on the approval to protect water quality. Perennial and intermittent springs and seeps, watercourses and wetlands shall be surveyed and shown on the plan.
- (h) Maximum impervious coverage - 10 percent, unless a more restrictive requirement is established by another section of this Ordinance.
- (i) Changes to the property that will impact stormwater runoff within or from the property or into any watercourse shall not occur unless a stormwater management plan has been submitted to and found to be acceptable by the Township. Such stormwater plan shall be consistent with Township stormwater regulations. Native plantings and buffer strips are encouraged along watercourses to minimize erosion and filter out pollutants.

5. **C-5 Hospital:** An establishment, licensed by the State Department of Health, which provides health services for in-patient and out-patient medical care of the sick or injured, and which may also include related facilities, such as laboratories, training facilities, central service facilities, and staff offices as an integral part of the establishment.

- (a) Lot and yard requirements.
  - (1) Minimum lot area: 10 acres.
  - (2) Minimum lot width: 500 feet.
- (b) A hospital shall be located along an arterial or major collector street.
- (c) Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
- (d) Parking: One space for every one (1) in-patient or out-patient treatment bed, plus one space per 1.1 employees on-site during peak periods. Parking areas must be adequately screened with a planted buffer 30 feet in width when situated adjacent to land zoned for or in residential use.

6. **C-6 Library or Museum:** Such use shall include a library or museum open to the public that is not operated as a private commercial business, or a museum or library connected with a permitted educational use.

- (a) Parking: No less than one space per 5 seats or one space per 220 square feet of gross floor area where no seats are provided, plus one space for every employee. Parking areas shall be buffered in accordance with Section 502 when situated next to land zoned for or in a residential use.



7. **C-7 Municipal Facility:** Such use shall include a facility operated by Durham Township or an authority established by Durham Township or a non-profit fire or ambulance/emergency medical services company. This shall include a municipal administration building, fire or ambulance station, police headquarters, water system, sanitary sewage system, stormwater facilities, district justice facility, library, or public works maintenance facility. More than one municipal facility shall be allowed on a lot.
  - (a) Parking: No less than one off-street parking space for every employee on-site during peak periods or one space for every 3 seats in the largest meeting room, whichever is greater.
  - (b) The facility shall meet the minimum yard and lot requirements that would apply to a single family detached dwelling, in a district where such dwelling is allowed.
  - (c) Parking areas and outdoor storage of equipment and trucks shall be buffered in accordance with Section 502 when situated next to land zoned for or in a residential use.
  - (d) All hazardous materials and road salt shall be stored in accordance with all applicable state and federal regulations.
  
8. **C-8 Nursing Home:** Such use shall include a State-licensed intermediate or skilled nursing facility that provides health care to persons with chronic diseases or disabilities or who are undergoing physical rehabilitation.
  - (a) The minimum lot area shall be 5 acres. A minimum of 10 percent of the lot area shall be improved for outdoor recreation by the residents, with hard-surface accessible paths, landscaping and benches. Areas that remain in woods may count towards this 10 percent area.
  - (b) Maximum density - 20 beds per acre or as dictated by state and/or federal regulations.
  - (c) Parking: No less than one off-street parking space for every 5 beds, plus one space per 1.2 employees. All parking areas are to be adequately screened according to Section 502 when adjacent to an area zoned for residential use.
  
9. **C-9 Personal Care / Assisted Living/Hospice Center:** An establishment approved by the applicable State agency as a personal care center and which provides housing, meals, supervision and limited types of medical assistance for persons for periods exceeding one day, which serves 3 or more persons, and which serves persons who need such services but do not need skilled nursing home care. A Personal Care Center typically is primarily intended for persons who need such services because of old age, illness, or disability, and may include housing for that person's spouse.
  - (a) The minimum lot area shall be 5 acres. A minimum of 20 percent of the lot area shall be improved for outdoor recreation by the residents, with hard-surface paths, landscaping and benches. Areas that remain in woods may count towards this 20 percent area.
  - (b) Maximum density - 20 beds per acre or as dictated by state and/or federal regulations.
  - (c) Accessory retail stores and personal service facilities shall be allowed, provided they primarily serve residents, employees and guests and are in the same

- building as the personal care center. Such retail uses shall be limited to sale of household items, cards, beverages, food, drugs, crafts, gifts and similar items. Such service uses shall be limited to a barber/beauty shop and similar services. A restaurant may be open to guests of residents. No signs shall be allowed that advertise the retail or service uses that are visible from the exterior of the lot.
- (d) Parking: No less than one off-street parking space for every 4 beds, plus one space per 1.2 employees.
10. **C-10 Place of Worship:** Such use shall include a church, synagogue, mosque, temple, or other similar place regularly used for religious worship, and which may include accessory social and meeting rooms and non-commercial recreation facilities that are primarily serving members of the place of worship.
- (a) The minimum lot area shall be 2 acres, except 5 acres for a building with seating capacity in one room of more than 600 persons.
- (b) A day care center shall be allowed as an accessory use, provided the requirements for a day care center in this Section 403 are met.
- (c) Minimum yards: The minimum yards for the district shall apply, except that where a place of worship abuts a residential use, the minimum side yard shall be doubled.
- (d) Parking: A minimum of one off-street parking space for every 3 seats in the largest room, plus one additional space for each employee on-site during religious services. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.
11. **C-11 Private Organization:** A private club is a nonprofit association supported by dues or fees imposed on a uniform basis upon all members and paid at least in part for membership status rather than for periodic use of the club's facilities; includes, but is not limited to, fraternal, school, athletic, or other associations, with rules, bylaws, charter, or local or national affiliation and is based on membership of persons with common interests, pursuits, or purposes and is subject to the following additional provisions:
- (a) The use and each building shall be primarily for bona fide members and their authorized guests.
- (b) Outdoor play areas shall be sufficiently screened and isolated so as to provide a buffer to adjacent residences from inappropriate noise, light and other disturbances. See Section 502.
- (c) In residential districts, any use C-11 shall be limited to homeowner associations, neighborhood associations and similar organizations that do not provide dining services or the sale of alcohol as part of their regular activities, unless such a club conducted such activities prior to the adoption of this Ordinance.
- (d) The use shall not include a tavern, restaurant or vehicle racetrack, unless the requirements for that use are also met. A firearms target range shall only be allowed if the club includes a minimum lot area of 100 acres, or if the firearms target range existed lawfully prior to the adoption of this Ordinance or if the firearms target range is allowed by other provisions of this Ordinance.

- (e) Parking: No less than one off-street parking space for every 5 members of total design capacity of the facility or at least one off-street parking space for each 50 square feet of floor area used or intended to be used for service to customers, patrons, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.
  - (f) If the use is allowed and located in a residential district, the use shall not be open to the public, patrons or guests between the hours of midnight and 6 AM and during such hours, the use shall not have exterior lighting turned on, except what is necessary for security. Where special exception or conditional use approval is required, the Board may require limits on hours of operation and lighting, which may be more restrictive than is provided in this subsection.
12. **C-12 Recreational Facility or Community Center:** A recreational facility shall include recreational facilities other than a municipal or county park. This use shall include a swim club, athletic fields owned by an athletic association, buildings for indoor court games such as racquetball, and facilities related thereto. A community center shall include an educational center or other similar facility operated by an educational, philanthropic or religious institution, Township, or homeowners' association.
- (a) No athletic field or athletic court shall be within 100 feet of an adjacent lot line of an existing dwelling. A minimum lot size of one acre is required.
  - (b) The use shall not permit wild animal parks, zoos, or golf driving ranges.
  - (c) Outdoor active recreational areas and parking areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502 with a minimum width of 20 feet.
  - (d) Parking: No less than one off-street parking space for each 5 persons of total design capacity of the facility or at least one off-street parking space for each 50 square feet of indoor building floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.
  - (e) If the use is allowed and located in a residential district, the use shall not be open to the public, patrons or guests between the hours of midnight and 6 AM and during such hours, the use shall not have exterior lighting turned on, except what is necessary for security. Where special exception or conditional use approval is required, the Board may require limits on hours of operation and lighting, which may be more restrictive than is provided in this subsection.
13. **C-13 Primary or Secondary School or College or University:** This use may include a public or private institution of elementary or secondary school, or a college or university that is authorized to grant degrees of higher education by the Pennsylvania Department of Education.
- (a) The minimum lot area shall be 8 acres, plus one acre for each 100 students of projected maximum enrollment of the institution.
  - (b) Minimum yards: Front yard - 100 feet. Side yard - 100 feet. Rear yard -100 feet.

- (c) Outdoor active recreational areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502 with a minimum width of 20 feet.
- (d) Parking:
  - (1) Elementary school or middle school: No less than one off-street parking space for each employee plus one space per 2 classrooms.
  - (2) High school: No less than one off-street parking space for each employee, plus one additional space per each 3 students over age 16, or one space for every 3 seats in the largest capacity gymnasium, stadium or auditorium, whichever is greater.
  - (3) College or University: No less than one off-street parking space for each employee and one additional space per each 2 students attending classes on the site at peak times, or one space for every 3 seats in the largest gymnasium, stadium or auditorium, whichever is greater.
  - (4) If a school, college or university will have two or more gymnasiums, stadiums or auditoriums in use by spectators or patrons at one time, then the parking requirements for all such facilities in use at one time shall be required to be added together.
  - (5) All parking areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502 with a minimum width of 20 feet.

**D. Office Uses:**

- 1. **D-1 Medical Office:** A building or buildings with multiple offices for one or more state licensed physicians or dentists for examination or treatment of persons as out-patients and laboratories incidental thereto.
  - (a) Parking: one space per 150 square feet of floor area. All parking must be onsite and off the street.
  - (b) Parking areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502.
- 2. **D-2 Office:** A building for business, professional, or governmental offices.
  - (a) Such use shall be carried on wholly indoors and within the principal building.
  - (b) No office building shall have as its principal tenant a store, beauty shop, or other personal service shop and a maximum of 20 percent of an office building may be devoted to such non-office uses.
  - (c) Parking – one space per 200 square feet of floor area. Parking areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502.

3. **D-3 Veterinary Office or Clinic:** The office of a state licensed veterinarian.
  - (a) Other than the indoor keeping of sick animals, a kennel shall only be allowed if the requirements for use A-6 are also met.
  - (b) Parking -one space per 200 square feet of floor area. Parking areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502.
  
4. **D-4 Office Park/Corporate Center:** An office park is a planned development of office and related uses which includes improvements for internal streets, coordinated utilities, landscaping and buffering.
  - (a) The proposed development shall be constructed in accordance with an overall plan and shall be designed as or as part of a single architectural and landscaping theme. Buildings as a unit shall comply with the area and yard requirements of the zoning district in which it is located. The development shall consist of harmonious groupings of buildings, service, and parking areas and open spaces, planned as a single unit. Individual establishments may be in attached structures or detached structures.
  - (b) Minimum distance between buildings - The distance shall at least equal the height of the taller building.
  - (c) Outdoor storage or display of materials is prohibited.
  - (d) To the maximum extent feasible, all uses within the park shall take access from an interior roadway. Access to the park shall be from an arterial or collector roadway.
  - (e) Parking – one space per 250 square feet of floor area. Parking shall be buffered from an adjacent dwelling in accordance with Section 502.
  - (f) Individual uses may be located in detached and attached structures and may involve condominium ownership.
  - (g) No parking and loading facilities shall be located within 30 feet from the curb line of a public street at the front of the lot. Where curb does not exist, such distance shall be measured from the street right-of-way.
  
5. **D-5 Professional Studio:** Studio for painting, sculpturing, woodworking, ceramics, photography, music, literature, drama, dance or other creative work.
  - (a) Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area. Parking areas shall be screened and buffered from adjacent existing dwellings, with a buffer yard meeting Section 502.
  - (b) All materials used must be stored indoors at all times.

## **E. Retail and Consumer Service Uses**

### **1. E-1 Adult Entertainment:**

- (a) Adult entertainment includes any of the following uses:
  - (1) Adult store means a commercial establishment in which more than 10 percent of the total floor area of the business is used for sale or rental for any form of consideration of one or more of the following:
    - [a] Books, magazines, periodicals or other printed matter, or photographs, films, videocassettes, DVD's or other electronic media which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined in Section 201; or
    - [b] Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
  - (2) Adult Live Entertainment Use means an establishment which features live performances which are characterized by the exposure of "specified anatomical areas" (as defined in Section 201).
  - (3) Adult theater means a commercial establishment where, for any form of consideration, films, or other electronic media are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  
- (b) No adult entertainment use shall be located within any of the following distances:
  - (1) Within 1,000 feet of:
    - [a] A place of worship.
    - [b] A public or private educational facility including but not limited to child day care facilities, nursery schools, pre schools, primary or secondary schools, and including the school grounds.
    - [c] A similar establishment
  - (2) On the same lot as premises licensed to allow the sale and consumption of alcoholic beverages.
  - (3) Within 500 feet of:
    - [a] A boundary of a residential zoning district or the lot line of an existing dwelling.
    - [b] A public park or recreational area, including but not limited to a park, playground, recreation trails, swimming pool, athletic field, or other similar lands.
    - [c] An entertainment business which is oriented primarily towards children and family entertainment.
  
- (c) No adult materials shall be visible from the exterior of the building.
- (d) No persons under the age of 18 years of age shall be permitted within an adult entertainment establishment.
- (e) Parking: one space per 40 square feet of building floor area or 1 space per seat, whichever is more restrictive.

- (f) Screening and buffering: Any lot which is to be used for any adult entertainment use shall contain screening and buffering along property lines adjoining other zoning districts in accordance with the provisions of Section 502, except that the minimum buffer yard width shall be 50 feet and the minimum initial height of plantings shall be 6 feet.
- (g) To minimize the secondary impacts upon other properties, the use shall not be open for business between the hours of 12 midnight and 6 am.
- (h) The applicant shall prove compliance with all applicable State laws.

2. **E-2 Vehicle Sales:** The sale and lease of motor vehicles, boats, motorcycles, trucks, trailers, recreational vehicles, all-terrain vehicles, or farm machinery, provided that vehicle sales shall be licensed by the State where required.

- (a) Lighting: All outside lighting shall be directed in such a way as not to create a nuisance to any adjacent property, and all lighting shall be arranged and shielded so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. When the use is not open to the public, outdoor sign lighting shall be turned off and other lighting shall be limited to what is necessary for security.
- (b) All facilities shall be located and all services be conducted within the confines of the lot.
- (c) All preparation, lubrication, repairs or similar activities shall be accessory to the principal use and shall be conducted within a building.
- (d) Separate access ways shall be provided for the safe and convenient egress and ingress of motor vehicles. No access way shall exceed 35 feet in width nor be less than 15 feet in width.
- (e) A 20 feet wide area maintained in grass or other natural ground cover shall separate the use from the curb line. If no curb is provided, such width shall be measured from the ultimate/future street right-of-way. Such width may be met using green space on one or both sides of any sidewalk.
- (f) All automobile parts and similar articles shall be stored within a building.
- (g) Storage or display of vehicles, boats, and trailers for sale shall be placed no closer to the ultimate/future street right-of-way line than 25 feet.
- (h) There shall be no more than one access point into the facility from each street on which the facility has frontage.
- (i) This use shall not include the on-site outdoor storage or sale of 3 or more wrecked vehicles or parts of such vehicles. See use G-1 Salvage Facility.
- (j) Parking: No less than one off-street parking space for every 25 vehicles on display, plus one space for every employee. Parking spaces for vehicles for sale or rent are not required to meet minimum aisle width and stall sizes.

3. **E-3 Vehicle Repair, Body and Paint Shop, Vehicle Accessory Sales:** Establishments doing general motor vehicle repair, paint spraying, body and fender work, custom body work, and/or sale of motor vehicle parts and accessories; but not including the sale of gasoline or diesel fuel unless such use is specifically allowed and approved, and not including a Use G-1 Salvage Facility unless such use is specifically allowed and approved:
  - (a) All major vehicle repair work shall be performed within a building.
  - (b) All related vehicle parts, refuse, paint, chemicals, chemical waste and similar articles shall be stored within a building or enclosed area not within a 100 year floodplain, riparian buffer or wetland area.
  - (c) No vehicle shall be stored in the open awaiting repairs for a period exceeding 14 consecutive days, unless screened from all adjacent roads and properties by a fence and evergreen plantings each at least 6 feet in initial height, with a mature planting height of at least 8 feet.
  - (d) A 20 feet wide area maintained in grass or other natural ground cover shall separate the use from the curb line. If no curb is provided, such width shall be measured from the ultimate/future street right-of-way. Such width may be met using green space on one or both sides of any sidewalk.
  - (e) Storage or display of vehicles, boats, and trailers for sale shall be placed no closer to the ultimate/future street right-of-way line than 25 feet.
  - (f) Storage of used vehicle batteries and hazardous substances shall meet State and Federal regulations and be located under cover and on a non-impervious surface that does not allow drainage onto soil or streets. Any containment of hazardous materials shall be disposed of in compliance with the law.
  - (g) This use shall not include the outdoor storage of 3 or more wrecked vehicles, other than vehicles that are awaiting imminent repair. See use G-1.
  - (h) Parking: one space for every 2 service bays, plus one space per employee, plus one space for every 200 square feet of floor area devoted to retail sales of parts and accessories.
  
4. **E-4 Car Wash:**
  - (a) A car wash shall include water recycling of the majority of the water that is used.
  - (b) Car washes shall be designed with a stacking area adequate for 6 cars so that waiting cars do not interfere with traffic flow.
  - (c) The facility shall have a drainage system which ensures that water will not collect on driveways, sidewalks, streets or storm drains in a manner that would allow car washing runoff to enter creeks or the ground without treatment specifically designed to remove particulates, nutrients and other contaminants.
  - (d) Parking: one space per employee, plus areas for drying of vehicles.
  
5. **E-5 Convenience Store / Mini Market:** A retail store offering primarily groceries, prepared food items, and other small consumer items intended for quick carry-out trade. Liquid fuel sales shall only be allowed if Use E-19 is also allowed and approved.
  - (a) Separate access ways shall be provided for the safe and convenient egress and ingress of motor vehicles. No access way shall exceed 35 feet in width nor be less than 15 feet in width.



- (b) Access to the street shall be physically controlled by a concrete curbing at least 6 inches in height or landscaping that forms a barrier.
- (c) The applicant's site plan shall show how off-street loading will be able to be accomplished without obstructing driveways and without intruding into buffer yards.
- (d) The use shall provide a covered trash container in a covered trash storage area which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
- (e) When the use is not open to the public, outdoor sign lighting shall be turned off and other lighting shall be limited to what is necessary for security.
- (f) Parking: one space for every 150 square feet of total building floor area. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.

6. **E-6 Restaurant:** A place for the sale and consumption of food and beverage that does not include drive-through service and that is not a "Tavern" unless the requirements for such use are also met.

- (a) Drive-through service is prohibited unless Use E-7 is allowed and approved.
- (b) The applicant's site plan shall show how off-street loading will be able to be accomplished without obstructing driveways and without intruding into buffer yards.
- (c) The use shall provide a covered trash container in a covered trash storage area which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
- (d) When the use is not open to the public, outdoor sign lighting shall be turned off and other lighting shall be limited to what is necessary for security.
- (e) All exterior seating/play area shall be completely enclosed by a 4' high fence.
- (f) Parking – one space for every 2 seats or 15 spaces, whichever is more restrictive. In addition, if curbside pickup is allowed, then 2 additional specifically marked spaces shall be provided for such purpose. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502 with a minimum width of 20 feet.

7. **E-7 Restaurant with Drive-Through Service:** A place for the sale and consumption of food and beverages that includes ordering and providing of food to customers while they sit in their vehicles on the lot. This shall not include a "Tavern" unless the requirements for such use are also met.

- (a) The use must abut a collector or arterial street.
- (b) There shall be only one point of ingress and only one point of egress per collector or arterial street, unless specifically approved otherwise by the Township.

- (c) Where a drive-through window is proposed, a stacking lane shall be provided to serve a minimum of 7 cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.
  - (d) The use shall provide a covered trash container within a covered storage area which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
  - (e) The applicant's site plan shall show how off-street loading will be able to be accomplished without obstructing driveways and without intruding into buffer yards.
  - (f) Covered trash receptacles shall be provided outside the restaurant for patron use.
  - (g) When the use is not open to the public, outdoor sign lighting shall be turned off and other lighting shall be limited to what is necessary for security.
  - (h) Parking – one space for every 2 seats or 15 spaces, whichever is more restrictive. In addition, if curbside pickup is allowed, then 2 additional specifically marked spaces shall be provided for such purpose. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502 with a minimum width of 20 feet.
  - (i) All exterior seating/play area shall be completely enclosed by a 4' high fence.
8. **E-8 Entertainment Facility:** An entertainment facility shall include a bowling alley, skating rink, billiard hall, indoor movie theatre, live theatre, miniature golf course, arcades, or other similar uses, but not including a use which meets the definition of adult entertainment, Use E-1.
- (a) Parking: one space per 3 seats of capacity of the facility or one space per 250 square feet of gross floor area, whichever is greater. However, the following parking shall apply instead for a bowling alley: 2 spaces per bowling lane, plus parking for other uses in the building. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
9. **E-9 Financial Establishment:** A financial establishment shall include a bank, savings and loan association, credit union, or other financial establishment.
- (a) If a drive-in window is provided, a stacking area to accommodate at least 6 vehicles shall be provided for each drive-in window.
  - (b) Where automated teller machines are provided, such facilities shall be adequately lighted for security and safety.
  - (c) Parking: one space per 300 square feet of floor area, plus one space per employee. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.

10. **E-10 Funeral Home:** A licensed funeral home where bodies are prepared for burial and which is also used for visiting hours as part of a funeral. This shall not include a cemetery, crematorium or mausoleum, unless the requirements for such use are also met.
  - (a) Parking: one off-street parking space for every 4 seats in the largest room, plus one space per employee. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
  
11. **E-11 Bed and Breakfast Inn:** The use and occupancy of a detached dwelling shall be permitted for accommodating transient guests for rent subject to the following additional restrictions:
  - (a) Minimum lot area: one acre for the first two guest rooms and 20,000 square feet for each additional guest room. In no case shall the lot area be less than that required for single family detached dwellings in which the proposed guest house is located.
  - (b) At least one bathroom shall be provided for each 2 guest rooms.
  - (c) External alterations, additions or changes to the exterior structure shall be minimized except where required by any governmental agency for safety reasons.
  - (d) The use shall be carried on primarily by members of the immediate family which must reside on the premises.
  - (e) There shall be no separate kitchen or cooking facilities in any guest room.
  - (f) The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to guests of the bed and breakfast inn. The serving of meals shall be restricted to the guests of the bed and breakfast inn, unless a restaurant use is also allowed in the district and is approved.
  - (g) There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, non-internally illuminated sign which meets the regulations set forth in this Ordinance and has a maximum sign area of 6 square feet per side, and a maximum height of 6 feet.
  - (h) If the facility is served by an on-lot water supply system and/or an on-lot wastewater disposal system, the applicant shall demonstrate to the satisfaction of the County Health Department and the Board of Supervisors that these on-lot facilities are adequate to serve the maximum number of guests which could be housed at the facility at any one time.
  - (i) Only one principal building shall be allowed on the lot.
  - (j) Parking: one off-street parking space for each rental room plus one space per employee. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
  - (k) The use shall provide a covered trash storage area with a covered trash receptacle which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.

12. **E-12 Retail Store Over 10,000 Square Feet:** A retail establishment with greater than 10,000 square feet of indoor building floor area. If a lot also is regulated as Use E-20, then the requirements for a Shopping Center shall also be met.
- (a) Minimum Lot Area: 3 acres, unless subsection “b” below applies.
  - (b) If the lot includes more than 100,000 square feet of indoor retail building floor area, then the following additional requirements shall be met:
    - (1) A minimum 60 feet wide buffer yard meeting Section 502 and a 150 feet minimum building setback shall be maintained adjacent to a lot line of an existing dwelling and any residential zoning district. Areas used for the movement, loading or unloading of trucks between the hours of 10 p.m. and 6 a.m. shall be separated by a minimum of 150 feet of distance and a landscaped berm with a minimum height of 4 feet, on the residential side, from any lot line of an existing dwelling or a residential district.
    - (2) A professional traffic study shall be required, meeting the traffic study requirements of the Subdivision and Land Development Ordinance.
    - (3) A 10 acre minimum lot area shall be required.
  - (c) The use shall provide a covered trash storage area with a covered trash receptacle which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
  - (d) The applicant's site plan shall show how off-street loading will be able to be accomplished without obstructing driveways and without intruding into buffer yards.
  - (e) The applicant shall provide evidence that any nighttime loading and unloading operations will be able to comply with the noise regulations of Section 507.B.
  - (f) During hours when the use is not open to the public, sign lighting shall be turned off and other lighting shall be limited to intensity necessary for security purposes.
  - (g) Parking: 4.5 spaces per 1,000 square feet of indoor and outdoor retail floor area. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
13. **E-13 Mini-Warehouse/ Self Storage Units:** A use involving the storage of primarily household items and personal property of a type typically stored within a home, within a building that is divided into numerous rental units.
- (a) Such use shall be surrounded by a physical barrier, such as a fence, measuring at least six feet in height and by a buffer strip at least fifteen feet in width. The buffer strip shall be planted outside of the fence or other barrier and shall consist of plants which will hide the fence from view from the street or other properties. The buffer strip shall be maintained at all times so that dead or diseased plants are replaced. The standards for buffer yards as stated in Article 5 shall apply to the maintenance and guarantee for the buffer strip.
  - (b) The minimum driveway width between buildings shall be 25 feet.
  - (c) No business activity other than leasing of storage units shall be permitted.

- (d) All storage shall be within enclosed buildings, except that no more than 10 percent of the total storage area may be devoted to outdoor parking spaces for boats, cars, recreational vehicles, or other noncommercial vehicles. Stored vehicles shall not interfere with traffic movement through the complex.
  - (e) Explosive, radioactive, or highly flammable materials and chemicals shall not be stored within the units.
  - (f) Parking: one space for each employee, plus one space per 25 rental units, plus spaces for storage of vehicles and boats.
  - (g) Outdoor lighting during hours when the facility is not open to customers shall be limited to lighting necessary for security.
  - (h) Any outdoor trash dumpster shall be screened from view from any dwelling or street.
14. **E-14 Motel or Hotel:** A building or group of buildings containing rooms for rent for the accommodation of transient guests which may include a restaurant that complies with the requirements of Use E-6.
- (a) The use must have direct access to a collector or arterial street.
  - (b) Units in such facilities shall contain a minimum of 200 square feet of floor space, with a minimum of 2 rooms; a bedroom and a separate bathroom equipped with a flush toilet, a lavatory basin, and a bathtub or shower.
  - (c) Parking: 1 space per rental unit, plus 1 space per 1.1 employees. If there is an associated public restaurant, the parking requirements for Use E-6 shall also be met. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
  - (d) The use shall provide a covered trash storage area with a covered trash receptacle which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
15. **Reserved**
16. **E-16 Recreational Campsites:** A lot, on which two or more campsites are located, established or maintained for occupancy as temporary living quarters for recreation or vacation purposes. A campsite shall be a plot of ground intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis. Such campsites shall be rented by the day, week or month only and no person can reside in any campsite anywhere in the camp for more than 120 days per year.
- (a) Minimum lot area – 10 acres.
  - (b) Maximum density –10 campsites per acre.
  - (c) Sewage disposal and fresh water facilities shall be satisfactory to the Bucks County Department of Health.
  - (d) A minimum of forty percent of the site shall be kept as open space, exclusive of buffer yards. A buffer yard meeting Section 502 shall be provided adjacent to

any dwelling. Vehicles, buildings and vehicle parking shall be 100 feet from all street and property lines.

- (e) Parking: one space per campsite. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.

17. **E-17 Repair Shop:** Any business for the repair of consumer goods such as but not limited to: appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, upholsterer, but not including repair of automobiles, vehicles, or motorcycles, and not including the repair of other items which, as part of the repair process, causes noise, fumes, or other disturbances to emanate to the property line of the establishment.

- (a) All related parts, refuse, paint, chemicals, chemical waste and similar articles shall be stored within a building or enclosed area not within a 100 year floodplain, riparian buffer or wetland area.
- (b) Parking: one off-street parking space per 100 square feet of floor area plus one (1) additional parking spot per each employee. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.

18. **E-18 Retail Trade and Retail Services:** This shall include an establishment engaged in selling goods or merchandise such as apparel, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, liquor stores, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobby and art supplies, music, luggage, Etc. to the general public for personal or household consumption and rendering services incidental to the sale of such goods and which has an indoor building floor area of 10,000 square feet or less per establishment; or establishments primarily engaged in providing services involving the care of a person or his or her apparel. Such use may include barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer and travel agency.

- (a) Products produced on the premises shall be sold primarily on the premises.
- (b) Also included within the use shall be the sale of soft drinks and beer.
- (c) A retail facility may have associated with it as an accessory use a warehouse for the storage of goods and supplies which are sold or used at the retail facility. The amount of warehouse space to be permitted shall be in accordance with the needs of the retail use and shall not detract from the retail nature of the use or from the area in which it is located.
- (d) Parking: one off-street parking space per 200 square feet of floor area plus one (1) spot for each employee on shift. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
- (e) The use shall provide a covered trash storage area with a covered trash receptacle which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.

19. **E-19 Gas Station:** A service station shall be limited to a building or group of buildings for the sale of petroleum products, tires, and automotive service. If a Convenience Store is also included, then the requirements for Use E-5 shall also be met.
- (a) Minimum lot width – 250 feet shall be provided along each street on which the lot abuts.
  - (b) Minimum lot area – one acre.
  - (c) Access to roads shall be at least 200 feet from the intersection of any streets.
  - (d) Such use may only be located on an arterial road or collector road.
  - (e) All pumps, lifts, and other service facilities shall be located not closer than 35 feet to any property or street line.
  - (f) No vehicle shall be stored in the open for a period exceeding 5 consecutive days, unless screened from adjacent roads and residential properties.
  - (g) All lubricating, making of minor repairs or similar activities shall be performed in an enclosed building. Paint spraying or body and fender work shall not be permitted.
  - (h) Access ways shall be provided for the safe and convenient egress and ingress of motor vehicles. No access way shall exceed 35 feet in width nor be less than 15 feet in width.
  - (i) Access to the street shall be physically controlled by a concrete curbing at least 8 inches in height and by a ten-foot wide landscaped strip separating the street from the service station parking area.
  - (j) All automobile parts and similar articles, related parts, refuse, chemicals, chemical waste and similar articles shall be stored within a building or enclosed area not within a 100 year floodplain, riparian buffer or wetland area.
  - (k) Junk vehicles or wrecked vehicles shall not be stored within view of a dwelling or public street for more than 24 hours.
  - (l) The sale or rental of automobiles, trucks, or other motor vehicles shall be prohibited.
  - (m) Convenience shopping shall be permitted as an accessory use to the sale of petroleum products, provided that it does not involve more than 1,000 square feet of indoor retail floor area. The use may be combined with a restaurant, provided the requirements for a restaurant are also met.
  - (n) Service stations designed to offer to the public self-service facilities for dispensing of gasoline and other motor vehicle fuels shall meet the following conditions:
    - (1) At least one qualified attendant shall be on duty while the station is open to the public, whose primary function shall be to supervise, observe and control dispensing of flammable or combustible liquids.
    - (2) The attendant shall be situated so as to have a clear view of the dispensing operations.

- (3) A voice communication system such as but not limited to an intercom system shall be provided so as to allow direct voice communications at all times between the person dispensing flammable or combustible liquids and the attendant.
  - (4) Emergency controls, including the main power shut-off shall be conspicuously posted in the immediate vicinity of the principle control or the dispenser island.
  - (5) Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island.
  - (6) A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the principal control location of the attendant.
  - (7) At least one fire extinguisher shall be provided for each pump island and the extinguisher shall be located within 25 feet of each pump island.
  - (8) Warning signs with the following messages or closely similar text shall be placed in a conspicuous place with each sign indicating “Warning: [a] It is unlawful to dispense gasoline into any portable container unless the container meet standards of the Fire Marshal; [b] No smoking; [c] Stop motor.”
- (o) Parking: 2 spaces for each service bay plus one space per employee. If there are retail sales, there shall be one space per 200 square feet of floor area devoted to sales. Any restaurant shall also meet parking requirements for a restaurant. Retail parking spaces shall be located to minimize interference with egress and ingress to the site and with stacking at fuel pumps.
  - (p) The use shall provide a covered trash storage area with a covered trash receptacle which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.

20. **E-20 Shopping Center:** A building or a group of buildings that primarily includes retail sales with a minimum of 3 retail establishments, and which may include offices, day care centers, financial institutions and personal care uses, and which may also include other commercial uses allowed in the applicable district if such other uses are allowed and approved. Use E-20 shall be designed as a planned complex of related structures with fully coordinated interior and exterior traffic and pedestrian circulation patterns, and shall be subject to the following additional criteria:

- (a) Minimum lot area – 3 acres.
- (b) Minimum lot width measured at the front yard minimum setback line – 300 feet.
- (c) Shopping centers may only be located on an arterial or collector road.
- (d) The shopping center shall be constructed in accordance with an overall plan and designed with a single architectural style appropriate to traditional historic styles of Upper Bucks County and coordinated styles of signs.



- (e) The distance, at the closest point, between any two buildings or groups of unit's of attached buildings shall not be less than 20 feet.
- (f) Regulations dealing with lighting, parking, outdoor storage, buffering, points of access, signs, landscaping, and other applicable regulations set forth herein shall be met.
- (g) All establishments in the shopping center must have vehicular service access either from an individual service yard or from a common service area serving several establishments. All such service areas must be segregated from public areas and screened from public view.
- (h) Within a tract to be used for a shopping center, subdivision of the tract into individual lots is not permitted.
- (i) All structures in a shopping center shall be connected either as part of one large structure or by means of pedestrian ways or walkways on which pedestrians can move from one building to another without interference from vehicular traffic.
- (j) A minimum 60 feet wide buffer yard meeting Section 502 and a 150 feet minimum building setback shall be maintained adjacent to a lot line of an existing dwelling and any residential zoning district. Areas used for the movement, loading or unloading of trucks between the hours of 10 pm and 6 am shall be separated by a minimum of 150 feet of distance and a landscaped berm with a minimum height of 4 feet, on the residential side, from any lot line of an existing dwelling or a residential district.
- (k) A professional traffic study shall be required, meeting the traffic study requirements of the Subdivision and Land Development Ordinance.
- (l) The use shall provide covered trash storage areas which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
- (m) The applicant's site plan shall show how off-street loading will be able to be accomplished without obstructing driveways and without intruding into buffer yards.
- (n) The applicant shall provide evidence that any nighttime loading and unloading operations will be able to comply with the noise regulations of Section 507.B.
- (o) During hours when the use is not open to the public, sign lighting shall be turned off and other lighting shall be limited to intensity necessary for security purposes.
- (p) Parking: 5 spaces per 1,000 square feet of total indoor and outdoor floor area. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.

21. **E-21 Parking Lot or Garage:** A lot with or without a structure utilized for off-street parking by motor vehicles for a principle use located on an adjacent parcel, or parcel located not more than 300 feet from the lot.

- (a) No vehicle shall be stored in the open for a period exceeding 14 consecutive days, unless screened from all adjacent roads and properties by a fence and evergreen plantings each at least 6 feet in initial height, with a mature planting height of at least 8 feet.

22. **E-22 Mobile Home and Accessory Sales:** Sale of mobile/manufactured homes and related parts, accessories, and other supplies.
- (a) Must meet all of the requirements of Use E-2
23. **E-23 Tavern:** This use means an establishment which sells alcoholic beverages for on-premises consumption and off-premises consumption, and which is licensed by the State of Pennsylvania for such purpose, and which involves alcoholic beverage sales making up a majority of the business' total sales. This use shall meet the following additional requirements:
- (a) Minimum building setback from residential districts- 100 feet. Minimum parking lot setback from residential districts - 50 feet, unless a more restrictive provision is established by another section of this Ordinance.
- (b) Parking: No less than one off-street parking space for every 2 seats intended for use by patrons, plus one space for every employee. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
- (c) If food is also to be served then all of the provisions of Use E-6 will also apply.
- (d) Outdoor lighting shall be limited to what is necessary for security purposes during hours when the tavern is not open to customers.
- (e) The use shall provide a covered trash storage area with a covered trash dumpster, which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
24. **E-24 Treatment Center:** This use shall include a state licensed facility involving overnight housing of any of the following: a) persons undergoing criminal rehabilitation (such as a criminal halfway house), and which is not a prison, or b) persons undergoing treatment for a current addiction to a controlled substance that was used in an illegal manner or alcohol, or c) persons with a type of mental illness or other behavior that causes the person to be known to be a threat to the physical safety of others.
- (a) The applicant shall provide a written description of types of conditions that will cause persons to be housed and/or treated within the facility. The number of persons living in the facility including support staff shall not exceed ten (10). Any future additions to this list shall require additional township zoning approvals.
- (b) The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety. The Board of Supervisors may place reasonable conditions upon the use to protect public safety, such as conditions on the types of residents, types of persons who receive counseling or treatment on-site or who are not residents, and security measures.
- (c) A minimum of one parking space shall be required per on-site employee plus one space for every 2 residents. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.

- (d) The Use shall provide trash storage areas which shall be screened from the street and adjacent properties by an enclosed solid fence and/or decorative masonry wall at least 6 feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
25. **E-25 Betting Use:** This use shall mean a facility where legalized gambling occurs, beyond the State Lottery and beyond "small games of chance" that are allowed under State law.
- (a) A minimum 60 feet wide buffer yard meeting Section 502 and a 150 feet minimum building setback shall be maintained adjacent to any existing dwelling and any residential zoning district.
  - (b) A professional traffic study shall be required, meeting the traffic study requirements of the Subdivision and Land Development Ordinance.
  - (c) A 10 acre minimum lot area shall be required.
  - (d) The use shall need conditional use approval from the Board of Supervisors and approval by the applicable agencies/boards of the Commonwealth of Pennsylvania.
  - (e) A minimum of one parking space shall be required for every gambling machine plus parking required for each other use on the lot, such as a restaurant. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
  - (f) Outdoor lighting shall be limited to what is necessary for security purposes during hours when the betting facility is not open to customers.
  - (g) Any outdoor trash dumpster shall be covered and screened from view of a street or dwellings.
26. **E-26 Motor Vehicle Racetrack:** This use shall include an approved course or track that is used by persons in 2 or more motor vehicles at a time to competitively race.
- (a) The applicant shall prove to the satisfaction of the Board of Supervisors, based upon credible evidence, that the use will include sufficient setbacks and safety controls to meet all of the requirements of Township ordinances (including noise control), to avoid dust and other environmental nuisances to neighbors and to avoid negative impacts upon other properties and waterways.
  - (b) A minimum of one parking space shall be required for every three (3) seats plus additional parking required for each other use on the lot, such as a restaurant. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
  - (c) A professional traffic impact study shall be required, meeting the traffic study requirements of the Subdivision and Land Development Ordinance.

27. **E-27 Firearms Shooting / Target Range:** This use shall include a commercial shooting range, such as a rifle or pistol range, sporting clays, trap shoots, target shooting and other uses involving the discharging of firearms. The following requirements shall apply:
- (a) A shooting range shall be permitted by conditional use only in the PC-I Zoning District.
  - (b) For an outdoor shooting range, a minimum lot area of 10 acres shall be required. No retail sales shall be conducted from the property without a proper permit for such.
  - (c) The range shall be designed, constructed and operated in accordance with then-existing National Rifle Association (NRA) standards for the particular type of range and shall comply with all future NRA standards and any other state regulations as enacted to ensure safety of all participants. Proof of such will be supplied to the township prior to start-up of operations.
  - (d) A fully qualified, certified range officer must be present at all times the range is in operation. The range shall be utilized only for the type of firearms for which it is designed to accommodate.
  - (e) An outdoor range shall not be lighted for night use. The hours of operation shall be determined by the Board of Supervisors at the time of the conditional use hearing. No alcoholic beverages may be sold or consumed on the property.
  - (f) The safety of adjoining properties shall be primary consideration in the location of the firing range.
  - (g) No shooting range shall be permitted where the operation of which would constitute a public nuisance in accordance with Durham Township Ordinances, this chapter, or any other applicable noise standards.
  - (h) Buffer plantings shall be provided along property lines of the range in accordance with section 502 of this chapter and township SALDO requirements. Additional buffers may be required at the direction of the Board of Supervisors.
  - (i) The perimeter of the property shall be posted clearly to warn persons regarding the activities on the property.
  - (j) Parking: No less than one off-street parking space for each employee plus 1 parking space for every proposed shooting stall. Parking shall be buffered and screened in accordance with Section 502 and SALDO requirements.
28. **E-28 Commercial Flea Market:** The long-term outdoor sale of handicraft items, flowers, household goods and antiques, whether new or used. Use allowed by conditional use in the PC-I Zoning District only.
- (a) The maximum site area shall be 20 acres.
  - (b) The minimum site area shall be 5 acres.
  - (c) The minimum setback from all property lines and the street right-of-way line shall be 50 feet.
  - (d) Adequate sanitary facilities including an adequate water supply shall be supplied and approved by the Bucks County Health Department and the Board of Supervisors. A planted buffer 25 feet in width shall be provided whenever the use abuts a noncommercial property or use.

- (e) Snack stands and food vendors operating outside an enclosed/permanent structure are permitted. Vending machines located outside an enclosed building are prohibited. Any sales directly from a vehicle are prohibited.
- (f) Tables and other accessories used by the flea market shall be stored within a completely enclosed building when the market is not open or otherwise not in operation for more than 48 hours. Signage must conform to Article 9.
- (g) Parking: Two (2) parking spaces for every provided rental space, other than the vendors' vehicle, which is parked directly behind/within the reserved space. Parking shall also be buffered and screened in accordance with Section 502 and SALDO requirements.

**F. Utilities And Public Services**

1. **F-1 Utility Operating Facility:** A transformer station, pumping station, relay station, electrical substation, telephone substation, water treatment plant, sewage treatment plant, and any similar public service or private utility, or a building needed for utility, but not including solid waste facilities. This use shall not include any use that is regulated under Use F-5.

- (a) The following minimum setbacks from all property lines shall be provided:
  - (1) Water tower – not less than 1.5 times the height of the tower, except such additional setback shall not apply if the adjacent lot is the PC-I district, then the principal building setback shall apply.
  - (2) Electrical substation – 50 feet
  - (3) Water supply well – 25 feet
  - (4) Sewer pumping station –Front Yard –Legal right-of-way  
Side & Rear Yard – 15 feet
  - (5) Water treatment facility –100 feet
  - (6) Water pumping station – Front Yard – legal right-of-way  
Side & Rear Yard – 15 feet
  - (7) Sewage treatment plant – 200 feet
  - (8) All other Utility Operating Facility Uses – 50 feet
- (b) Minimum lot sizes shall be adequate to accommodate the above setbacks and other building requirements, but shall not be less than the minimum lot size required for the Zoning District within which the Utility Operating Facility is located, except that a lot that only includes a water supply well or stormwater facility and has a deed restriction against other uses shall have no minimum lot area and no minimum lot width.
- (c) No public business office or any storage yard or storage building shall be operated in connection with the Utility Operating Facility Use within the AP, RP, RR, or VC Zoning Districts.
- (d) No parking shall be permitted within the required setbacks. Otherwise, adequate off-street parking shall be provided for visiting maintenance vehicles. No over-night storage of vehicles is permitted.
- (e) No zoning permit shall be required for utilities to be located in public streets or rights-of-way.

- (f) A buffer area meeting Section 502 at least 25 feet in width shall be required for electric substations, water treatment plants, sewage treatment plants, and sewage pumping stations between such facility and any: 1) street and 2) abutting lot line.
  - (g) If a sewage treatment plant will have a wastewater effluent discharge into any creek or its tributaries, Zoning Hearing Board approval shall be required. To obtain approval, the applicant shall prove that all reasonable alternatives to a stream discharge have been considered and found to be not feasible, such as spray or drip irrigation, and that all State and Federal approval and water quality requirements will be met. It is not permissible to degrade the water quality of the receiving stream. The Zoning Hearing Board may require monitoring of the effluent and water quality of the receiving body.
2. **F-2 Emergency Services:** Shall include police, fire, ambulance, rescue, and similar official emergency services of a municipal or volunteer nature.
    - (a) Minimum lot area - one acre for facilities without a community room.
    - (b) Minimum lot area – 3 acres for facilities with a community room.
    - (c) Parking: 2 spaces for each fire truck; in addition; if community room, 1 space for every 4 seats of capacity in main meeting room.
  3. **F-3 Terminal:** A railway or bus station/terminal.
    - (a) Parking to be determined by the Planning Commission and the Board of Supervisors.
  4. **F-4 Essential Services:** Essential services shall include the erection, alteration or maintenance by public utilities or by municipal or other governmental agencies of structures, ponds, spillways, drainage swales, underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, telephone lines, fire hydrants, railroad lines and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utility or governmental agency or facilities for the public health, safety and welfare. This term shall not include any use that is regulated under use F-1 Utility Operating Facility or use F-5 and shall not include any use that includes a building.
  5. **F-5 Commercial Communications Antennas/Towers:** Shall mean structures and accessory equipment buildings for the delivery of wireless telecommunications or the broadcasting of radio or television signals. It shall comply with all requirements of the Federal Aviation Administration (governing tower construction, maintenance and safety). The applicant shall demonstrate that the proposed tower complies with all State and Federal laws & regulations concerning aviation safety and any other regulations of governmental agencies having jurisdiction there over.
    - (a) An applicant to construct a new commercial communications tower shall present documentary evidence regarding the need to locate the facility to

provide service within Durham Township. For cellular communications, this shall include showing the coverage areas of existing towers.

- (b) An applicant proposing to erect a new commercial communications tower shall provide documentary evidence that a legitimate attempt has been made to locate the antennas on existing towers, buildings or structures. Such evidence shall include radio frequency engineering analysis of the potential suitability of existing buildings or structures in the search area for such antennas. The applicant shall document that reasonable efforts have been made to secure use of such existing towers, buildings or structures before proposing a completely new tower.
- (c) When an applicant to construct a new commercial communications tower demonstrates to the satisfaction of the governing body that suitable locations on existing buildings or structures either do not exist or are not available, the applicant may erect a new telecommunications tower. Any new tower shall meet the following requirements:
  - (1) Minimum lot size: 3 acres. An antenna/tower may be on the same lot as another principal use.
  - (2) Minimum setback of tower and equipment from any property line or other principal use on the property: 1.5 times height of tower.
  - (3) Maximum total height above the ground: 150 feet.
  - (4) An 8 feet high security fence shall completely surround the tower/pole (and guy wires, if used) and any ground level equipment building.
  - (5) The following buffer plantings shall be located around the perimeter of the security fence:
    - [a] An evergreen screen shall be planted, unless existing trees and shrubs will be preserved that will serve the same purpose. Existing trees shall be preserved to the maximum extent possible, unless such species are on a State list of invasive species.
    - [b] Screening shall conform to Section 502 of this Ordinance.
  - (6) The tower structure type (monopole, etc.) shall be approved by the township.
  - (7) The maximum height of the equipment building shall be 20 feet above the surrounding ground level.
- (d) The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI / EIA-222-E manual, as amended. The township shall require the applicant to provide an annual certification from a professional engineer, certifying the above structural integrity of the tower, and its ability to resist high wind gusts of at least 100 miles per hour as provided in the appropriate engineering requirements.
- (e) A commercial communications tower or antenna that has not been in use for commercial communications purposes for 6 months shall be removed completely within 90 days afterwards. Upon removal, the site shall be cleaned, restored, and re-vegetated to blend with the existing surrounding vegetation. A tower owner shall post a bond or other financial security in a form acceptable to the township at time of zoning approval to cover the cost of tower removal. Any and all additional or unanticipated costs of the tower removal, including the

full cost in the event the bond has expired or insufficient, shall be the responsibility of the owner of the tower.

- (f) Collocation required: Authorization for the construction of any new commercial communications tower shall be conditioned on agreement by the tower owner that other commercial communications service providers, including emergency government agencies at no cost, will be permitted to collocate antennas on the proposed tower and to collocate equipment buildings within the limits of structural and radio frequency engineering requirements and at rates which reflect the fair market value for such services. As part of any application for new tower approval, the applicant shall document the extent to which additional antennas could be accommodated as well as the ability to accommodate the equipment building(s) for such antennas within the equipment compound.
  - (1) Once a tower is approved, additional antenna and equipment cabinets/buildings may be added as a “by right” use, provided that the height of the tower does not exceed the height and width of antenna that was approved.
- (g) Parking: A minimum of one (1) temporary parking space for maintenance vehicles shall be provided. No parking shall be permitted within the required setbacks. Otherwise, adequate off-street parking shall be provided for visiting maintenance vehicles. No over-night storage of vehicles is permitted. The equipment compound shall have access to a public street by means of a driveway easement, which will be stone or paved.
- (h) Security lighting shall be shielded downward and inward toward the equipment compound to prevent direct light or glare from encroaching onto neighboring properties and streets.
- (i) All equipment, including emergency generators, shall be located within a soundproofed structure, such that there will be no impact on existing sound levels measured at a residential property lines. All information on hazardous materials, such as corrosive batteries, fuel tanks, etc., contained within the enclosure shall be provided to local emergency service providers and properly marked on the outside of the structure as required by law.
- (j) Antennas may be attached to existing non-residential buildings and structures as a permitted by right use, provided the following requirements are met. Otherwise, antennas shall be regulated in the same manner as a tower:
  - (1) An equipment building or cabinet shall be allowed for each provider. Any building shall meet minimum setbacks for a principal building.
  - (2) Antenna may extend 20 feet vertically from an existing building, water tank, agricultural silo, electric transmission tower, steeple of a place of worship, or similar structure, other than a dwelling. An antenna that is visible from a street and is taller than 10 feet shall not be located on a building or structure that is listed on a historic register or eligible for listing on a historic register.
  - (3) Landscaping shall buffer any equipment building that is at ground level and is visible from a dwelling.
- (k) In addition, an amateur "ham" radio antenna shall be a permitted by right use in all districts and shall not be required to meet the other requirements of use F-5.



The maximum height above the ground of an amateur ham radio antenna shall be 75 feet. The antenna shall be setback from property lines a distance that is equal of the height of the antenna itself.

6. **F-6 Airport or Heliport:** A facility for the takeoff and landing of airplanes or helicopters, other than ultra-light aircraft which are not regulated by this ordinance.
  - (a) Facilities for aircraft must meet the requirements of the Pennsylvania Department of Transportation, Bureau of Aviation.
  - (b) Minimum lot area: heliport – 10 acres, airport – 100 acres.
  - (c) The applicant shall prove that runways will be oriented to minimize hazards and risks to buildings on other lots. Each end of the runway shall be setback a minimum of 300 feet from the lot line of any dwelling and 100 feet from a street or any other lot line. Each landing area of a heliport shall be setback a minimum of 300 feet from the lot line of any dwelling and a minimum of 150 feet from any street or any other lot line,
  - (d) Parking to be determined by the Board of Supervisors.
  
7. **F-7 Wind Energy Systems:** A device, which includes a structure and associated mechanisms and supporting components, which is installed above ground for the purpose of generating electrical energy, and may include, but not limited to, wind driven turbines and wind mills. Use shall be permitted by right in all zoning districts, to have one accessory windmill to primarily generate power for on-site use.
  - (a) Minimum lot area is 3 acres.
  - (b) Wind energy system shall be located no less than 100 feet (or 1.1 times the height of the device, whichever is greater) from a side or rear property line, no less than 100 feet (or 1.1 times the height of the device, whichever is greater) from overhead utility lines, and no less than 100' (or 1.1 times the height of the device, whichever is greater) from a street line. A device may be located within the front yard, provided that it is located to the side of the building.
  - (c) There shall be a maximum of one device on a single parcel, or multiple contiguous parcels in same ownership, and shall not exceed that which will produce 10 KW of output as determined by the public utility providing the electric service to Durham Township. The incorporation of any additional wind devices requires a Special Exception before the Zoning Hearing Board.
  - (d) Maximum height of the structure, including all moving and rotating parts, shall be 72 feet, measured from the undisturbed ground elevation at the base of the device, to the highest point of the arc of the blade, or to the top of the tower, whichever is greater. If a device is attached to an existing structure, then the maximum height of the attached wind energy device shall not exceed 72 feet, including the height of the existing structure. Exceptions to maximum building height in this chapter do not apply to wind energy systems.
  - (e) Minimum distance between the undisturbed ground at the base of the device and any protruding blades shall be 15 feet, as measured at the lowest point of the arc of the blades.
  - (f) All ground mounted electrical devices and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall not provide steps

or a ladder readily accessible to the public for a minimum of 8 feet above the ground surface.

- (g) The maximum noise level for the device between the hours of 9 p.m. and 7 a.m. will not exceed 55 db (A) at the lot line of the nearest dwelling.
- (h) No artificial lighting (unless required by the FAA), signage, or any forms of advertising shall be utilized or attached to the wind energy device.
- (i) Design and location of a wind energy system shall consider, to the greatest extent possible, the aesthetics of the surrounding environment. In no case shall a device be attached to a structure listed on the Registry of Historic Structures, The township may require submission of illustrations and photos depicting the color, size, shape, and architectural features of the proposed device; and submission of color photographs of the proposed tower location taken from a view of all adjoining properties and roads. All utility lines, including electrical wires other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing electrical utility company.
- (j) Any wind energy device that is defective, or has been abandoned, that is deemed to be unsafe by the Township Building Code Inspector shall be required to be repaired by the owner to meet federal, state, and local safety standards, or be removed by the property owner within three (3) months of written notification from the township. If the owner fails to remove or repair the defective or abandoned wind energy system, the township may pursue a legal action to have the system removed at the owners' expense.
- (k) A detailed plot plan of the parcel upon which the device will be located, along with all requested photographs must be submitted along with the zoning permit application. The plan must show; property lines and dimensions, lot area, location of all existing natural and manmade features, location of the proposed wind energy device, ownership information for adjoining properties, setback requirements and measurements of all property and street lines.
- (m) The wind energy device and associated tower and mounting hardware, shall comply with all applicable state construction and electrical codes, and the National Electrical Code. Prior to the issuance of both a zoning and building permit for the installation of the device, the applicant must submit to the township all documentation required by the Pennsylvania Uniform Construction Code (UCC), including, but not limited to, documentation of the structural integrity of the foundation, base, tower, and all appurtenant structures and electrical design. Design specifications must be certified by a professional engineer licensed in the Commonwealth of Pennsylvania, and/or the equipment manufacturer.

## **G. Industrial Uses**

1. **G-1 Salvage Facility**: An area of land that involves outdoor storage of 2 or more discarded, junked, inoperable (not having a valid/current PA State Inspection Sticker) or disassembled motor vehicles, appliances, boats, mobile homes, similar items and/or bulk outdoor storage of parts thereof, and which may include the salvage of parts from such items for resale, but which shall not regulate routine accessory outdoor storage of agricultural tractors and other farm implements.
  - (a) Minimum lot area – 7 acres.
  - (b) Minimum lot width – 200 feet at street line.
  - (c) Minimum setback from all property lines – 100 feet.
  - (d) All storage and all activities shall not be detrimental to adjacent land owners and entirely enclosed by a solid fence or wall, at least 8 feet high set back at least 25 feet from all property boundaries and street rights-of-ways and constructed of weather-resistant plank boards or decorative masonry, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly maintained. This 25 feet setback shall be increased to 60 feet if it is adjacent to a residential district. Fencing and walls shall not be constructed of sheet metal or junk. The land area used for Use G-1 shall not be exposed to public view from any public street or road by virtue of its location on a hillside or plateau below street level.
  - (e) A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall have an initial height of 5 feet and be planted in staggered rows to allow room for future growth, in such a manner as to create a solid visual screen at least 7 feet in height within 3 years.
  - (f) The contents of such use shall not be placed to a total height greater than the 12 feet.
  - (g) The storage of toxic chemicals shall be prohibited. Batteries, fuel and similar hazardous substances shall be kept on an impervious floor that prevents spills or runoff into the ground, at least equivalent to current EPA standards. All fuel, antifreeze, air conditioner fluid, oil and similar toxic chemicals shall be removed from vehicles or parts separated from vehicles and collected /stored in an approved container.
  - (h) Dumping of trash or land fill operations and burning of any materials is specifically prohibited.
  - (i) The applicant shall prove that sufficient measures will be in place to prevent groundwater contamination.
  - (j) Parking: one space per employee plus 5 additional spaces per acre.
  - (k) Each tire storage area shall be separated from each other tire storage area by a minimum of 100 feet. Each tire storage area shall not have a height greater than 12 feet and shall not cover more than 100 square feet of ground area.
  - (l) Driveways shall be kept clear at all times throughout the salvage facility that are appropriate for use by fire trucks. Such driveways shall have a minimum width of 15 feet.
  - (m) Any crushing operation shall require a distinct special exception approval and shall meet the noise requirements of Section 507.B.

- (n) Vehicles and other material shall not be stored within the 100 year floodplain, any riparian buffer or wetland.
  - (o) The Township shall have the right to inspect the premises annually and can require the owner to provide an assessment of possible environmental contamination if the township has reasons to believe that environmental hazards may exist.
  - (p) Surface water shall not be allowed to stand in a manner that would harbor insects.
  - (q) A Traffic Impact Study shall be required, meeting the requirements of the Subdivision and Land Development Ordinance.
2. **G-2 Building Materials Sale and Equipment Storage Yards:** Establishments such as lumber yards and those offering for sale finished products used in building construction such as concrete and metal pipes and rental and storage of construction equipment.
- (a) The rental of construction equipment is permitted.
  - (b) Mill working is permitted as an accessory use.
  - (c) Storage yards shall be fully enclosed by fencing and landscaped according to the buffer yard requirements of Section 502.
  - (d) The storage of flammable or toxic gases and liquids and the production and mixing of asphalt and concrete is prohibited. Material shall not be stored in the 100 year floodplain or in riparian buffers or wetlands.
  - (e) Parking: one space per 250 square feet of floor area devoted to sales, plus one space per on-site employee.
3. **G-3 Contractor Services:** Offices and shops for contractors such as builders, electricians, plumbers, masons, painters, landscapers, roofers, or similar contractors.
- (a) Parking: one space per employee, plus one space per company vehicle that is parked on-site.
  - (b) Storage and/or discharge of waste or by-products are prohibited from the 100 year flood plain and all riparian buffers and wetlands.
4. **G-4 Food Processing:** Establishments that are engaged in food processing, packing, canning of meat, fish, dairy and other food products as well as the manufacture and packaging of non-alcoholic beverages.
- (a) The use shall not result in discharge of effluent to any creek or its tributaries. No discharge of wastewater or effluent from food processing shall be permitted off of the lot without all applicable approvals.
  - (b) Parking: one space per 500 square feet of floor area.
  - (c) Storage and/or discharge of waste or by-products is prohibited from the 100 year flood plain and all riparian buffers and wetlands.
5. **G-5 Fuel Storage and Distribution:** Establishments primarily engaged in fuel storage and distribution, not including gas service stations.
- (a) Minimum lot area – 5 acres.
  - (b) The facility and accessory storage areas shall be setback a minimum of 100 feet from the ultimate street right-of-way and from all other property lines.

- (c) No retail sales will be permitted on the premises.
- (d) Parking: one space per employee, plus one space per company vehicle stored on the premises. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
- (e) This use shall be setback a minimum of 1,000 feet from a residential district.
- (f) The applicant shall provide an impact study analyzing the measures that will be used to protect groundwater, surface water and to avoid nuisances and hazards.
- (g) Storage of fuels shall not occur in the 100 year floodplain or within the required wetland margin.

6. **G-6 Manufacturing:** Establishments engaged in the mechanical production, processing, cleaning, and testing of finished goods or the chemical transformation of materials or substances into new products, including the assembling of component parts, manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. This use shall include a machine shop, winery or microbrewery. This use shall not include any use that is listed as a separate use.

- (a) Parking: one space per 500 square feet of floor area. Parking areas shall be screened and buffered from adjacent parcels with a buffer yard meeting Section 502.
- (b) The environmental, hazard, nuisance and noise requirements of this Ordinance shall apply.
- (c) The use shall not result in discharge of effluent to any creek or its tributaries. No discharge of effluent, wastewater or rinse water shall be permitted off of the lot without all applicable approvals.
- (d) No storage, use, loading or unloading of hazardous substances and no manufacturing shall occur within the 100 year floodplain, any riparian buffers or the required wetland margin.

7. **G-7 Quarry:** The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. “Quarry” includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction. It shall include any extraction of materials from the ground, such as sand, clay, shale, gravel, topsoil, stone and similar materials.

- (a) General Requirements.
  - (1) Any quarry/extraction operation shall not be permitted or established in Durham Township until (in order) conditional use, subdivision and land development approval and a zoning permit are granted by the Board of Supervisors and the applicant has satisfied all of the provisions of this Ordinance, all other applicable township ordinances, rules & regulations, and all statues of the State & Federal Government and all rules & regulations of any governmental body or regulatory agency having jurisdiction over such use, any part thereof or any activity involved

therein. All applications for zoning permits or annual renewal permits for Quarries shall be made in writing by the owner, tenant, or vendee under contract of sale, on a form supplied by the township, which shall be filed with the zoning officer. The application(s) shall be accompanied by plans and other materials to show compliance with the following provisions and regulations:

- [a] There shall be a berm of a minimum height of 35 feet and maximum height of 70 feet surrounding the entire property site. A berm will be required along existing quarry faces to the extent which the Board of Supervisors determines is feasible. The slope of the sides of the berm shall not exceed a 3:1 ratio. All berms shall be spread with top soil and planted with grass and other suitable vegetation, and erosion control measures shall be taken as may be approved by the County Conservation District. A berm shall begin at a point no closer to a street than the ultimate right-of-way line. No berms shall be constructed closer than 15 feet to a district in which extraction operations are not permitted. Planting of the berms and yard areas shall be sufficient to screen the quarry extraction operations. Both planting and berm construction shall be according to a plan approved by the Board of Supervisors which shall include a reasonable timetable for completion. Such planting shall consist of evergreens of such species and size as will produce, within three years, a complete all season visual screen of at least eight feet in height.
- [b] A chain link type fence at least 10 feet in height surmounted by 3 strands of barbed wire, shall be required to surround the entire outside perimeter of the property within the setback area at a point no closer than the ultimate right-of-way line to be maintained in a constant state of good repair. Appropriate warning signs shall be mounted or posted along the fence at intervals of not more than 100 feet.
- [c] An adequate internal circulation pattern of driveways shall be maintained between the excavation sites and processing areas. Use of public streets shall not be permitted for hauling between extractive and processing areas except where required in connection with such pattern, or for weighing or for access of vehicular traffic originating from or destined to points beyond the limits of such excavation sites and processing areas. Access shall be regulated in accordance with the municipal subdivision and land development ordinance.
- [d] No slope shall be maintained exceeding the normal limiting angle of slippage of the material in which the excavation or extraction is being made. No undercutting shall be permitted within the setback area.
- [e] All operations shall be conducted with sufficient lateral support to be safe with respect to: (1) hazard to persons, (2) physical damage to adjacent lands or improvements, or (3) damage to any

- street, sidewalk, parking area, or utility by reason of slide, sinking, or collapse.
- [f] Stock piles shall not exceed 50 feet in height from the original ground surface and shall not be located within the setback provided for in this ordinance. All reasonable precautions shall be taken to prevent any materials or waste deposited upon any stock pile from being washed, blown, or otherwise transferred off the site by normal causes or forces.
  - [g] All drainage from the site of extraction operations shall be controlled by dikes, barriers, or drainage structures sufficient to prevent any silt, debris, or other loose materials from filling any existing drainage course or encroaching on streets or adjacent property, or entering into any stream, pond, well, subterranean stream or other body of water.
  - [h] The use shall prove compliance with State blasting regulations.
  - [i] All off-street parking spaces shall be provided as the Township Board of Supervisors shall determine as adequate to serve customers, employees, visitors, and vehicles normally parked on the premises. No parking shall be permitted in the front, side or rear yards except parking shall be permitted behind any berm.
  - [j] All trucks carrying stone which travel on public roads shall be covered so as to prevent stones from falling onto and damaging public roads.
- (2) Any application for a zoning permit or an annual renewal permit as hereinafter provided shall be accompanied by plans and other information to satisfy the criteria set forth in Section a. above and in addition shall depict:
- [a] Plan of general area within a one-half mile radius of the site at scale of 500 feet or less to the inch with a 50 feet or less contour interval to show:
    - [1] Existing data, including location of proposed site.
    - [2] Land use pattern including building locations and historical site of buildings, if any.
    - [3] Roads – indicating major roads and showing width, weight loads, types of surfaces and traffic data.
    - [4] Existing and proposed uses of neighboring facilities including
    - [5] Subdivisions
    - [6] Parks, schools and places of worship
    - [7] Streets (new and reconstructed)
    - [8] Other uses potentially affecting or affected by the proposed extraction operation
  - [b] Plan of proposed site at the scale of 100 feet or less to the inch with 10 feet or less contour interval to show:
    - [1] Basic data.
    - [2] Soils and geology, with particular attention to carbonate geology, if present.
    - [3] Groundwater data and water courses.

- [4] Vegetation – with dominant species.
- [5] Wind data – Directions and percentage of time.
- [6] Proposed usage.
- [7] Final grading by contours.
- [8] Interior road pattern, its relation to operation yard and points of ingress and egress to State and Township roads.
- [9] Location and estimated amount and description of aggregate and overburden to be removed.
- [10] Location of stock piles and present or proposed heights.
- [11] Ultimate use and ownership of site after completion of operation.
- [12] Source and amount of water if the proposal will use water, as well as water pumping rates and associated cones of depression.
- [13] Plan of operation showing: Proposed tree screen locations; Soil embankments for noise, dust and visual barriers and heights of soil mounds; Method of and provision for disposition of excess water during operation; Location and typical schedule of blasting Machinery – type and noise; Safety measures – monitoring of complaints.

- (3) Any application for an initial permit or for an annual renewal permit as hereinafter provided shall be initially referred to the Planning Commission for review and to the Township Engineer for review prior to final action by the Board of Supervisors. For asphalt & ready-mix concrete plants which are stand alone or in conjunction with a quarry, the rules and regulations that govern a quarry will apply. The Board of Supervisors in acting upon any original permit application or annual renewal permit application shall take into account the following:
- [a] Compliance with the requirements set forth in Sections 1.a. and b. above.
  - [b] The impact that the proposed operations would have upon the health, safety and welfare of the community including specifically the finding that the use will not impact adversely upon the following:
  - [c] Ground water and surface water supply impacts outside the subject property
  - [d] Ground vibrations
  - [e] Noise
  - [f] Dust dissemination
  - [g] Ground, ground water, surface water and air contamination by toxic, hazardous or other deleterious substances
- (4) No permit for any extraction operation shall be issued until the applicant shall have first demonstrated to the Board of Supervisors that it has obtained all other permits and approvals required from any other regulatory agencies to conduct the extraction operation.



- (b) Annual Renewal Permit
  - (1) Each operator/owner of extraction operations Use G-7 shall be required to apply for and obtain an annual renewal permit during each year of its operation.
  - (2) The renewal permit application must be received by the township along with the appropriate fee not less than 45 days prior to the expiration of the then current permit.
  - (3) The application shall include updated plans and other materials showing the information required for the issuance of an original permit.
  - (4) The annual renewal permit shall issue upon the Board of Supervisors' being satisfied that the applicant has satisfied all of the obligations required of the owner/operator for an original issue permit and provided further that the criteria set forth in Section "1" above are satisfied.
- (c) Fees. Applicants for zoning permits and annual renewal permits for extraction operations shall pay a fee which shall be in accordance with the fee schedule as may be from time to time adopted and amended by the township, provided, however, that the fee for the zoning permit or annual renewal permit for extraction operations may not be increased by more than 10% per annum over the fee in effect during the previous year.
- (d) Rehabilitation and Conservation Requirements. The following provisions shall apply to all extraction operations:
  - (1) The owner, operator, lessee of any extraction operation shall, at the time of application for a zoning permit submit to the Township its Reclamation plan as submitted to DEP. No permit shall issue where said Reclamation plan provides for quarrying in areas of the site not permitted by this Ordinance.
  - (2) Along with said plan, the applicant shall include a timetable for the Reclamation proposed for the site in general with an actual timetable for reclamation of slopes as may be found reasonable by the Board of Supervisors within the setback areas.
  - (3) The owner, lessee, or operator of any extraction operation within the township shall, within 6 months from the date of this Ordinance or receipt of a zoning permit authorizing said extraction operation, whichever is the latter, submit a plan which shall include descriptions and plans for suitable after-conditions or after-uses for all the land affected.
  - (4) Plans for the rehabilitation uses may include the following after-uses among others: Open areas suitably graded and covered with suitable shrubs, grasses, or trees, recreational land, ponds, and lakes, agriculture of any type, sites for residential use.
  - (5) Rehabilitation shall commence within one year following the completion or the discontinuance for a period of one year of any extraction operation (or the completion of the excavation of a portion of an entire operation which can feasibly be restored separately from other portions of the operation and which is not necessary to the operation). Such rehabilitation shall be completed within 5 years from the date

rehabilitation commenced except where a longer period of time is specifically authorized as part of the rehabilitation program. Normal benching operations for sloping purposes shall not be construed as requiring the commencement of rehabilitation.

- (6) Rehabilitation shall include removal of all debris, temporary structures, and stock piles.
- (7) A layer of arable soil of sufficient depth to sustain grass, shrubs, and trees shall be provided. Grass, shrubs, and trees native to the area shall be planted thereon within 6 months after the providing of arable soil.
- (8) Where the extraction operations are to be filled as part of the rehabilitation process, no material shall be used for fill purposes other than earth, stone, sand or concrete.
- (9) Water accumulation upon the site may be retained after the completion of such operations where the excavation cannot be reasonably drained by gravity flow, provided that adequate provision shall be made to avoid stagnation, pollution and the danger of improperly controlled release of such waters from the site.
- (10) Upon receipt of the rehabilitation plans, the Township shall review the plans to insure compliance with all provisions of this performance standard. Upon approval thereof, the Township shall issue a certificate indicating approval of the plans as submitted or amended, and the approved plans shall be permanently filed in the official records of the Township.
- (11) Plans may be amended from time to time by approval of the Township upon application of the owners.
- (12) Environmental Impacts. An environmental impact assessment shall be submitted to the Township that details potential impacts to human health and the environment from all aspects of the use, including but not limited to:
  - [a] Ground water and surface water
  - [b] Air quality (particulate and toxic substances)
  - [c] Noise and odor beyond the property line
  - [d] Vehicle traffic, particularly to consider the ability of the road system to handle the truck traffic
  - [e] Soil quality
- (13) A performance bond or other financial security acceptable to the Township shall be required by the Township. The amount of such security shall be determined by the Township to be sufficient to insure the rehabilitation of the affected site in accordance and compliance with the standards for the issuance of any original permit or annual renewal permit in accordance with the provisions of the plan of rehabilitation as submitted pursuant to this Ordinance, if the bond posted with DEP or other agency is not kept in force or if the Township is not named therein. The Township may require that the bond posted with any state agency may not be withdrawn or reclaimed without Township approval.

- (14) A traffic impact study shall be submitted at the time of the conditional use application. Such study shall meet the requirements of the Subdivision and Land Development Ordinance and shall analyze the ability of the road base and widths of existing public streets to handle the resulting traffic.
  - (15) If blasting will be used, a pre-blast survey shall be conducted of existing conditions of buildings and streets in the vicinity. A copy of such survey shall be submitted to the Township.
- (e) Inspection. To insure that the provisions of the above sections of this Ordinance are strictly satisfied, the Township shall have the right to inspect any extraction operation within its boundaries. Such inspection or inspections, as the Township may deem necessary, may be conducted on any working day of the year, during regular business hours.
  - (f) Hours of Operation. No extraction operation or machinery connected with processing, shipping or crushing shall operate between the hours of 10 p.m. and 6 a.m.
  - (g) Area and Dimensional Requirements:
    - Minimum Lot Area - 25 acres
    - Maximum Building Coverage .25
    - Maximum Impervious Surface Ratio .25
    - Minimum Lot Width at Building Setback Line 300 feet
    - Yards:
      - Front 125 feet\*
      - Side (each/total) 125 feet \*\*
      - Rear 125 feet \*\*
    - Maximum Building Height 40 feet \*\*\*
- Parking: one space per employee, plus one space per company vehicle that is parked on-site. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.

Notes: \* The front yard shall be measured from the ultimate right-of-way line. No part of the front yard may be sloped or cut in any fashion except as necessary for access roads.

\*\* The side and rear yard setbacks may be sloped beginning at a point no closer than 50 feet from any boundary line to a point 125 feet from said boundary line. The slope shall not exceed a 3:1 slope and shall be reclaimed by seeding and planting in accordance with a plan and timetable approved by the Board of Supervisors.

\*\*\*Building height shall be applicable only to those buildings or structures having a permanent fixed foundation or location on the ground and shall not include machinery or other temporary structures necessary to the operation of extraction operations, asphalt plants, or ready mix concrete plants.

- (h) Asphalt Plants and Ready Mix Concrete Plants are permitted as accessory uses to quarries, provided that the following standards are met:
  - (1) Hereafter an Asphalt Plant or Ready Mix Concrete Plant may not be established until a zoning permit is issued from the Board of Supervisors. In determining whether a zoning permit shall issue for an

- asphalt plant or a ready mix concrete plant, the said application shall be referred to the Planning Commission and the Township Engineer for review. The Planning Commission and Engineer shall make a report to the Township Supervisors who shall then issue a permit upon its finding that the regulations pertinent to the said use have been satisfied and its further finding that the said use meets the criteria set forth herein.
- (2) Any application for a use permit for an asphalt plant or ready mix concrete plant shall be accompanied by the following plans and materials:
- [a] Plot plan of the site at a scale of 100 feet to the inch showing the location and dimensions of the plant in relation to the operation and boundaries.
  - [b] Any and all permits necessary from any state or other governmental agency which may now or in the future regulate such operation.
  - [c] Satisfactory proof that all state and other governmental regulations and guidelines pertinent to the use have been satisfied.
  - [d] A plan demonstrating or illustrating the methods by which noise, dust, and the spread of toxic or hazardous waste will be controlled to meet the requirements of this Ordinance and to control nuisances.
- (3) Regulations for Asphalt Plant and Ready Mix Concrete Plants.
- [a] No asphalt plant or ready mix concrete plant or related processing, shipping or crushing shall operate between the hours of 9 p.m. and 6 a.m.
  - [b] The asphalt plant or ready mix concrete plant shall be located such that the land surrounding the plant shall be bermed in such a fashion that the asphalt plant or ready mix concrete plant is not visible at the property line.
  - [c] Prior to commencement of asphalt plant and/or ready mix concrete plant operations, all screening and berming shall be completed to totally screen the operation from view at the property line.
- (4) Environmental Impacts. An environmental impact assessment shall be submitted to the Township that details potential impacts to human health and the environment from all aspects of the use, including but not limited to:
- [a] Ground water and surface water
  - [b] Air quality (particulate and toxic substances)
  - [c] Noise and odor beyond the property line
  - [d] Vehicle traffic, particularly to consider the ability of the road system to handle the truck traffic
  - [e] Soil quality.

- (i) See the Carbonate Geology requirements in Section 508.B.9 of this Ordinance.
8. **G-8 Recycling Facility:** Such use shall be limited to an area of land, with or without buildings, that is used for the storage, sorting and compaction of used or discarded paper, cardboard, plastic, metal cans, glass and similar materials for the purpose of recycling, but which does not involve industrial processing and is not a Salvage Facility.
- (a) The proposed use shall not create nuisances or hazards to adjacent land users. Crushing machinery shall not be operated and trucks shall not load collected materials between the hours of 9 p.m. and 6 a.m.
  - (b) Maximum land area occupied by the use – 2 acres.
  - (c) Such use shall be a minimum of 200 feet from any public road as measured from the street line.
  - (d) The land area used for such purposes shall be hidden from public view by an evergreen buffer.
  - (e) The storage of paper shall be within a building or a closed container.
  - (f) The storage of toxic chemicals shall be prohibited.
  - (g) Dumping of trash or land fill operations and burning of any materials shall specifically be prohibited.
  - (h) The use shall not cause groundwater contamination.
  - (i) Parking – one space per employee plus 5 additional spaces. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (j) Storage of waste or chemicals shall be prohibited from the 100 year flood plain and all riparian buffers and wetlands.
9. **G-9 Research:** Shall mean a scientific or industrial research, testing or experimental laboratory research, animal research, or similar establishment for research or product development.
- (a) No research facility shall be a commercial production facility
  - (b) No research facility shall be permitted which constitutes a danger to the community because of combustible, chemical, or radioactive materials.
  - (c) Parking: one space per 500 square feet of floor area. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (d) Storage and/or discharge of waste or by products is prohibited from the 100 year flood plain and all riparian buffers and wetlands.
10. **G-10 Solid Waste Facility:** Solid waste facilities shall mean one or more of the following as permitted by the Pennsylvania Department of Environmental Resources:
- (a) **Composting Plant:** A facility at which composting is done. Composting shall mean the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. Compostable material shall mean organic waste that is capable of undergoing

composting. Composting activities associated with normal farming operations shall not be included in this definition of composting plant.

- (b) Landfill or Municipal Landfill or Sanitary Landfill: A facility for disposing of solid waste on land without creating nuisances or hazards to the public health or safety.
- (c) Recycling Center: A facility established to receive, process, store, handle, and ship recyclable materials.
- (d) Resource Recovery Facility: A plant, establishment, set of equipment or other operation that recovers useful materials and/or products, including heat, electricity, and/or recyclable materials from otherwise waste materials. A resource recovery facility shall not include a landfill.
- (e) Transfer Station: A facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.
- (f) Waste-To-Energy Plant: A facility used for the incineration of solid waste and the production of steam and electricity or other useful forms of energy.

Such use shall be limited to those uses meeting the definition of Solid Waste Facility;

- (a) Landscaping shall be provided to buffer and screen the use from surrounding properties, to compliment buildings and other structures on the site, and to enhance the overall character of the facility. A buffer zone of 50 feet in width shall be established from the property line to a line of evergreen trees which shall be planted around the perimeter of the site in accordance with the buffer standards of Article 5 herein.
- (b) The facility shall be screened by fencing, walls, berming and other site improvements features to compliment the proposed landscaping buffer, and shall be surrounded by adequate fencing to prevent unauthorized entry.
- (c) The facility shall provide adequate signage which shall be in accordance with Article 9 and which shall be crafted to be attractive and of the highest graphic quality in keeping with the character of surrounding properties.
- (d) The facility shall provide adequate exterior lighting for the safe and efficient operation and security of the facility but as minimal and subdued as possible using light posts and fixtures complimentary to the proposed architecture and the character of the surrounding neighborhood.
- (e) The facility shall provide for adequate environmental controls to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, and water effluents, as required under appropriate and relevant Federal and State environmental laws and Article 5 of this Ordinance.
- (f) The facility shall include efficient mitigation of potential adverse environmental impacts as described in the environmental impact assessment requirements of the Township as provided in subsection (p) below.
- (g) The facility shall not include any building with a height in excess of 35 feet, provided however that for every foot that any building might necessarily be constructed in excess of 35 feet (exclusive of any exhaust stacks) in order to operate properly and safely, 5 additional feet of front, side and rear yard setback shall be provided, but in no case shall the overall height exceed 55 feet.
- (h) The facility shall not include any exhaust or other stack with a height in excess of 100 feet, except as required under U.S. Environmental Protection Agency

(EPA) or other federal or state regulations, and shall provide safeguards and meet Federal Aviation Administration (FAA) regulations regarding limitations relative to airport safety and sound engineering practices.

- (i) The facility shall provide adequate storage, loading and unloading facilities and sufficient paved turning areas to permit unobstructed maneuvering room for trash, transfer and ash trucks; and shall provide adequate automobile parking as required by Article 5 herein.
- (j) The facility shall have a contract with a pest and rodent control company for the regular elimination and control of rats, flies, vermin and other rodents, insects and pests that might become vectors for carrying disease.
- (k) No use shall emit odorous gasses or other odorous matter in such quantities as to be humanly perceptible at any point beyond its lot lines.
- (l) Dimensional Requirements for Landfill (Municipal or Sanitary), Resource Recovery Facilities or Waste to Energy Plants:

Minimum Lot Size:	50 acres
Maximum Building Coverage	10%
Minimum Lot Width	900 feet
Maximum Building Height	35 feet
Minimum Front Yard	200 ft. (400 feet if adjacent to residence or residential districts)
Minimum Side Yard	100 ft. (200 feet if adjacent to residence or residential districts)
Minimum Rear Yard	100 ft. (200 feet if adjacent to residence or residential districts)

- (m) Dimensional Requirements for Solid Waste Facilities other than Landfills, Resource Recovery Facilities or Waste-to-Energy Plants (such as composting plants and transfer stations):

Minimum Lot Size:	10 acres
Maximum Building Coverage	10%
Minimum Lot Width	300 feet
Maximum Building Height	35 feet
Minimum Front Yard	150 ft. (300 feet if adjacent to residences or residential districts)
Minimum Side Yard	50 ft. (75 feet if adjacent to residences or residential districts)
Minimum Rear Yard	100 ft. (200 feet if adjacent to residences or residential districts)

Parking: one space per employee plus additional spaces as required by the Board of Supervisors.

- (n) See the Carbonate Geology requirements in Section 508.B.9 of this Ordinance.
- (o) The following additional requirements shall apply for a Solid Waste Transfer Facility.
  - (1) There shall be compliance with all applicable Federal and State regulations. Township zoning approval shall be conditioned upon compliance with such Federal and State regulations.
  - (2) A copy of all written materials and correspondence that the applicant sends and receives regarding compliance with Federal and State environmental requirements shall also be provided to Durham Township by the applicant, unless a copy is provided to the Township by the agency.
  - (3) All transfer, loading, unloading or storage of solid waste shall occur within an enclosed building. The floor of the building shall be an impervious surface that acts as a containment area for any spills.
  - (4) The air quality in the building shall be monitored for gas accumulation using analytic procedures. Test results shall be recorded and submitted to Durham Township.
  - (5) The building air shall discharge through a filter/wet scrubber system with the capacity to remove noxious chemicals (such as chlorine, ammonia and methane) as well as particulate matter.
  - (6) All leachates or liquids from vehicles as well as from wash down of equipment shall drain to a containment area that is periodically treated on-site or off-site in accordance with State regulations for wastewater treatment. No direct discharge of waste water either treated or untreated, is allowed within any creek or watershed.
- (p) Environmental Impacts. An environmental impact assessment shall be submitted to the Township that details potential impacts to human health and the environment from all aspects of the use, including but not limited to:
  - (1) Ground water and surface water
  - (2) Air quality (particulate and toxic substances)
  - (3) Noise and odor beyond the property line
  - (4) Vehicle traffic, particularly to consider the ability of the road system to handle the truck traffic
  - (5) Soil quality.
- (q) Parking: one space per employee, plus one space per company vehicle that is parked on-site. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502. The overnight parking of trucks containing sewage sludge or seepage shall also be regulated as a Solid Waste Facility.
- (r) The facility shall not intrude upon, nor provide storage for any waste in the 100 year flood plain, any riparian buffer or wetland.



11. **G-11 Truck Terminal:** Establishments used for the storage of trucks and/or the transfer of freight, other than solid waste, from one truck to another, and which primarily involves tractor-trailer trucks bring goods to the site and tractor-trailer trucks bring goods from the site, and which is not a manufacturing use as a principal use.
  - (a) Warehousing may be permitted.
  - (b) All areas used for the overnight storage of 2 or more tractor-trailer trucks or trailers of such combinations shall be separated by a street or lot line by a landscaped buffer yard meeting Section 502.
  - (c) Parking: one space per employee plus one space per truck bay, plus one space for each company vehicle typically parked on the lot. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (d) The use, including the noise from any refrigerated trucks, shall comply with the noise requirements of this Ordinance. See Section 507.B.
  - (e) Areas used for the parking, loading, or unloading of tractor-trailer trucks shall be setback a minimum of 100 feet from any residential district. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  
12. **G-12 Wholesale:** Establishments engaged primarily in the selling of merchandise to retailers; to industrial, commercial, institutional users, or to other wholesalers.
  - (a) Parking: one space per employee, plus one space for each company vehicle typically parking on the site. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (b) A buffer yard meeting Section 502 shall be required adjacent to a residential lot or residential district.
  
13. **G-13 Warehouse:** A building primarily used for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.
  - (a) Parking: one space per employee, plus one space for each company vehicle typically parking on the site. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (b) A buffer yard meeting Section 502 shall be required adjacent to a residential lot or residential district.
  
14. **G-14 Printing, Publishing and Binding:**
  - (a) Parking: 3 off-street parking spaces for each 4 employees on the largest shift, or one off-street parking space for every 250 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (b) A buffer yard meeting Section 502 shall be required adjacent to a residential lot or residential district.

15. **G-15 Planing Mill:** Planing mill includes the processing of wood to finish products such as molding, trim, etc.
- (a) Parking: 3 off-street parking spaces for each 4 employees on the largest shift, or one off-street parking space for every 500 square feet of gross floor area, which is greater, plus (one) 1 space for each company vehicle normally stored on the premises. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
  - (b) A buffer yard meeting Section 502 shall be required adjacent to a residential lot or residential district.

## **H. Accessory Uses**

1. **H-1 Accessory Apartment for Immediate Family Members:** One apartment accessory to a single-family detached dwelling shall be permitted provided the following conditions are met. The intent of these provisions is to allow for immediate family members (parents or children) to reside on the premises but to prohibit the creation of for-profit apartments in districts where two units on a lot is not otherwise permitted.
- (a) The accessory apartment shall occupy no more than 600 square feet in floor area and contain no more than one bedroom.
  - (b) The accessory apartment may contain separate cooking, sleeping, living and bathroom facilities.
  - (c) The accessory apartment shall be part of the principal residence or may be contained in an existing accessory structure such as a garage. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use. A recreational vehicle or mobile/manufactured home shall not be used for this accessory apartment. The accessory apartment shall not be located in cellar areas (areas having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground), unless the cellar has a direct outside entrance/exit.
  - (d) The accessory apartment shall be occupied only by immediate family members such as elderly parents or dependent adult children. The accessory apartment shall not be occupied by cousins or more distant relatives.
  - (e) There shall be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family detached dwelling or which otherwise detract from the single-family character of the neighborhood.
  - (f) No more than one accessory apartment shall be permitted per lot, and the accessory apartment shall only be allowed as accessory to a single family detached dwelling.
  - (g) Each accessory apartment shall be registered with the Township Zoning Officer who shall keep a record of its use to insure that the intent of this Ordinance is being met. An annual permit shall be required for an accessory apartment.
  - (h) Parking: The required off-street parking for the principal dwelling plus one additional off-street parking space for the accessory apartment.

- (i) The applicant shall provide written documentation from the Bucks County Health Department that the septic system or other sewage disposal system will be adequate to safely treat and dispose of additional wastewater generated by the residents of lot. If such Health Department fails to respond to the request for certification, the applicant shall provide engineering data to support the assertion that the system can handle the increased load. Creation of an environmental hazard or odor nuisance because of overloading or insufficient maintenance of the sewage system shall be a violation of this Ordinance.
  - (j) This use H-1 shall not allow the placement of a mobile/manufactured home on the lot to serve the relatives who need care or supervision.
2. **H-2 Dwelling in Combination with a Business:** One dwelling unit in combination with an existing or permitted office or commercial use is permitted, provided the lot area, setbacks, and parking requirements for the non-residential uses are met.
- (a) Parking: 2 spaces for the dwelling plus parking requirements for the nonresidential use. Parking areas shall be screened and buffered from adjacent properties with a buffer yard meeting Section 502.
3. **H-3 Family Day Care:** State approved/licensed day care service provided on a regular basis for compensation by the members of the immediate family is permitted as a residential accessory use.
- (a) The number of persons in the care of the owner/tenant of the residence shall be limited to 6.
  - (b) No outdoor advertising is permitted.
  - (c) The applicant shall provide written documentation from the Bucks County Health Department that the septic system or other sewage disposal system will be adequate to safely treat and dispose of additional wastewater generated by the residents of lot. If such Health Department fails to respond to the request for certification, the applicant shall provide engineering data to support the assertion that the system can handle the increased load. Creation of an environmental hazard or odor nuisance because of overloading or insufficient maintenance of the sewage system shall be a violation of this Ordinance.
  - (d) A minimum of one parking space shall be designed for and reserved for the dropping off and the picking up of young persons in a manner that does not obstruct traffic on streets. The lot shall include a turnaround area that allows vehicles to enter a street without backing onto the street.
4. **H-4 Home Occupation:** The home occupation shall be accessory to a residence and carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (a) There shall be no use of show windows, display, or advertising visible outside the premises, except as provided for signs herein.
  - (b) There shall be no exterior storage of materials or exterior parking of more than 2 commercial trucks. No truck parked on the lot shall have an aggregate gross

vehicle weight of greater than 14,000 pounds, unless it will be kept a minimum of 100 feet from the lot line of any other dwelling.

- (c) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from the residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients, other than an identification sign not exceeding 2 square feet.
- (d) No articles shall be sold or offered for sale except such as may be produced on the premises or routinely used as part of the services provided by the home occupation.
- (e) Servicing by large commercial vehicles, other than those which ordinarily deliver consumer goods, for supplies and materials in excess of one truck per week shall not be permitted.
- (f) The home occupation shall be carried on only by the inhabitants of the dwelling and not more than one non-resident employee working on-site at any one time.
- (g) The floor area devoted exclusively to a home occupation shall not be more than 25 percent of the ground floor area of the principal residential structure, or 600 square feet, whichever is less.
- (h) The use shall not include the following: animal hospital; commercial stable and kennel; funeral parlor and undertaking establishment; restaurant; rooming, boarding, and lodging houses; clinic or hospital; or salvage of hazardous substances from electronics.
- (i) No equipment or process shall be used in such employment or occupation which creates discernible noise, vibration, glare, fumes, odors, or electrical interference at the property line, and no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the lot or cause fluctuations in line voltage off the lot.
- (j) Parking: In addition to the requirements for the residence, there shall be one off-street space for a non-resident employee, plus 2 spaces if the home occupation will routinely involve visitors to the site.

**H-4a No Impact Home Occupation:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.

The following examples of No Impact Home Occupations shall be permitted by right:

- (a) Work routinely conducted within an office.
- (b) Custom sewing and fabric and basket crafts.
- (c) Cooking and baking for off-site sales and use.
- (d) Creation of visual arts (such as painting or wood carving).
- (e) Repairs to and assembly of computers and computer peripherals (not including salvage of hazardous substances).
- (f) Headquarters/office of a construction tradesperson.

5. **H-5 Livestock and Horses as an Accessory Use:** The keeping of livestock on properties less than 5 acres in size and the keeping of horses on properties of less than 10 acres in size shall be governed by the following regulations:

- (a) Livestock and accessory buildings for livestock and horse use are permitted as accessory uses to single family detached dwellings if the lot size is not less than two acres.
- (b) The number of livestock and horses permitted per acre shall be in accordance with the following, provided that woodlands or wetlands that have no value as pasture shall not be included: Horses, ponies, cows, mules and similar animals: 2 acre dedicated fenced pasture minimum for the first animal, 1 acre for each additional animal. Swine, goats, alpacas, llamas, sheep and similar animals – 2 acre minimum for the first animal, 2 per acre for each additional animal. Domestic Poultry – unfenced 1 acre minimum for the first animal, no more than 25 per lot.
- (c) All livestock (poultry excluded) shall be kept within the fenced property lines.
- (d) No persons owning or keeping livestock shall maintain such so as to create any health, environmental or safety hazard.
- (e) Any building used for the shelter or housing of livestock or horses shall be located not less than 50 feet from a lot line of another property.
- (f) Manure shall be stored in a manner that prevents pollution of groundwater or surface water. Manure shall not be stored in the 100-year floodplain or any riparian buffer or wetland. Manure shall be stored in a manner that does not create a visual, biological or odor nuisance.

6. **H-6 Outside Storage:** Outside storage necessary but incidental to the normal operation of a primary nonresidential use, subject to the following additional provisions:
- (a) No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage.
  - (b) Outside storage areas shall occupy an area of less than one-half of the existing building coverage.
  - (c) Uses requiring more substantial amounts of land area for storage, such as agriculture, nursery, automotive sales, truck terminal, lumber yards, may be exempt from the provisions of paragraph b above. For these and other similar uses, no more than 60 percent of the lot area shall be used for outside storage. Among the uses that shall not be considered appropriate for inclusion under this provision are retail shop, repair shop, service station, automobile and car wash, and trades.
  - (d) The storage of tractor trailers, panel trucks, vans, and similar vehicles which supply or service establishments in commercial or industrial districts shall be permitted provided that such vehicles shall be used by the establishment in the normal conduct of their business. Any tractor-trailer trucks or trailers of such combinations shall have current registration and shall be intended for transportation purposes, and shall not be used for on-site storage for more than 3 months per vehicle.
  - (e) Outside storage within the 100 year floodplain shall also comply with Section 712.E.3 and other provisions of Article 7.
7. **H-7 Recreational Vehicles:** Shall mean campers, travel trailers, recreational vehicles, and boats.
- (a) Recreational vehicles may be stored on the premises by the occupant of the premises only.
  - (b) Storage of any recreational vehicle with a length greater than 22 feet must be behind the building setback line but no closer than twelve (12) feet to rear or side property line; except that such vehicle may be parked anywhere on residential premises or street for a period not to exceed 4 days during loading and unloading. No such vehicle shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such a use.
  - (c) For storage of recreational vehicles on a lot located in an established floodplain zone see Article 7
8. **H-8 Residential Accessory Structure and Use:** The following shall be allowed as accessory to a dwelling, within the following requirements:
- (a) Parking for motor vehicles, provided that there shall not be exterior parking of more than one commercial truck. No truck parked on the lot shall have an aggregate gross vehicle weight of greater than 14,000 pounds, unless it will be kept a minimum of 100 feet from the lot line of any other dwelling. One school

bus may be parked on a residential lot if the resident is a school bus driver and is required to bring the vehicle home.

- (b) Fences and walls shall have a maximum total height of 7 feet, except that a maximum height of 4 feet shall apply within the minimum front yard, and provided that a 10 feet maximum height is allowed around a tennis court. A taller fence may also be allowed for the sole purpose of protecting vegetation from deer. A taller fence or wall may also be allowed if the fence or wall meets the minimum setbacks for a principal building. Adequate safe sight lines must be maintained when installing fences or walls alongside a roadway. Fences or walls may not be erected in road right-of-ways. Agricultural fencing is exempted as long as adequate sight lines are maintained.
- (c) A garage for personal motor vehicles, a storage shed for household items, a gazebo, a private greenhouse and closely similar accessory buildings shall be allowed.

9. **H-9 Spa/Hot Tubs:** Such pools are permitted on all private lots except multiple outdoor units shall not be allowed for apartment dwellings.

- (a) The spa or hot tub shall be located either entirely within the house or if located outside, shall be located within an enclosed patio.
- (b) The patio shall be fully enclosed by the rear wall of the housing unit and/or a wall or fence along the rear and/or side of the patio. The height of the walls or fences shall not be less than 4 feet.
- (c) The water surface shall be required to have a cover capable of being locked, for the purposes of safety and to cover the water surfaces during the off-season or such other periods of non-use. The water surface cover shall be required to be latched when not in use.
- (d) When the water is emptied, it shall be accomplished in a manner that maximizes infiltration, such as by conveying the water across a vegetated area. The chemical level of the water shall be minimized before the water is emptied. The water shall not be directly discharged into a waterway or swale that runs into a waterway.

10. **H-10 Swimming Pool:** The following regulations apply to private swimming pools which are accessory to single family detached dwellings. No private swimming pools shall be permitted as accessory uses to townhouses, multifamily dwellings, duplexes, or twin dwellings. These regulations also apply to public or semi-public swimming pools.

- (a) No person, owner or occupant of land shall install or maintain a swimming pool or other artificial body of water capable of being filled to a depth exceeding 24 inches at the deepest or lowest point unless a permit is first obtained from the zoning officer and the required plans and information are filed, together with required permit fees. Ornamental pools and wading pools which do not exceed 24 inches in depth are exempt from these provisions. Swimming pools shall include any pool, regardless of design, or construction materials or the permanency of its location both above and below ground level, which is built, erected or used for the purpose of bathing or swimming and all buildings, equipment, and appurtenances thereto. This ordinance shall also apply to public

or semi-public swimming pools used and maintained by an individual, firm, corporation, club or association of persons for use by the public or members and their invitees or guests.

- (b) Each pool area and the paving or coping surrounding it or associated with it shall be located not less than 15 feet back from the front building setback line and not closer than 15 feet to other property lines.
- (c) Water shall be regularly treated and filtered, and shall not be allowed to become stagnant or breed vectors.
- (d) Construction and Maintenance. The construction and design of all pools shall be such that the same can be maintained and operated as to be clean and sanitary at all times. The owners of every such pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis or water from the pool overflowing into adjacent public or private property. Public and semi-public swimming pools shall be constructed, equipped and maintained in strict conformity with the provisions of the swimming pool and public health codes issued by the State and the County Health Department.
- (e) Outdoor lighting, if used, shall be installed in such a way as to be shielded and not to reflect toward or into the interior of adjacent residential properties.
- (f) Electrical work shall comply with the PA UCC.
- (g) A minimum isolation distance of 25 feet shall be required between a swimming pool and any sewage disposal system.
- (h) Approved filtration systems and circulators must be provided for all pools except such exempt or non-exempt wading pools as are emptied on a daily basis as hereinafter provided.
- (i) All pool installations shall conform to all applicable building codes.
- (j) In no case shall water in the pool or pool area be permitted to emit an offensive odor or create any unhealthful condition. Further, it shall be a violation of this ordinance to cause or allow drainage onto land of others in a manner that causes flooding, erosion or damage.
- (k) No pool shall be located under any electric power lines (including service lines), and the pool must be located at least 10 feet (measured horizontally) from such power lines.
- (l) Fencing of Pools – The requirements of the PA UCC shall apply. In the event that an existing or proposed pool is not regulated under such Construction Codes, then the following shall apply: Permanent swimming pools above or below grade must be completely enclosed with a minimum 4 feet high chain link, stockade, picket (not exceeding three inch spacing), solid wooden fence, building wall, sides of an above-ground pool, or such other material as may be acceptable, at the discretion of the zoning officer, to carry out the intent of this ordinance. All gates or doors opening through such enclosure shall be kept securely closed and locked at all times when the pool is not in actual use. No water shall be placed in the pool until a fence, as required by this ordinance, has been completed.
- (m) When the water is emptied, it shall be accomplished in a manner that maximizes infiltration, such as by conveying the water across a vegetated area. The chemical level of the water shall be minimized before the water is emptied. The



water shall not be directly discharged into a waterway or swale that runs into a waterway.

11. **H-11 Temporary Structures and Storage:** A permit may be issued for temporary structures, office trailers, construction trailers, or vehicles necessary during construction or other special circumstances of a nonrecurring nature, subject to the following:
- (a) The above use shall only be permitted upon the issuance of a temporary zoning permit by the zoning officer. Such permit shall set forth that the use proposed is intended to be a temporary use and that the owner, by applying for such a temporary permit, agrees and acknowledges that the use is not and will not become a recognized nonconforming use. Each temporary permit so issued shall expire one year after its issuance. Each permit may be renewed for a single additional six month period.
  - (b) Upon failure of the lot owner to renew the permit, the uses provided in this section shall be immediately discontinued by the lot owner and any structure located on the property pursuant to the expired permit shall be removed from the property within thirty days without cost to the Township.
  - (c) Any permit issued pursuant to this section shall be issued only to those persons who are the lot owners of record at the time the application is submitted. Any temporary zoning permit issued pursuant to this section shall be non-assignable and shall immediately expire upon the purchase, sale, or other transfer of the lot or any portion of the lot. Any subsequent lot owner may make a new application for a temporary zoning permit upon compliance with the requirements of this section.
  - (d) No retail sales shall be permitted from a temporary structure or vehicle, except for accessory agricultural sales as provided for herein.
  - (e) No structure permitted under this use may be constructed with a foundation or be connected to an on-lot sewage disposal system.
  - (f) In addition, a temporary modular or manufactured/mobile home may be placed on a lot for a maximum total period of one year while a site-built home is actively under construction on the same lot. Such dwelling shall be completely removed after 12 months have passed or within 30 days after the site-built dwelling is occupied, whichever occurs first.
12. **H-12 Accessory Parent/In-Law/Guests/Workers Dwelling:** A separate dwelling unit shall be allowed for a bona fide parent/in-law/domestic or agricultural worker or caretaker, or for occasional guests who do not pay rent.
- (a) The dwelling must meet all of the regulations of the Bucks County Board of Health regarding applicable septic and well regulations; except it shall not be required to be on a separate lot.
  - (b) The accessory dwelling, if separate from the principal dwelling, shall meet setback requirements for a principal building. Two (2) additional parking spaces shall be required. The dwelling may be part of the principal building or be a separate detached building. It may not be located in the basement of the principal dwelling unless all pertinent ingress and egress requirements of the UCC have been met. A recreational vehicle or mobile/manufactured home shall not be used for this use.

- (c) Minimum lot area - 2 acres, unless a larger lot size is required by the applicable zoning district and other regulations of the Township.
  - (d) A zoning and building permit shall be required, which shall establish the conditions regarding the occupancy of the dwelling. The accessory dwelling shall not be rented for cash. If approved for occasional guests, it shall not be occupied by any one person for more than 60 days in any calendar year. If approved for domestic or agricultural workers or a caretaker, it shall not be occupied by any person who is not a bona fide on-site domestic or agricultural worker or caretaker, and up to one relative of such person. Any other occupancy or rental of the dwelling unit shall be a violation of this Ordinance.
  - (e) The permit shall be renewed each year. At such time, the applicant shall be required to certify that the unit is being used for its approved purpose.
  - (f) The maximum floor area of the accessory dwelling shall not exceed more than 33% of the total floor area of the principal dwelling, nor shall it exceed the height of the principal dwelling. There shall be no changes to the exterior of the principal dwelling which would show that the dwelling is other than a single family detached dwelling, or which would otherwise detract from the single-family character of the neighborhood.
13. **H-13 Customarily Accessory Use or Structure:** A use or structure shall only be allowed as an accessory use or structure if it is customarily incidental to the principal use on the same lot.
14. **H-14 Garage or Yard Sales:** An accessory use to an existing dwelling for the temporary display and sale of goods and craft items on an existing residential property:
- (a) Such temporary uses shall be limited to occurrences of not more than two (2) continuous days, or not more than 4 times in a calendar year.
  - (b) Signs advertising garage or yard sales shall be no larger than eight (8) square feet in area. Such signs shall be placed not more than forty-eight (48) hours before the sale and shall be removed immediately after the sale has ended. Signs shall not be placed on a utility pole. A sign permit is not required, but the requirements of this ordinance must be met to avoid a penalty.

**----- End of Article 4 -----**  
**(Table of Use Regulations Next Page)**

## § 404. Table of Use Regulations

<b>USE:</b>	<b>Y=Yes</b>	<b>N=No</b>	<b>CU=Conditional Use</b>	<b>SE=Special Exception</b>				
<b>A. <u>Agricultural:</u></b>				<b>RP</b>	<b>AP</b>	<b>VC</b>	<b>RR</b>	<b>PC-I</b>
A-1	Agriculture			Y	Y	Y	Y	Y
A-2	Accessory Agricultural Sales			Y	Y	Y	Y	Y
A-3	Forestry			Y	Y	Y	Y	Y
A-4	Commercial Greenhouse			Y	Y	Y	Y	Y
A-5	Intensive Agriculture			N	SE	N	N	N
A-6	Kennel ( <i>Commercial</i> )			SE	SE	N	N	CU
A-7	Nursery			Y	Y	Y	Y	Y
A-8	Riding Academy/Boarding Stable			Y	Y	N	CU	N
A-9	Accessory Farm Business			Y	Y	N	N	Y
<b>B. <u>Residential:</u></b>				<b>RP</b>	<b>AP</b>	<b>VC</b>	<b>RR</b>	<b>PC-I</b>
B-1	Boarding House			CU	CU	CU	CU	SE
B-2a	Group Home			N	N	CU	N	CU
B-2b	Halfway House			N	N	N	N	SE
B-2c	Group Home as Land Development			N	N	N	N	CU
B-3	Reserved							
B-4	Reserved							
B-5	Mobile (Manufactured) Home Park			N	N	N	CU	N
B-6	Garden Apartments			N	N	N	CU	SE
B-7	Performance Subdivision			N	N	N	CU	N
B-8	Private Camp or Cottage Development			CU	CU	N	N	N
B-9	Residential Conversion			Y	Y	Y	Y	SE
B-10	Reserved							
B-11a	Single-Family Detach Dwelling <5 lots			Y	Y	Y	Y	N
B-11b	Single-Family Detach Dwelling 5 or> lots			Y	Y	N	Y	N
B-12	Single-Family Detached Cluster			Y	Y	Y	Y	N
B-13	Subdivision Creating Large Lots Consistent With Section 403B.13.			Y	Y	N	N	N
B-14	Townhouse			N	N	Y	Y	N
B-15	Twin House			N	N	Y	Y	N
B-16	Village House			N	N	Y	Y	N
B-17	Farmland Lot			N	Y	N	N	N
<b>C. <u>Institution, Education, Religious &amp; Recreation:</u></b>				<b>RP</b>	<b>AP</b>	<b>VC</b>	<b>RR</b>	<b>PC-I</b>
C-1	Cemetery			CU	CU	CU	N	SE
C-2	Commercial School			N	N	N	N	CU
C-3	Day Care Center			N	N	CU	N	CU
C-4	Golf Course			CU	CU	N	N	CU
C-5	Hospital			N	N	N	N	CU
C-6	Library or Museum			N	N	CU	CU	CU
C-7	Municipal Facility			Y	N	Y	Y	Y
C-8	Nursing Home			N	N	N	CU	CU
C-9	Per. Care/Assisted Living/Hospice Center			N	N	N	CU	CU

		Y=Yes	N=No	CU=Conditional Use	SE=Special Exception		
(contd)	<u>Institution, Education, Religious &amp; Recreation:</u>	<u>RP</u>	<u>AP</u>	<u>VC</u>	<u>RR</u>	<u>PC-I</u>	
C-10	Place of Worship	CU	N	CU	CU	CU	
C-11	Private Organization	N	N	CU	CU	CU	
C-12	Recreation Facility or Community Center	CU	N	CU	CU	CU	
C-13	Primary or Secondary School, College/ University	N	N	N	CU	CU	
<b>D.</b>	<b><u>Office:</u></b>	<b><u>RP</u></b>	<b><u>AP</u></b>	<b><u>VC</u></b>	<b><u>RR</u></b>	<b><u>PC-I</u></b>	
D-1	Medical Office	N	N	CU	N	CU	
D-2	Office	N	N	CU	N	CU	
D-3	Veterinary Office or Clinic	CU	CU	N	N	CU	
D-4	Office Park / Corporate Center	N	N	N	N	CU	
D-5	Professional Studio	CU	N	CU	CU	CU	
<b>E.</b>	<b><u>Retail &amp; Consumer Services:</u></b>	<b><u>RP</u></b>	<b><u>AP</u></b>	<b><u>VC</u></b>	<b><u>RR</u></b>	<b><u>PC-I</u></b>	
E-1	Adult Entertainment	N	N	N	N	SE	
E-2	Vehicle Sales	N	N	N	N	CU	
E-3	Vehicle Repair; Body & Paint Shop; Vehicle Accessory Sales	N	N	N	N	CU	
E-4	Car Wash	N	N	N	N	CU	
E-5	Convenience Store / Mini Market	N	N	CU	N	CU	
E-6	Restaurant	N	N	CU	N	CU	
E-7	Restaurant w/Drive-Thru Service	N	N	N	N	SE	
E-8	Entertainment Facility	N	N	N	N	CU	
E-9	Financial Establishment	N	N	N	N	CU	
E-10	Funeral Home	N	N	N	N	CU	
E-11	Bed & Breakfast Inn	CU	CU	CU	CU	CU	
E-12	Retail Store Over 10,000 sq. ft	N	N	N	N	SE	
E-13	Mini Warehouse / Self Storage Units	N	N	N	N	CU	
E-14	Motel or Hotel	N	N	N	N	CU	
E-15	Reserved	<b><u>RP</u></b>	<b><u>AP</u></b>	<b><u>VC</u></b>	<b><u>RR</u></b>	<b><u>PC-I</u></b>	
E-16	Recreational Campsites	N	N	N	N	CU	
E-17	Repair Shop ( <i>other than motor vehicles</i> )	N	N	N	N	CU	
E-18	Retail Trade & Retail Services <10k sq. ft.	N	N	CU	N	CU	
E-19	Gas Station	N	N	N	N	CU	
E-20	Shopping Center	N	N	N	N	CU	
E-21	Parking Lot or Garage	N	N	N	N	CU	
E-22	Mobile Home & Accessory Sales	N	N	N	N	CU	
E-23	Tavern	N	N	SE	N	CU	
E-24	Treatment Center	N	N	N	N	SE	
E-25	Betting Use	N	N	N	N	CU	
E-26	Motor Vehicle Racetrack	N	N	N	N	SE	
E-27	Firearms Target Range	N	N	N	N	CU	
E-28	Commercial Flea Market	N	N	N	N	CU	

		Y=Yes	N=No	CU=Conditional Use	SE=Special Exception					
<b>F.</b>	<b>Utilities &amp; Public Services:</b>	<b>RP</b>	<b>AP</b>	<b>VC</b>	<b>RR</b>	<b>PC-I</b>				
	F-1	Utility Operating Facility	SE	SE	SE	SE	CU			
	F-2	Emergency Services	CU	N	CU	CU	CU			
	F-3	Passenger Terminal ( <i>Railway/Bus</i> )	N	N	N	N	CU			
	F-4	Essential Services	Y	Y	Y	Y	Y			
	F-5	Commercial Communications Antennas / Towers Consistent with Section 403F.5.	SE	SE	N	N	CU			
	F-6	Airport or Heliport	N	N	N	N	CU			
	F-7	Wind Energy Systems ( <i>Wind Mills</i> )	Y	Y	Y	Y	Y			
<b>G.</b>	<b>Industrial:</b>	<b>RP</b>	<b>AP</b>	<b>VC</b>	<b>RR</b>	<b>PC-I</b>				
	G-1	Salvage Facility	N	N	N	N	CU			
	G-2	Building Material Sales and Equipment Storage Yards	N	N	N	N	CU			
	G-3	Contractor Services	N	N	N	N	CU			
	G-4	Food Processing	N	N	N	N	CU			
	G-5	Fuel Distribution & Storage	N	N	N	N	CU			
	G-6	Manufacturing	N	N	SE	N	CU			
	G-7	Quarry	N	N	N	N	CU			
	G-8	Recycling Facility	N	N	N	N	CU			
	G-9	Research	N	N	N	N	CU			
	G-10	Solid Waste Facility	N	N	N	N	CU			
	G-11	Truck Terminal	N	N	N	N	CU			
	G-12	Wholesale	N	N	N	N	CU			
	G-13	Warehouse	N	N	N	N	CU			
	G-14	Printing, Publishing, Binding	N	N	N	N	CU			
	G-15	Planing Mill	N	N	N	N	CU			
<b>H.</b>	<b>Accessory Uses:</b>	<b>RP</b>	<b>AP</b>	<b>VC</b>	<b>RR</b>	<b>PC-I</b>				
	H-1	Accessory Apartment for Immediate Family Members	Y	Y	Y	Y	N			
	H-2	Dwelling in Combo w/a Business	N	N	CU	CU	CU			
	H-3	Family Day Care	Y	Y	Y	Y	N			
	H-4	Home Occupation	CU	CU	CU	CU	CU			
	H-4a	No Impact Home Occupation	Y	Y	Y	Y	Y			
	H-5	Livestock/Horses as Accessory Use	Y	Y	Y	Y	Y			
	H-6	Outside Storage ( <i>non-residential</i> )	N	N	N	N	CU			
	H-7	Recreational Vehicles	Y	Y	Y	Y	CU			
	H-8	Residential Accessory Structure & Use	Y	Y	Y	Y	Y			
	H-9	Spa / Hot Tubs ( <i>residential only</i> )	Y	Y	Y	Y	Y			
	H-10	Swimming Pools ( <i>residential only</i> )	Y	Y	Y	Y	Y			
	H-11	Temporary Structures & Storage	Y	Y	Y	Y	CU			
	H-12	Accessory Parent/In-Law/Guests/Workers Dwelling	SE	SE	SE	SE	N			
	H-13	Customarily Accessory Use or Structure	Y	Y	Y	Y	CU			
H-14	Garage or Yard Sales	Y	Y	Y	Y	N				

**ARTICLE 5**  
**GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS**

**§ 500. Dimensional Requirements**

**A. Lot Area Required**

The lot and yard requirements for any new building or use shall not include any part of a lot required by any other building or use to comply with the requirements of this ordinance.

**B. Reduction of Land Areas**

No lot area or required yard, setback, open space or open land shall be so reduced that such area is less than is required by this Ordinance.

**C. Yard Requirements**

1. No portion of a building or structure shall be built within the minimum depth of front, side, or rear yards except as permitted in the Durham Township Subdivision and Land Development Ordinance. Driveways shall be permitted in front and side yards.
2. Where a minimum depth of front yard is specified, an open land area of at least the specified depth shall be provided between the street lines or lines and the nearest point of any building or structure, except as provided in subsections 500.C. 3, 4, and 6 below. Street lines are considered to be established by the future rights-of-way when so designated to avoid interference with anticipated future road widening and improvements.
3. For those properties fronting on streets which are classified by the Township Comprehensive Plan as an arterial, the minimum front yard shall be at least 50 feet from the Ultimate Right of Way unless an additional setback for the district is required by this ordinance.
4. These provisions shall not apply to walls less than 4 feet high above the natural grade in the required front yard, nor to hedges, terraces, steps, wheelchair ramps, unenclosed porches, or to any other similar features less than three feet above the level of the floor of the ground story.
5. Exceptions for Existing Alignment: If the alignment of existing buildings on either side of a lot within a distance of fifty (50) feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the Board of Supervisors may accept the average of such existing alignment within that distance as the required front yard, but in no case shall the front yard be less than twenty (20) feet.

6. Projections into Yards: Ground story bays, porches, and chimney flues may project into required yard areas no more than four (4) feet. Such projections shall not occupy more than one-third of the length of the building wall. Cornices and gutters may project not more than two (2) feet over a required yard. Fire escapes may be permitted in accordance with this section in side or rear yards only.
7. Fences, Walls, Gates, Hedges and Terraces:
  - (a) No fence or wall over six (6) feet in height, except a retaining wall or wall of a building permitted under the terms of this ordinance, shall be erected within the minimum depth of any required yard unless the fence or wall which exceeds six (6) feet in height has a ratio of open to solid area of at least 5 to 1 or the wall or fence is located not less than 15 feet inside the property boundary line. These provisions do not apply to fences or walls less than six (6) feet above the natural grade in minimum depth of any required yard, or to hedges of any height or to terraces, steps, decks or other similar features less than three (3) feet above the level of the floor of the ground story of any building.
  - (b) A gate across a driveway shall have a minimum clear opening of twelve (12) feet when open. A minimum of thirty (30) feet of straight driveway shall be provided between the edge of the road and the gate, and there shall be no sharp turns or obstructions which would prohibit the free access of emergency equipment between the gate and the structures on the property. This provision shall not apply to gates across driveways or lanes which provide access to fields for farm equipment.

**D. Accessory Structures**: Completely detached accessory structures may occupy a front, side or rear yard within Zoning Districts where the principal structure side or rear yard exceeds 12 feet; however, no portion of the accessory structure shall be located closer than 12 feet to any side or rear property boundary nor directly in front of the principal structure, nor within the 50 feet front setback.

**E. Through Lots**  
In the case of through lots, one yard shall be designated on the plans as the rear yard and one yard as the front yard. The front yard shall be the yard between the building and the street from which the lot takes access.

**F. Flag Lots**  
A flag lot consists of the pole being the narrow strip of land with direct access to a public street; and the flag, being the part of the lot that widens to achieve the minimum lot width requirements for the district in which the lot is located. A flag lot is a parcel of land which does not contain the required minimum lot width at the minimum front yard (building setback line) as measured from the street line, but which has direct access to a public street through a narrow strip of land which is part of the same lot. The following regulations shall apply:

- (a) Flag Lots may be permitted for tracts of land with limited frontage that would limit the number of lots with the required lot width, but with sufficient area for additional lots. Flag Lots are not permitted in a subdivision where a street could reasonably be developed to serve the lots with each meeting the minimum lot width requirement.
- (b) Flag Lots shall be permitted only in case of single family detached residential uses and not for multi-family residential, commercial, industrial or other uses including Performance Subdivisions.
- (c) Each flag lot must contain its own access strip owned in fee as part of the lot and not by way of a grant of right-of-way, easement, license, or similar grant.
- (d) Each access strip must serve only one single family detached dwelling.
- (e) Each access strip must have a minimum width of fifty (50) feet measured from the existing street line of a public street for the full length of the access strip, shall not narrow to a lesser dimension, and shall maintain approximately the same width throughout the access strip from the street line to the point where the lot first obtains the minimum standard lot width.
- (f) The area of the access strip shall not be included in the calculation of the minimum lot area.
- (g) The front yard setback for a flag lot shall be measured a distance equal to the front yard requirements for the District in which the lot is located from a point where the lot first obtains the minimum standard lot width.
- (h) Only one tier of Flag Lots will be permitted on a tract. The length of the access strip shall not exceed 600 feet nor be less than 300 feet.
- (i) Flag Lots shall contain a minimum of three (3) acres excluding the access strip, unless the district in which the interior lot is located requires a larger minimum lot area, in which case the district requirements shall apply.

**G. Exceptions to Minimum Lot Size**

- 1. Larger lot sizes may be required where lots are affected by resource restrictions. The minimum lot size required per lot shall be determined by the district requirements as set forth in Article 6 herein, except that lots with resource restrictions may be required to be larger than the minimum in accordance with Sections 508 and 509 of this Article.
- 2. The provisions of this section shall not prevent the construction of a single family dwelling on any lot that was lawful when created and which, prior to the effective date of this ordinance, was in separate ownership duly recorded by plan or deed; and provided that:



- (a) Those lots not served by public water & sewer shall meet all requirements of the Bucks County Department of Health.
- (b) The percentage of lot area covered by the single family dwelling shall not exceed fifteen (15) percent of the area of the lot.
- (c) The front & rear yards shall aggregate at least sixty (60) percent of the total lot depth or meet normal requirements of the District in which the lot is located; but in no case shall either the front yard or the rear yard be less than thirty (30) feet.
- (d) The side yards shall aggregate at least forty (40) percent of the total lot width or meet the normal requirements of the District in which the lot is located, but in no case shall either side yard be less than twelve (12) feet.

Note: This exception shall not apply to any two or more contiguous lots in a single ownership as of, or consequent to the effective date of this ordinance, in any case where a re-parceling or re-platting could create one or more lots which would conform to the ordinance.

- 3. Lot sizes may need to be larger than the specified minimum lot area in order to accommodate on-lot wastewater disposal systems and to allow for adequate water supply from on-lot wells.
- 4. Minimum Lot Width: Where a minimum lot width is specified no primary building shall be erected on any part of a lot which has a width less than that specified, except as specified in Section 500; F, and G-2.

**H. Height:** Except for those exceptions provided for herein:

- 1. The maximum height of buildings and structures shall be 35 feet. Spires/steeple of places of worship, belfries, silos, agricultural mechanical equipment, utility lines and structures, solar panels, smokestacks, allowed communications towers, and flagpoles may exceed the maximum height of the district regulations in height provided that they are not used for human habitation and are set back from all lot lines a distance equal to its height, unless a greater restriction applies in this, or other ordinances and meet all other applicable regulations of this ordinance. Wind energy systems (Use F-7) and water towers (under Use F-1) may also exceed the maximum height, provided they comply with the provisions for such uses in Section 403.
- 2. Portions of the building may exceed thirty-five (35) feet in height where all dwelling units and work spaces can be reached and evacuated through adequate windows or balconies within the thirty-five (35) foot limit of existing emergency equipment and where roofs can be reached along fifty (50) percent of the building perimeter. The Board of Supervisors approval of such plans would be required.

- I. **Lots Divided by Municipal Boundaries:** In the case of lots divided by municipal boundaries, the portion of a lot which lies within Durham Township shall be subject to the rules and regulations of this ordinance and only that land within Durham Township shall be used in determining the net buildable site area.
- J. **Previous Restrictions:** No parcel containing any deed restriction, conservation easement or previous plan restriction forbidding subdivision of that parcel may be further subdivided under this Ordinance or under the Township Subdivision and Land Development Ordinance. No use shall be allowed that would violate a conservation easement or deed restriction that is enforceable by Durham Township or an incorporated nature conservancy organization.
- K. **Setbacks from Resource Protected Lands:** On lots that include lands with floodplains, lakes, ponds, riparian buffers or wetland buffers, the minimum building setback shall be the limit of the resource protected lands or the setback required by the other setback requirements contained within this ordinance, whichever is greater.

## § 501. Outdoor Illumination

- A. Outdoor illumination in all districts shall be diffused or shielded in such a manner as not to create any hazardous situations for passing vehicular traffic or a nuisance to persons in the area. Lighting plans shall provide for non-glare lights focused downward.
  - 1. **General Standards:** Lights for all uses shall be designed to minimize undesirable off-premises effects. No use shall produce glare off the premises by illumination originating on the premises. No bare or direct light source shall be visible beyond the lot lines. This applies to all pole-mounted lights, building mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. All Electrical feeds for lighting standards shall be run underground. Temporary lighting for permitted special, seasonal events or agricultural work may employ interim overhead wiring.
  - 2. **Street Lighting Exempted:** This Section 501 shall not apply to:
    - a) Street lighting or traffic control advisory or regulatory lighting that is owned, financed, maintained, or required by the Township or the State, or
    - b) An individual porch light of a dwelling (not including a spot light).
  - 3. **Height of Lights.** No luminary, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 16 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety; lights intended solely to illuminate an

architectural feature of a building, lighting of outdoor public recreation facilities or a ski resort.

4. Diffused: All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
5. Shielding: All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists. No bare, unshielded light source shall be permitted.
6. Flickering: Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
7. Spillover: Exterior lighting shall not cause a spillover of light onto an adjacent lot that exceeds 0.5 horizontal foot-candles at a distance at any point at or inside the lot line.
8. Gasoline Sales Canopies: All light fixtures under the canopy shall be recessed into the canopy so as to be flush with the canopy ceiling or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
9. Horizontal Surface Lighting: For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward and shall meet the standards for a full-cutoff light fixture. A full cut-off light fixture shall be a fixture in which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.
10. Non-Horizontal Lighting: For lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, signs, and displays, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
11. American Flag Lighting: Lighting shall be allowed on the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

12. Parking facility, vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations) for non-residential uses shall be automatically extinguished no later than thirty (30) minutes after the close of business or facility operation. When safety and/or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25%) percent of the number of fixtures or illumination level required or permitted for illumination during regular business hour. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, (e.g., a history of relevant crime), an appropriate increase above the twenty-five (25%) percent may be permitted.
13. Lighting standards in parking areas shall be placed a minimum of five (5) feet outside the paved area, or on concrete pedestals at least thirty (30) inches high above the pavement, or be suitably protected by other approved means.

**Lighting Plan Required:** Any outdoor lighting such as pole-mounted, building, sign, canopy, or sidewalk illumination, and driveway lights, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow. The Township must approve the lighting plan prior to final plan approval.

## **§ 502. Buffer Yards**

### **A. General Buffer Requirements**

1. Landscape buffers shall contain trees, evergreens, shrubs, groundcovers, berms, fences, or a combination of these features, placed along a street or property line for the purposes of separating one land use from another land use, or to shield or block lights, noise, or visual impacts, and to preserve the natural landscape of Durham Township. Refer to Township Plant List in the Subdivision/Land Development ordinance for specifications and acceptable trees.
2. No structures, buildings, uses, storage of materials, or parking shall be permitted in the buffer yards. Access driveways may cross buffer yards provided that they are perpendicular to the property line. Trails and sidewalks may be located at the edge of a required buffer, provided that the required planting is not diminished. Detention/retention basins and grading required for basin berms/slopes constructed as part of a stormwater management plan shall not be permitted in a required buffer yard.
3. Where vegetation exists that meet the objectives and planting standards of the buffer requirements, it shall be preserved and may be used to meet the buffer and planting requirements. Quantities, size, species, genus, and locations of existing materials must be shown on plans and verified by the Township. Where the Township allows existing vegetation to be counted toward meeting the buffer requirements of this ordinance, the vegetation shall not be removed

except for dead plants, or exotic invasive species, and noxious weeds as defined by Act 72 of 1994, as amended. Additional plantings shall be required if the existing vegetation is not adequate to meet the buffer standards for density, width, or size. The vegetation shall be protected by recorded plan note to insure that it remains as a part of the subdivision or land development.

4. The buffer yard may overlap the required front yards and in case of conflict, the larger dimensional requirement shall apply. Buffer areas shall be provided in addition to the required minimum side and rear yards if needed to provide a minimum depth of twenty-five (25) feet, as measured from the principle structure, which is exclusive of the required buffer. Where buffers are required, they shall be provided along the entire length of the property line (except for Type 4 and Type 5 buffers). Any fencing shall be placed on the inside of required buffer plantings, unless approved in another location for a quarry. Planting designs that have a naturalistic appearance with a mix of species will give privacy but do not block views or vistas are recommended, as opposed to rigid rows of the same species.
5. All buffer yards shall be maintained and kept clean of all debris. Required buffer plantings shall not be removed as long as they are viable.
6. Buffers shall be required as specified in this section where the uses to be buffered are directly abutting as well as where the uses are across the street from each other.
7. Minimum width buffer yards do not count as open space. However, required open space may be used to meet the requirements for buffers where the open space has a minimum contiguous area of four acres and a minimum width of 200 feet.
8. Easements shall be provided for all buffers; a buffer easement shall be shown on all plans. The easement shall require that the property owner be responsible for maintenance of the buffer area and all vegetation within the buffer easement.
9. If a buffer already exists on an adjacent property that meets the requirements of this ordinance, additional buffering shall not be required when a new use is established. If the existing buffer is substandard, additional area and plantings shall be added to meet the ordinance requirements.
10. The screen planting shall be spaced so that at maturity it will not be closer than 3 feet from any right-of-way nor shall it encroach upon a required clear sight triangle.

**B. Summary of Buffer Locations and Types**

	<b>Type of Buffers</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b><u>Required Locations:</u></b>						
Nonresidential/residential separation buffers	X					
Single-family/multifamily separation buffers	X					
Reverse frontage buffers		X				
Farmland preservation buffer			X			
Visual screen for storage and maintenance activities				X		
Around parking lots					X	
Road Buffers						X

**C. Types of Buffers:**

- #1: -Nonresidential/residential separation buffers. Type 1 buffer shall be provided wherever a nonresidential use abuts a residential use or a residentially zoned district.  
-Single-family/multifamily separation buffers. Type 1 buffers shall be provided wherever a multifamily residential development, townhouse/attached development or a mobile home park abuts a single-family residential use or district. The buffer shall be located on the multifamily or mobile home park property.
- #2: Reverse frontage buffers. Type 2 buffers shall be provided where a rear or side yard of any residential or nonresidential use abuts an arterial or collector road, or any existing perimeter street not part of a new development.
- #3: Farmland preservation buffer. Type 3 buffer yards shall be required where residential or nonresidential uses abut farmland.
- #4: Visual screen for storage and maintenance activities type 4 buffer yard which shall include fence and plantings sufficient to provide a visual screen.
- #5: Parking lot periphery for retail and consumer service, institutional and office uses. Type 5 buffers, consisting of a landscaped area twenty (20) feet in width provided at the periphery of all lots used for retail and consumer service, office or industrial activities. Where a larger buffer is required by other sections of this ordinance the larger buffer shall be provided.
- #6: Road Buffer. Type 6 buffer will be employed

**D. Buffer Dimension and Planting Requirements:**

- 1. **Type 1 Buffer:** Buffer design and plant materials (nonresidential/residential separation buffer and single-family/multifamily separation buffer) shall be as follows:
  - (a) Buffer width: fifty (50) feet.

- (b) Screened planted area: minimum of fifty (50) feet in width.
- (c) Berming may be provided if it contributes to the screening effect and if it can be blended into the topography. The undulating berms shall vary between three and six feet in height and shall meander in a naturalistic fashion without adversely affecting drainage. Slope ratios shall not be less than 3 to 1 (horizontal to vertical).
- (d) Plant materials shall comply with the requirements of the following chart.

**Type 1 Buffer Planting Requirements**

<b>Plant Types:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Evergreens	6 to 7 feet in height	1 evergreen per 20 feet of buffer length
Shade trees	3 to three-and-one-half- inch caliper	1 shade tree per every 3 evergreens or approximately 1 per 60 feet of buffer length
Flowering trees	8 to 10 feet in height; two – and-one-half-inch caliper	1 flower tree per every 3 evergreens or approximately 1 per 60 feet of buffer length
Shrubs	Minimum of 4 feet in height	5 shrubs for every 1 evergreen tree or approximately 1 per 4 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being flowering varieties.

- 2. **Type 2 Buffer:** Buffer design and plant materials (reverse frontage buffer) shall be as follows:
  - (a) Buffer width: one hundred and fifty (150) feet.
  - (b) Screened planted area: minimum of seventy-five (75) feet in width closest to the street or bordering lot line.
  - (c) Preserve existing trees and supplement with shade-tolerant evergreens, trees and shrubs selected from plant list in the Township Subdivision/Land Development Ordinance.
  - (d) Planted area shall completely screen the views of abutting yards from the street from ground level to six feet above ground level at plant maturity.
  - (e) Berming may be provided; vertically and horizontally meandering berms suggesting a rolling landscape shall be incorporated into the grading design without adversely affecting drainage. Berms shall be 3 to 6 feet in height and shall vary in height and slope. Slope to height ratios shall not be less than 3 to 1.

**Type 2 Buffer Planting Requirements:**

<b>Plant Types:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Shade trees	three-and-one-half- inch caliper	50 trees per 1,000 linear feet of buffer length
Evergreen	6 to 7 feet in height	50 trees per 1,000 linear feet of buffer length
Flowering trees	8 to 10 feet in height; two – and-one-half-inch caliper	1 flower tree per every 3 evergreens or approximately 1 per 60 feet of buffer length
Shrubs	Minimum of 4 feet in height	150 shrubs per 1,000 linear feet of buffer length

**3. Type 3 Buffer:** Buffer design and plant material (farmland buffer) shall be as follows:

- (a) Buffer width: twenty-five (25) feet.
- (b) Planted area: minimum of ten (10) feet in width.
- (c) The farmland area shall be separated from the residential area by a fence placed on the property line.
- (d) The 10 feet immediately adjacent to the fence shall be planted with inkberry holly, bayberry and red twig dogwood or other shrub material as approved by the Township in informal groupings to achieve a naturalized farmland buffer as an adequate separation between farmland and developed land.
- (e) The remaining 15 feet abutting the farmland shall be planted in grasses or wildflowers to be mowed or ground-covering plants on a slope not to exceed a four-to-one (horizontal to vertical).

**Type 3 Buffer Planting Requirements:**

<b>Plant Type:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Shrubs	Minimum 4 feet in height	150 shrubs per 1,000 linear feet of buffer length

**4. Type 4 Buffer:** Buffer design and plant materials shall be as follows:

Buffer shall consist of a solid fence with evergreen plantings along the exterior face to be planted around storage areas and yards to provide security and a complete visual screen. Buffer width shall be wide enough to accommodate a fence and evergreens or shrubs abutting the fence.

- (a) A buffer wide enough to accommodate a fence and plantings abutting the fence is required.
- (b) A solid fence shall be provided. The fence height shall be adequate to provide a complete visual screen from adjoining properties but not to exceed eight feet in height. Fence details shall be provided with the landscape plan. Along the exterior face of the fence there shall be a row of shrubs and/or evergreens in a hedging habit planted at a rate to obscure the appearance of the fencing after a five-year growing period. Minimum shrub and upright habit evergreen height at planting shall be four feet.

**Type 4 Buffer Planting Requirements:**

<b>Plant Type:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Evergreens	6 to 7 feet in height	50 trees per 1,000 linear feet of buffer length
Shrubs	4 feet in height	150 shrubs per 1,000 linear feet of buffer length



5. **Type 5 Buffer:** Buffer design and plant materials shall be as follows:
- (a) A twenty-foot (20') wide buffer area is required.
  - (b) Shrubs with a planted minimum height of three feet shall be installed, with shade trees interspersed, in a continuous band with a spacing not exceeding five feet on center for shrubs and 30 feet on center for trees. Walls and/or fencing may be integrated with the required planting.

**Buffer Type 5 Planting Requirements:**

<b>Plant Types:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Shade trees	Three-and-one-half-inch caliper	34 trees per 1,000 linear feet of buffer length
Shrubs	3 feet in height	200 shrubs per 1,000 linear feet of buffer length

6. **Type 6 Buffer:** Buffer design and plant materials shall be as follows:
- (a) In all Districts the applicant shall determine the class of road of any existing or proposed road that borders or runs through the proposed development. The below chart is then used to determine the minimum buffer requirement. Road classifications are listed in the Durham Township Comprehensive Plan.
  - (b) On the chart below first locate the appropriate zoning district and then locate the type of road. The number indicates the MINIMUM buffer width required in feet:

<b>District:</b>	<b>Exp:</b>	<b>Major Collector:</b>	<b>Minor Collector:</b>	<b>Local:</b>
AP & RP	80 feet	50 feet	50 feet	20 feet
RR	80 feet	50 feet	50 feet	20 feet
PC-I	30 feet	30 feet	20 feet	20 feet
VC	80 feet	50 feet	30 feet	15 feet

**Buffer Type 6 Planting Requirements:**

**Eighty (80') Buffer:**

<b>Plant Types:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Shade Trees	2 ½-3" Caliper	1 tree per 60' of buffer length
Evergreen	6 – 8 feet in height	1 tree per 30' of buffer length

**Fifty (50') Buffer:**

<b>Plant Types:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Shade Trees	2 ½-3" Caliper	1 tree per 50' of buffer length
Evergreen	6 – 8 feet in height	1 tree per 40' of buffer length

**Thirty (30') or Less Buffer:**

<b>Plant Types:</b>	<b>Size:</b>	<b>Plant Quantities Required:</b>
Shade Trees	2 ½-3" Caliper	1 tree per 40' of buffer length on 20' centers. Trees shall be set-back 10' from property line.

**E. Planting Requirements near Overhead Utility Lines**

1. Where street trees are to be planted along streets with overhead power lines, the following requirements shall be met:
  - (a) If trees are to be planted within 15 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 25 feet shall be planted.
  - (b) If trees are to be planted within 15-25 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 40 feet shall be planted. Refer to Township Plant List in the Subdivision/Land Development ordinance for specifications and acceptable trees.

**F. Existing Trees in Right-of-Way:** Trees in the right-of-way of Township roads, where the right-of-way belongs to the Township, shall not be removed without Township approval except within the clear sight triangle and except for the removal of dead or unhealthy trees or non-native invasive trees. All trees within the right-of-way shall be included in the landscape plan.

**G. Plant Characteristics:** The following characteristics shall be considered when selecting trees and shrubs for buffer planting:

1. Wildlife values - provision of food and habitat for wildlife
2. Species longevity
3. Native to the area
4. Maintaining the diversity of species in the area
5. Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree)
6. Existence of disease, rot, or other damage to tree
7. Susceptibility of insect and disease attack and to pollution
8. Aesthetic values (autumn, coloration, type of flowers or fruit, form characteristics)
9. Maintenance and care (pruning, etc.)
10. Comfort to surroundings (summer shade)
11. Protection of buildings, vehicles and pedestrians
12. Size at maturity
13. Effect of soil retention and erosion control
14. Value as a noise buffer
15. Invasive species of trees and plants shall be avoided and may be removed, such as Norway Maples.

- H. **Waiver:** Buffers may be reduced or eliminated at the discretion of the Board of Supervisors in the VC District only, where buffering would adversely affect the mix of uses and activities in a village setting.
- I. **Maintenance:** The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within 8 months by the current owner. Financial security shall be posted with the Township in an amount equal to the estimated cost of trees and plantings, to be released 18 months from the date of acceptance of installation. A plan for perpetual care of the buffer area shall be provided to the Township. Failure to maintain the required buffer shall be considered a violation of this Ordinance. Use of existing vegetation is encouraged and it may be used to meet or partially meet requirements of this Ordinance if acceptable to the Township.

### **§ 503. Off-Street Parking Requirements**

- A. All off-street parking, loading, access facilities and service areas used by motor vehicles shall comply with the following provisions and with the parking requirements set forth in Article 4. All required parking spaces shall be provided off-street and on the same lot as the principal use served, except that the Zoning Hearing Board may approve parking on an adjacent commercially-zoned lot as a special exception if the applicant proves that an appropriate legal mechanism will be in place to ensure that the parking continues to be available as long as the use is in operation.
- B. Structures and Uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below its current extent or below what is required by this Ordinance.
- C. Whenever there is an alteration of a use which increases the parking requirements, the total additional parking required for the alteration, changes or extension shall be provided in accordance with this Ordinance.
- D. Parking for Persons with Disabilities: Parking areas shall conform to the Federal requirements for the number and size of parking spaces for persons with disabilities. Such spaces shall be well-marked with pavement markings and/or approved signs.
- E. Shared Parking for Mixed Uses:
1. The parking requirements for each individual use within a mixed use development shall be met.
  2. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total if it can be demonstrated to the Board of Supervisors that the hours

or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility. Area for spaces which are required but not built under this provision shall be reserved in accordance with Section 503.F. below.

- F. Reservation of Nonresidential Parking Areas: In order to prevent the establishment of more parking spaces than are immediately needed, the Board of Supervisors may allow for a portion of the required parking area to be built at a later date, provided that the following conditions are met:
1. The parking lot design must designate sufficient space to meet the total parking requirements. The plan shall illustrate the layout for the total number of spaces.
  2. A minimum of 60 percent of the required spaces shall be built with the completion of the project. An area adequate to accommodate the remaining 40 percent may be preserved as open land until needed. The reserved area shall not include any required buffers, setbacks, or yard areas in which parking would not be permitted under this Ordinance. The percentage of parking spaces to be constructed with the completion of the project shall be determined by the Board of Supervisors, provided that the minimum 60 percent requirement shall be met in any case.
  3. A landscape plan for the reserved area shall be provided and approved by the Board of Supervisors.
  4. As a condition of receiving an occupancy permit, the applicant shall establish a performance bond and an agreement shall be executed with the township and recorded to construct the additional spaces if the Board of Supervisors determines that they are needed. This agreement shall apply to any future owners of the property.
  5. The reserved parking area cannot be used to meet the parking requirements for future expansions of the facility, unless it is specifically released in writing by the Board of Supervisors if the applicant proves that it was unneeded based upon actual experience.
  6. The stormwater management system of the lot shall be designed so that it can be improved to serve the full parking area, if needed.
- G. Parking in Required Yard Areas. - Parking spaces for non-residential principal uses may occupy up to 25 percent of the required front yard setback area and shall not occupy any required buffer yard.
- H. Location of Parking Areas - Off-street parking shall be located to the side or rear of the principal structure rather than in front of the principal structure wherever possible but must comply with all applicable SALDO regulations.
- I. Maintenance of Parking Areas - For parking areas of 3 or more spaces, the area not landscaped shall be graded, surfaced with asphalt, concrete, paving block or other suitable low-dust material approved by the Township, and drained to the

satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion, or excessive water flow. All parking spaces shall be marked so as to indicate their location.

#### **§ 504. Parking Design Standards**

- A. Size of Spaces - Each parking space shall include a rectangle that has minimum width of 9.5 feet and a minimum length of 19 feet.
- B. Width of aisles - The minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet. The minimum width of aisles for one-way traffic shall be 20 feet.
- C. Parking areas of 5 or more parking spaces shall be separated from a street by a green landscaped area with a minimum width of 15 feet.
- D. No more than ten parking spaces shall be placed in a continuous row without an intervening planting area of at least 100 square feet.
- E. For the purpose of servicing any property held in single and separate ownership, entrance and exit drives crossing the street lot line shall be limited to 2 along the frontage of any single street, and their center lines shall be spaced at least 200 feet apart. No driveway shall be placed closer to any street intersection than 40 feet.
- F. All access drives shall be at least 5 feet from any side or rear lot line except where a driveway provides shared access to adjoining properties.

#### **§ 505. Off-Street Loading and Unloading Requirements**

- A. Adequate off-street loading and unloading space with proper access from a street, highway, common service driveway or alley shall be provided for all non-residential uses. Such space shall be sufficient in size and design to accommodate the maximum demand generated by the use of the lot.
- B. All areas for the loading and unloading of delivery trucks and other vehicles and for servicing of establishments and/or shops by refuse collection, fuel or other service vehicles, shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities, or pedestrian ways or backing out onto a street.
- C. All areas shall be properly surfaced and adequately drained and shall be constructed in accordance with standards established by the Township.
- D. All loading berths shall be located at the side or rear of the property and shall be screened from view by fencing or landscaped buffers.

## § 506. Provisions and Use of Water

- A. No wells may be dug or drilled on the premises except as permitted by the appropriate State, Bucks County Health Department, Township or other governmental authorities.
- B. A zoning permit shall be conditioned upon receipt of a well permit from the County Health Department.

## § 507. Performance Standards

- A. Smoke, Ash, Dust, Fumes, Vapors, Odors and Gases:
  - 1. There shall be no emission of smoke, ash, dust, fumes, vapors, or gases which violate State or Federal Air Pollution Control laws and regulations. No use shall generate odors or dust that is offensive to persons of average sensitivities beyond the boundaries of the subject lot.
  - 2. The emission of smoke, dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause injury to persons or damage to property of others at any point beyond the lot line of the use creating the emission is herewith prohibited.
  - 3. Open Burning: No person may permit the setting or maintenance of any outdoor fire for the purpose of burning any refuse, (appliances, carpets, demolition waste, furniture, mattresses, paint, tires, treated wood, etc.), or yard waste. Residential burning of normal household non-recyclable trash is permitted when attended in an approved container. Farmers on parcels of 10 acres or more may burn natural material required for clearance of land for farming. (See the preemption of certain matters in the Pennsylvania Right-to-Farm Act.)
- B. Noise Limits: No greater than 85db permitted.
  - Exceptions:
    - (a) Sound needed to alert people about an emergency.
    - (b) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
    - (c) Lawnmowers, snow blowers, leaf blowers, and household power tools between the hours of 7 a.m. and 9 p.m.
    - (d) Pets, agricultural activities, and livestock, but not exempting a commercial kennel.
    - (e) Public celebrations, festivals, charitable fundraising activities and special events specifically authorized by the Township Supervisors or a County, State or Federal Government agency or body.
    - (f) Unamplified human voices.
    - (g) Routine ringing of bells and chimes by a place of worship or municipal clock.

- (h) Vehicles operating on a public street, railroads and aircraft.
  - (i) Snowmaking as part of a commercial recreation use.
  - (j) Occasional target practice by a person during daylight hours on their own property.
- C. Glare or Heat - Any operation producing intense glare or heat shall be performed within an enclosed building or behind adequate shielding in such a manner as not to create a nuisance to those working or living in the area.
- D. Radioactivity or Electrical Disturbance - There shall be no activities which emit dangerous radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance. If any use is proposed which incorporates the use of radioactive material, equipment, or supplies, such use shall be in strict conformity with Title 25 of the DEP Regulations.
- E. Outdoor Storage and Waste Disposal and Dumpster Screening
1. All above ground outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate to provide security for the property. Storage of flammable materials and fuels shall meet the National Fire Prevention Code and regulations of DEP. All underground storage tanks shall be registered with the state pursuant to State law. Outdoor storage facilities shall be separated by a buffer yard meeting Section 502 from any street or residential lot or residential district. This Section E. shall not apply to farm or residential tanks of 1,100 gallons or less capacity used for noncommercial purposes.
  2. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces. Dikes must be constructed around above ground liquid storage facilities to preclude such transference in the event of failure of the facility. Hazardous substances shall not be kept in a drainage way and shall not be discharged into a waterway, swale or drainage device, nor into the 100-yr floodplain, any riparian buffer or wetland.
    - (a) See regulations in the Floodplain article (Article 7) that regulate the storage of hazardous substances in the 100 Year Floodplain. See also any regulations in the Source Water and Wellhead Protection regulations in Section 516.
  3. All materials or wastes which might cause flames or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only in enclosed containers adequate to eliminate such hazards and in accordance with all state and federal regulations. Storage shall not occur in a manner that could cause contamination of a stream.

4. Hazardous material or waste may not be stored in any riparian buffer or wetland.
5. Trash Dumpster and Location.
  - (a) Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.
  - (b) Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
  - (c) To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
  - (d) If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section.
  - (e) This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.
  - (f) If a building includes four or more dwelling units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied.
  - (g) Waste associated with agriculture use must meet County soil conservation & State regulations.

F. Waste and Sewage:

1. No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste or wash water or residential chemicals from industrial and commercial equipment into any reservoir, lake, or watercourse or discharge any untreated sewage or industrial waste into any stream. All methods of industrial waste treatment and disposal shall be approved by the Township, DEP and/or the County Health Department.
2. Any wastewater treatment facility shall be properly maintained and operated so as to comply with the permitted effluent pollutant levels and within their design capabilities at all times.
3. Central Water Service: A use shall not be considered to be served by central water service unless:
  - (a) All applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
  - (b) 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



- (c) 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.
4. Central Sewage Service: A use shall not be considered to be served by “central sewage service” unless:
- (a) All applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
  - (b) 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
  - (c) 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.
5. On-Lot Septic Systems:
- (a) Purpose: To ensure that a suitable location is available for a new sewage disposal area if the original sewage disposal area should malfunction.
  - (b) This Section shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
  - (c) Each lot shall include both a primary and a reserve sewage disposal area location. Both locations shall be determined by the County Health Department to meet PA Department of Environmental Protection regulations for a septic system location prior to approval of the final subdivision or land development plan.
  - (d) The requirement for a reserve sewage disposal area shall not apply to the following:
    - (1) The simple merger of two or more existing lots or an adjustment to lot lines of an existing lot,
    - (2) A vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot,
    - (3) Lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township, or
    - (4) A spray irrigation system.
  - (e) The reserve septic system location shall be kept clear of buildings, structures and parking, and shall be shown on any

subsequent applications for new or expanded buildings or parking. The reserve septic location is to not be planted in trees and the soil shall remain in place with minimal disturbance. The Township may require that the location be recorded on the deed.

6. 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 County Health Department. The County Health Department shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.
  
- G. Electrical, Diesel, Gas or Other Power: Every use requiring power shall be so operated that the service lines, substations and similar facilities shall conform to the highest safety requirements known, shall be so constructed and installed so as to be an integral part of the architectural features of the plant. Electric substations shall be separated from any street and abutting lot lines by a buffer yard meeting Section 502.
  
- H. Soil Erosion and Sedimentation Control: All earth disturbance activities must be in compliance with the regulations of DEP and the County Conservation District standards and must be undertaken in accordance with a Soil Erosion and Sedimentation Control Plan that meets the requirements of the Subdivision and Land Development Ordinance and Stormwater Ordinance.
  
- I. Utilities: All newly installed service lines of public utilities and similar facilities servicing any proposed development shall be installed underground.
  
- J. Vibration: No use shall cause vibration of the ground on another lot that is perceptible to persons without the use of instruments.

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond any lot line; nor shall any use cause earth vibrations or concussions in excess of the standards outlined below, with the exception of that vibration produced as a result of construction activity. Vibration shall be expressed as displacement in inches and shall be measured with a standard three component measuring system, which is a device for recording the intensity of any vibration in three mutually perpendicular directions. Single impulse aperiodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding .01g.

<u>Frequency of Ground Motion In Cycles per Second:</u>	<u>Maximum Amplitude of Ground Motion in Inches, not more than:</u>
Up to 10	0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

## **§ 508. Environmental Protection Standards**

- A. Applicability: All activities and uses established after the effective date of this Ordinance shall comply with the following standards. Any site alterations, re-grading, filling, or clearing of vegetation shall be done only after the granting of a zoning permit, in accordance with Article 12 or the approval of subdivision or land development plans in accordance with the Township Subdivision or Land Development Ordinance and the approval of building permits.
1. Natural resources that are regulated by this Section shall not be disturbed or altered prior to the application for a Township permit and approval by the Township. If healthy trees are removed, land is graded, or land drained for agriculture less than 24 months before an application is submitted for a Township permit or subdivision or development approval under this Section 508, then such trees shall be presumed to have been removed, land graded or land drained in an anticipation of the development, and the land shall be regulated as if the trees, watercourses or wetlands and pre-existing grades were still in place.
    - (a) If trees were removed in excess of the limits set forth in Township ordinances, the current landowner or developer shall be required to replace trees removed during such 24 month time period.
    - (b) If trees were removed in excess of the limits required by a Township development approval, then the applicant shall be required to replace such trees that were removed within 9 months with trees of similar species, subject to approval of the Township.
    - (c) Replacement of trees shall be based upon the actual number and size of trees or forest that was removed that was in excess of the allowed disturbance. For each caliper inch of such trees that were removed, a minimum of 3 caliper inches of new trees shall be planted.
    - (d) If it is not possible to determine the caliper inches of trees that were removed in excess of the allowed disturbance, then a minimum of 2,000 caliper inches of trees per acre shall exist after replanting. If there is mutual consent of the Township and the applicant, then such replacement tree planting may be allowed to occur on an alternative

- site that serves a public benefit. All costs of re-planting of trees, whether on-site or off-site, shall be the responsibility of the applicant.
- (e) Any tile installation for land draining shall be removed and the watercourses or wetlands restored according to the satisfaction of the Township. In the event that the original extent of watercourse or wetland cannot be determined, the amount of required riparian or wetland buffer shall be doubled in the disturbed area.

2. The total of each resource requiring protection in accordance with this Section, as contained in the base site area, must be tabulated for the purpose of verifying compliance with minimum protection standards for each resource. In the event that two or more resources overlap, the area of the overlap must be protected based upon the resource with the greatest protection standard (the least amount of alteration, re-grading, clearing, or building) found with the area of overlap.
3. The following natural resources shall be protected in the percentages listed for each zoning district:

Table of Natural Resource Protection Standards by District:

<b>Natural Resource Protection Standards</b>	<b>AP</b>	<b>RP</b>	<b>RR</b>	<b>VC</b>	<b>PC-I</b>
100 Year Floodplains	100%	100%	100%	100%	100%
Floodplain Soils	100%	100%	100%	100%	100%
Watercourses and Streams	100%	100%	100%	100%	100%
Commonwealth Waters	100%	100%	100%	100%	100%
Lakes or Ponds	100%	100%	100%	100%	100%
Wetlands	100%	100%	100%	100%	100%
Steep Slopes:					
- 8% - 15%	60%	60%	60%	60%	60%
- 16% - 25%	70%	70%	70%	70%	70%
- Over 25%	85%	85%	85%	85%	85%
Forest & Woodlands	50%	80%	70%	50%	40%
Carbonate Geology***	100%	100%	100%	100%	100%
Productive Agricultural Soils**	60%	0%	0%	0%	0%
**Protection shall be in accordance with Section 508, Section 508.B.10, and the list of Productive Agricultural Soils in Section 201					
***Shall comply with Section 508.B.9					

- B. Natural Resources and Protection Standards: All Natural Resources defined by this section shall be mapped and described in accordance with the Township Subdivision and Land Development Ordinance requirements for the Site Analysis and Resource Conservation Plan.

1. **Floodplains:** - See the Floodplain requirements in Article 7 of this Ordinance.
  - (a) A floodplain is that land adjoining any stream or watercourse which is subject to a one hundred year recurrence interval flood as delineated by one of the studies described in b. or c. below, or in a study conducted by a professional expert and experienced in the preparation of hydrological studies and the determination of flood lines who is retained or approved by the Township.
  - (b) The 100 Year Floodplain shall include all lands designated as floodplain areas by the latest official Floodplain Map for Durham Township as issued by the Federal Insurance Administration or its successor agency.
  - (c) Unstudied Segments - Along segments of perennial or intermittent waterways where official Federal floodplain mapping has not been completed, or where a waterway is identified in the Flood Insurance Study without a calculated flood elevation, the Township may require the applicant to complete a detailed floodplain study to determine the extent of the 100 year floodplain. Such study shall be completed by a registered engineer, experienced agronomist, or other person experienced in hydrology, with the preparer subject to acceptance by the Township. The Township reserves the right to select a consultant of its choosing and implement the study at the expense of the applicant. Where such study determines that a 100-year floodplain exists, the regulations for a 100-year floodplain of this Ordinance shall apply.
  - (d) Floodplain Protection Standards - No structures, filling, piping, diverting, or stormwater detention basins shall be permitted within the 100 year floodplain, any riparian buffer or wetland except that roads, driveways, utilities, dams, culverts, bridges, storm or sanitary sewer facilities may be located in the 100 year floodplain, riparian buffer or wetlands where approval is obtained from DEP, the Township by Special Exception, and other regulatory agencies that have legal jurisdiction. The following activities are specifically prohibited in the 100 year floodplain, riparian buffer or wetlands: deposit or removal of any material including refuse, solid or liquid waste or fill, sediment, or animal wastes; mining, dredging or excavation; on-site or community sewage disposal systems; removal of natural vegetation including trees, shrubs, and ground cover unless accompanied by replanting of vegetation that serves the same effect; construction of any building or structure, except as permitted in Article 7; and relocation of a stream bed or removal of a stream bank, except for when relocation or removal is part of an approved stream bank restoration project.

2. **Lakes and Ponds:**

- (a) Lakes are permanent bodies of water, naturally occurring or manmade, covering an area of two acres or more. Ponds are permanent bodies of water, naturally occurring or manmade, covering an area of less than 2 acres.
- (b) Lake and Pond Riparian Buffers: A riparian buffer area shall extend landward for 75 feet from the water's edge as measured during non-drought conditions.
- (c) Protection Standards: No development, filling, or diverting shall be permitted in lakes or ponds or within lake/pond riparian buffers except where used for farm irrigation purposes in the AP district.
- (d) The excavation, berming, and disturbance of watercourses (or wetlands that lie over limestone bedrock) for the purpose of creating ponds or lakes are prohibited. Maintenance and/or removal of existing structures (such as berms, dams, etc.) for reasons of public safety or welfare are subject to the regulatory oversight of the US Army Corps of Engineers and the PA Department of Environmental Protection.

3. **Wetlands and Wetland Riparian Buffers:**

- (a) Wetlands are critical locations within a watershed where surface and groundwater interact. As such they are the place where water either enters or leaves the aquifer and are potential points of contamination or destruction of either the groundwater or surface water resource. These provisions are designed to protect wetlands and by doing so, protect the groundwater and surface water resources of the Township.
- (b) Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term "wetlands" shall mean any area meeting the definition of a "wetland" under regulations of PADEP or the U.S. Army Corps of Engineers whichever is more inclusive.
- (c) Wetlands include federal jurisdictional wetlands, stream headwaters, springs, seeps, and lands comprised of and characterized by hydric soils. Wetlands can be formed at the edge of any surface water body, in forests, in floodplains, and at springs or seeps. Properties known to contain wetlands, stream head waters, springs, seeps, hydric soils, lands within a 100-year floodplain, lands listed as containing wetlands in the Cooks Creek Watershed Protection Plan and lands shown to contain wetlands by prior wetland studies shall require a determination as to the existence of wetlands made by a scientist certified in wetland delineation as part of the zoning application. The

provisions of 508.B.3 (f) shall apply. A preponderance of evidence including, but not limited to: presence of obligate and facultative hydrophytic vegetation, hydric soils, floodplains, and hydrology must be reviewed in order to make the determination. All supporting evidence is to be provided with the application. A federal jurisdictional determination, while helpful, may not be adequate to determine the presence of all wetlands protected by this ordinance.

- (d) Wetland-prone soils in Bucks County include, but are not limited to, Bowmansville, Doylestown, Hatboro, Fallsington, Towhee, and Towhee Stony. Other wetland indicators are wetland vegetation and certain hydrologic conditions.
- (e) Wetlands/Wetland Riparian Buffer Protection Standards:
  - (1) Wetlands shall not be altered, re-graded, developed, filled, piped, diverted, or built upon except that a road, driveway or utility may cross wetlands where a special exception is obtained from the Zoning Hearing Board after the applicant demonstrates that there is no feasible means to provide access to the property or to reasonably engage in a permitted use on the property except by disturbance of the wetland riparian buffer. The property owner/applicant shall identify wetlands and where encroachment is anticipated shall obtain the applicable state and federal permits.
  - (2) A wetland riparian buffer shall be required that shall extend from the outer limits of the boundary of each wetland. The width of this margin shall be 75 feet, except it shall be 25 feet for a wetland that:
    - a) Includes less than 10,000 square feet of contiguous land area that are shown to not be hydro logically connected to another wetland(s) and where the aggregate of all connected wetlands on adjacent lots is less than 10,000 square feet, or:
    - b) And is not spring fed.
  - (3) Within the wetland riparian buffer, the same protection provisions for wetlands shall also apply. Where a requirement for a wetland riparian buffer and a requirement for a watercourse riparian buffer overlap (as in the case of a wetland adjacent to a watercourse, lake, or pond) the buffer or buffer zone that is more strictly regulated shall apply.
  - (4) An applicant may petition the Board of Supervisors for an exception to these regulations if the wetland is shown to be isolated from hydrologic connection to a surface water body, was created by artificial conditions, provides no valuable habitat or stormwater abatement function, or if the applicant establishes to the township's satisfaction

that the proposed use would not affect either groundwater or surface water quality and/or hydrology.

- (5) The applicant shall identify all wetlands and wetland riparian buffers on plans submitted to the township, and shall identify any proposed encroachment into wetland riparian buffers. The applicant shall obtain all necessary Federal and State permits prior to or as a condition of Township approval.
- (6) In wetlands, the entire wetland and wetland riparian buffers are subject to the restrictions of the “minimum disturbance zone” of the watercourse riparian buffer regulation (508.B.4), except in those cases where all or part of the wetland lies within the “no disturbance zone” of the watercourse riparian buffer regulation. In those cases the stricter regulation applies.

(f) Wetland Studies:

- (1) Prior to land development or other earth disturbances governed by this ordinance, it shall be the responsibility of each applicant to establish that the lands which will be disturbed do not contain wetlands. A wetlands study prepared by a scientist certified in wetland delineation shall be performed in accordance with the regulations of the PA Department of Environmental Protection or the United States Army Corps of Engineers, whichever is more inclusive of wetlands.
- (2) A jurisdictional determination by the Army Corps of Engineers shall be considered but shall not be the sole determination as to the status of the wetlands where that determination conflicts with a Wetlands Study performed by another qualified wetlands consultant. The Board of Supervisors shall make the final determination with respect to activities requiring township approval by this zoning ordinance or the Durham Township SALDO.
- (3) All wetland delineation studies are subject to review and acceptance by the Township. The Township may require an independent review of the wetland delineation provided by the applicant, with the Township selecting such consultant, and with the applicant responsible to pay the costs of such review. In the event of a dispute, the delineation that provides the greatest restriction to development or disturbance of the resource applies.
- (4) Alternatively, an applicant may obtain a waiver of the wetland study requirement by agreeing to the limits of the regulated wetland as determined by the township.



4. **Streams and Watercourses and Stream/Watercourse Riparian Buffers:**

- (a) Streams and watercourses, even those that do not retain year round flow, are critical to the health and functionality of aquatic ecosystems. These same systems are also important for the efficient transport and passive treatment of stormwater runoff, ameliorating both environmental and economic damage. In addition to serving the overall objectives of this Ordinance, this section is intended to ensure the long-term viability of the waterway as both wildlife and aquatic habitat, for stormwater conveyance in a manner that avoids damage to environmental features, to minimize erosion and sedimentation and to protect water quality.
- (b) Streams and watercourses affected by this Ordinance shall include perennial, intermittent and ephemeral streams as defined in Section 201. Streams or watercourses may or may not have flow during all parts of the year. Streams and watercourses are as mapped in this Ordinance, or as referenced in the Cooks Creek Watershed Protection Plan (Durham EAC, 2001), or as provided for and adopted by agencies of the Township and the Board of Supervisors, whichever is more inclusive
- (c) Riparian Buffers preserve the natural environment (including aquatic and wildlife habitat) and function to purify water and to maintain existing surface and subsurface water hydrology dynamics before water reaches the watercourse and/or wetland. These buffers serve to minimize the negative influence or increased runoff, sedimentation, biochemical degradation, and thermal pollution. Riparian buffers are also intended to provide and protect wildlife habitat
- (d) The applicant is responsible for determining the specific hydrologic conditions at the site before making application and to designate all streams and watercourses and their buffers on plans submitted. The Township reserves the right to obtain a consultant to verify the delineation of streams and watercourses and their respective buffers with the cost to be borne by the applicant. The Township may require further that a hydrologic study be performed at the expense of the applicant to determine the hydrologic conditions during average springtime non-drought conditions. Furthermore, the locations of any natural or man-made springs or seeps on the lot shall be shown on any subdivision, land development or building plan submitted to the Township.

(e) Stream and Watercourse and Stream/Watercourse Riparian Buffer Protection Standards:

- (1) Development, alterations, wastewater discharge and uses adjacent to and potentially impacting upon the streams and watercourses of the Township are subject to the restrictions of the PA Department of Environmental Protection in keeping with the status of that watershed. Special exceptions and variances from this ordinance affecting a stream for activities in the Cooks Creek Watershed must demonstrate that the proposal will not alter the Exceptional Value status of this critical resource.
- (2) A stream/watercourse riparian buffer shall be required that extends 100 feet from the active bank of a perennial or intermittent stream, and ten (10) feet from the bank of an ephemeral stream. In the cases where no obvious bank exists, then the topographic low point of the swale shall be used as the center point and the buffer shall be measured from this point instead. This riparian buffer shall consist of up to two zones (no disturbance and minimal disturbance):
  - [a] A 100-foot riparian buffer shall have a minimum 40-foot wide no disturbance buffer and a 60-foot wide minimal disturbance zone in sequential order from the bank of the active stream/watercourse.
  - [b] A 10 feet riparian buffer shall be composed entirely of the minimal disturbance zone as measured from the bank of the ephemeral stream.
  - [c] The No Disturbance Zone of the riparian buffer shall allow fishing, trapping, hunting, hiking, wildlife watching, physical (not chemical) removal of invasive species, planting of native plants, stream bank restoration (see 508.B.5) and stream monitoring studies. Driveways, road or utility crossings are permitted by Special Exception if engineered for minimal impact and if shown that there is no feasible alternative. Projects that can be shown to result in no impact to the quality and volume of surface and groundwater flows or disrupt the hydrologic/hydrogeology connection with adjacent streams or springs may also be permitted by Special Exception. All other uses are not permitted. See paragraph 508.B.5 for procedures for exceptions from riparian buffer requirements.
  - [d] Minimal Disturbance Zone of the riparian buffer shall allow gardening and farming, tree and shrub

removal, physical (not chemical) removal of invasive species, restoration of native species, and installation of posts with or without individual concrete footings, previous pathways, as well as all uses allowed by right in the No Disturbance Zone. Pond construction, projects that can be shown to result in no impact to the quality and volume of surface and groundwater flows or disrupt the hydrologic/hydrological connection with adjacent streams or springs, and driveway or utility crossings may also be permitted by Conditional Use Approval upon review by the Township Planning Commission and Environmental Advisory Council. All other uses are not permitted. See paragraph 508.B.5 for procedures for exceptions from riparian buffer requirements.

[e] A Soil Conservation Plan must be submitted to the Bucks County Conservation District for approval.

- (3) Stormwater conveyed through artificial means may not be discharged directly into a watercourse, but may be allowed to be discharged into a buffer area provided that the velocity of the flow has been reduced through engineered or natural means such that sheet flow is generated and the integrity of the buffer is not harmed by the discharge.
- (4) No buildings, structures except for livestock fence, vehicle parking, driveways or roads shall be placed within a watercourse margin, except that a driveway, road or utility may cross a stream/watercourse riparian buffer if special exception approval is obtained from the Zoning Hearing Board and if the applicant proves to the Zoning Hearing Board that all of the following conditions are met:
  - a) this crossing has been engineered to ensure continued functionality of the stream or watercourse using best engineering practices at the time of the proposal in order to minimize environmental impact,
  - b) No other access to the property is available, and
  - c) The crossing disturbs the minimum possible area of the stream/watercourse riparian buffer.

5. **Study Requirements for Exceptions to Riparian Buffer Protections**

- (a) Disturbances to riparian buffers for the purposes of stream bank or streambed restoration are permitted by right in all districts, provided that a plan for restoration of the stream bank/streambed receives approval from the township. Restorations should adhere to the “Guidelines for Natural Stream Channel Design for Pennsylvania Waterways” dated March 2007, developed by the Keystone Stream Team ([www.keystonestreamteam.org](http://www.keystonestreamteam.org)) or its equivalent. Prior to initiating work on any stream bank or streambed restoration project, the applicant must first obtain all required Federal and State permits for the activity.
- (b) Stream crossings for road or utility construction may also require additional information. The applicant is encouraged to utilize minimally invasive methods, including open-bottomed culvert design and crossing techniques that tunnel rather than disturb the streambed. The applicant must obtain all required Federal and State permits for the activity.
- (c) Departure from the wetland buffer and riparian buffer restrictions listed above, as provided for in Section B.4(e)(2), whether in the no disturbance or minimal disturbance zone, and in support of their application for exception, shall submit the following information (except as otherwise provided herein):
  - (1) Contour map showing floodplains, lakes/ponds, wetlands, springs, and streams, including perennial and ephemeral streams, on the site.
  - (2) Geologic formation underlying the site
  - (3) Slope features using two-foot contours within the margin and other areas of the proposed development, including size and degree of slope. The significance of these slope characteristics in contributing to runoff and erosion to the watercourse and wetland will be addressed. The extent of exposed soils and time period of exposure of readily erodible soils will be presented.
  - (4) Soil types, including a description of soil permeability and porosity, on the proposed development site and in the riparian or wetland buffer will be mapped and a discussion included in how surface waters filter into the ground at the site. The erodibility potential of the soils in the riparian or wetland buffer and the remainder of the site shall be discussed.
  - (5) Types and amount of vegetative cover in the riparian or wetland buffer and proposed development site. A discussion should be presented on how changes to this vegetation will continue or enhance soil stabilization and retard runoff at the site.
  - (6) Hydrological features of the watercourse and wetland along the proposed development site including depth (for ponds and lakes several depth profiles shall be presented), discharge (cfs), hydrologic continuity of various watercourses (linkages to any wetlands, streams or ponds), evidence of channel enlargement, stream substrate, incidence of extreme flooding, condition of banks.
  - (7) Occurrence of critical features pertaining to carbonate bedrock areas. The significance of these features to the watercourse relating to the proposed development is to be discussed.

- (8) Areas of significant wildlife habitat within the riparian or wetland buffer.
  - (9) Occurrence of development hazard areas within the riparian or wetland buffer and proposed development site including but not limited to dumps, oil and gas pipelines, automobile salvage yards, and gas stations.
  - (10) Type and location of construction activity.
  - (11) Elevation of 100 yr. floodplain
- (d) If introduction of pollutants or sediment, and/or modifications to runoff can be expected within the riparian or wetland buffer, the following additional information shall be provided in the report:
- (1) Wetland vegetation (including herbaceous and woody) is to be mapped; a discussion of its use by wildlife and sensitivities to water level and potential pollutants that would be introduced by the proposed development will be described.
  - (2) For ponds/lakes, existing phytoplankton, epiphytes, fish and invertebrate communities are to be discussed. Existing or past problems involving eutrophic events involving the system are to be discussed.
  - (3) Existing water quality for lakes, ponds, and streams including dissolved oxygen (mg/1), temperature (C), pH, nitrate (NO<sub>3</sub>-N in mg/1), nitrite (NO<sub>2</sub>- in mg/1), ammonia (NH<sub>3</sub>-in mg/1), total phosphorus (as P in mg/1), orthophosphate (PO<sub>4</sub>-P) in mg/1, total hardness (as CaCO<sub>3</sub> in mg/1), Ca hardness (as CaCO<sub>3</sub> in mg/1), Mg hardness (as CaCo<sub>3</sub> in mg/1), alkalinity (as CaCO<sub>3</sub> in mg/1), suspended sediment and turbidity (JTU).
  - (4) For streams a description of existing flora and fauna along the proposed development corridor should be included. This description should include data on the composition (number and kinds) of fish, invertebrates and algae and the availability and condition of habitats for diverse trophic levels. Discussion should also address potential problems to the ecology relating to the proposed development.
- (e) For all watercourses/wetlands within the site, existing levels of water pollution and runoff volumes should be identified. The relative contribution of pollutants and adverse hydrological modification to the stream, pond, lake, or wetland from upstream areas is to be addressed; any exacerbating effects of the proposed development should be discussed.
- (f) In any application before the Zoning Hearing Board, the first 40 feet from the bank of the stream/watercourse shall receive the highest level of protection because it has the greatest impact upon water quality.
- (g) Crossings: Any street, driveway or utility crossing of an intermittent or perennial stream shall be approximately perpendicular to the stream.
- (h) Plantings: Publications of the Pennsylvania Department of Conservation and Natural Resources (including "Stream ReLeaf") should be used as guidelines for the planting or replacement of a vegetative buffer along a creek. Plantings should be designed to provide shade for the stream, control soil erosion and stabilize stream banks. These publications include recommended species. Native

species of vegetation shall be used, unless the Township specifically approves alternate species. If required trees and plants do not survive for 18 months, the current owner of the property shall replace them within 100 days of notification (or as discovered).

- (i) Applicants, prior to seeking a special exception or conditional use approval for disturbances of the riparian or wetland buffer regulations, may submit their proposal to the Environmental Advisory Council (EAC) for an advisory opinion. The EAC shall render its written opinion within forth-five (45) days of the date of the proposal that the proposal is submitted. Where the EAC determines that the proposed disturbance will have a “de minimus” or “minimal” impact, it may recommend to the Zoning Hearing Board or Board of Supervisors as the case may be, that some of the requirements of Section 508B5c-e be waived. However, neither the Zoning Hearing Board nor the Board of Supervisors shall be bound by this recommendation. The Planning Commission shall also be allowed the same opportunity to comment on the application. If either of the bodies fails to comment on the application, the Supervisors or ZHB will assume that the body has no comment. In no cases will activities be allowed that could result in degradation of the water body for which the buffer is provided to protect.

6. Reserved.

7. **Woodlands**

- (a) Woodlands shall be subject to the restrictions specified herein when the woodland area is greater than 0.25 acre and where the largest trees are at least 6 inches in diameter measured 4.5 feet above the ground or where the density of trees is at least one tree of at least six inches in diameter per 1500 square feet of lot area.
- (b) Areas with restrictions due to woodlands as required by this Ordinance shall be left undisturbed except as permitted pursuant to an approved zoning permit for Use A-3, Forestry, and shall not be cleared or occupied by structures, driveways, on-lot wells or sewage disposal systems, or other improvements. The woodland area shall not be planted in lawn and shall remain in its natural conditions with the natural forest ground cover left intact.
- (c) Mature trees and wooded areas not within a woodland as described in Section 508B.7.a. shall be identified and shall be protected as follows:
  - (1) Wooded areas other than Woodland – Wooded areas other than woodland as described in Section 508B.7.a. Includes nurseries, orchards, and abandoned fields where succession tree growth is occurring. No more than 40 percent of the total caliper-inches of mature trees (over 3 inches in diameter measured 14 inches above ground level) shall be removed or cleared except as specifically provided for by this Ordinance. Trees greater than 20 inches in diameter measured 4.5 feet above ground shall not be removed. These restrictions do not apply to the removal of non-native invasive species. For the list of Pennsylvania

Invasive Plants, refer to the following website:

<http://www.dcnr.state.pa.us/forestry/wildplant/invasivelist.aspx>

- (2) Mature Trees outside of Woodland Areas: Mature trees are those greater than three inches diameter measured 4.5 feet above ground or 20 feet in height and which stand outside of woodland areas as described in Section 508B.7.a. Such trees shall be protected at the percentages established by Section 508.A.3.a Table of Natural Resource Protection Standards by District. Except in the AP, VC, PC-I, or RR districts, any permitted removal of mature trees shall be undertaken to maintain the existing continuous canopy of trees where a continuous canopy exists. Trees greater than 20 inches in diameter measured 4.5 feet above ground shall not be removed.
- (3) Specimen Vegetation: Individual trees or other vegetation determined to be of specimen quality by a natural resource professional such as, but not limited to, a certified landscape architect or arborist or which generally fall within the parameters of the following table shall be protected in accordance with these standards. The examples of specimen trees included in the following table are intended to provide general guidelines and examples of what constitutes a specimen tree. The list is not all inclusive:

SPECIES – Common Name	MINIMUM SIZE: (caliper)
Apple	24 inches
Locust	30 inches
Sassafras	20 inches
Ash	32 inches
Maple	32 inches
Spruce	30 inches
Beech	32 inches
Sycamore	36 inches
Cherry	24 inches
Oak	32 inches
Elm	30 inches
Walnut	30 inches
Hemlock	30 inches
Pine	30 inches
Hickory	30 inches

Specimen vegetation shall be preserved whenever possible. When a specimen tree cannot be preserved and is approved for removal as determined by the Township, replacement trees shall be installed. For each caliper inch (dbh) of specimen tree removed, a minimum of 3 caliper inches (measured 6 inches above grade) of new trees shall be planted.

- (d) See also the forestry regulations in Section 403.A. of this Ordinance, which apply when trees are removed that are not part of land development.
- (e) In any case, when a building permit is issued for a building, structure or principal use, removal of trees shall be allowed that are located in the following areas:
  - (1) On land to be occupied by such building, structure or use,
  - (2) Within 30 feet of a building or principal use,
  - (3) On land to be occupied by or within 15 feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system or permitted accessory uses; or
  - (4) In any location where the removal of a tree is required under a Township code requirement.
- (f) If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Board of Supervisors may require conservation easements to be put into effect by the developer to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The Board of Supervisors shall approve the enforcement mechanism for such easement. The Board of Supervisors may require that the easement be enforceable by the Township and/or by any adjoining property owner.
- (g) If trees are removed prior to a development application or in excess of the allowed amount, then Section 508.A.1 shall apply.

8. **Tree Protection Area**

- (a) The tree protection area refers to the areas around woodlands that are to be protected under the provisions of this Ordinance. The purpose is to ensure that trees that are to be protected do not suffer damage during the development. The tree protection area is an area radial to the trunk of a tree and shall be 15 feet from the trunk of the tree to be retained, or the distance from the trunk to the drip line (the line marking the outer edge of the branches of the tree), whichever is greater. Where there is a group of trees or woodlands, the tree protection area shall be an area encompassing the protection areas for the individual trees.
- (b) A tree protection area shall be designated around the area(s) of woodlands to be protected, within which no construction activity or grading shall occur.
- (c) The tree protection area on a development site shall be fenced prior to construction activities (including clearing) to protect the area from unauthorized grading or tree removal. Tree protection fence shall be maintained by the property owner/developer until completion of construction activities.
- (d) The tree protection area shall be clearly shown on all grading plans.



9. **Carbonate Geology Areas** - In accordance with Section 605(2) (iii) of the Pennsylvania Municipalities Planning Code, this ordinance and other applicable township ordinances regulate and restrict uses in areas of hazardous geological formations, including limestone and carbonate areas.

(a) A Carbonate Geology Study is required prior to issuance of a zoning permit for any earth disturbance and prior to preliminary plan approval for each subdivision and/or land development located within areas of the Township underlain by carbonate bedrock such as limestone and dolomite as shown in the map of the Durham Valley Geologic Features contained in the report Conservation and Management Practices for Buckingham and Durham Carbonate Valley, published by the Bucks County Planning Commission, February, 1985 or identified within the Cooks Creek Watershed Conservation Plan as adopted and as may be revised by Durham Township, whichever is more inclusive. Such areas may have natural drainage developed beneath by dissolution of the rock: a process called “Karstification”. Because of this, such areas are susceptible to surface collapse and subsidence caused by physical and chemical erosion of soil and bedrock. These areas are especially susceptible to rapid contamination of groundwater through the movement of sediment and liquid wastes, contaminated surface water, septic tank effluent, or other hazardous substances in fractures, solution openings, and fissures within the rock.

(b) Protection standards -

(1) Stormwater management facilities including but not limited to detention/retention basins, infiltration/seepage beds, and flow attenuation swales, shall be located at a safe distance, which shall in no case be less than 100 feet from the rim of sinkholes, closed depressions, and disappearing streams and no closer than 50 feet from lineaments, fracture traces, or surface or subsurface pinnacles.

(2) Outflow from a stormwater management basin and stormwater flow generated as a result of development shall not empty into or be directed to any of the following carbonate features: sinkholes, closed depressions, lineaments, fracture traces, caverns, ghost lakes, and disappearing streams.

(3) No principal or accessory building shall be located any closer than 100 feet from the rim of sinkholes or closed depressions or 100 feet from ghost lakes, lineaments, fracture traces, or disappearing streams unless a detailed surface and subsurface investigation has been performed and procedures provided to mitigate any threat of the feature(s) on groundwater quality and stability of surface and subsurface structures to the satisfaction of the Township.

(4) The investigation must be performed by a licensed professional geologist experienced with carbonate terrain. All testing for carbonate features shall be conducted in the presence of a

Township representative(s). Testing shall be undertaken using non-invasive, non-destructive testing methods that comply with standard engineering practices and that are approved by the township.

- (5) The Township reserves the right to deny any land use that would cause damage to the environment generally and/or groundwater quality, in particular.
  - (6) All underground utility lines, pipelines, storm sewer, sanitary sewer, and utilities to any structure shall have a dike of clay or other suitable material constructed across the width of the trench at intervals not to exceed 20 feet. Clay dike shall have a minimum thickness of 18 inches and extend from the bottom of the trench to not less than 8 inches from finished surface.
  - (7) Impoundments containing toxic substances are not permitted.
  - (8) Storage and handling areas for toxic and harmful materials must have impermeable surfaces designed to contain material and direct it to a predetermined collection point.
  - (9) Storage and handling facilities for toxic and harmful materials shall not be sited in areas of public or private water supplies.
  - (10) No underground storage of any toxic materials shall be permitted.
  - (11) All companies handling toxic or harmful materials shall inventory and register these materials with the Township and develop a spill contingency plan acceptable to the Township that includes regular inspection and maintenance programs.
  - (12) Groundwater monitoring devices are required for all facilities handling toxic or harmful materials.
- (c) Carbonate Geology Study: No structure, lot, land, or water shall be used or developed for any purpose and no structure shall be located, extended, converted or structurally altered until the applicant has filed a Carbonate Geology Study with the Township in accordance with the provisions of this subsection.
- (1) The Carbonate Geology Study shall be prepared by a hydro geologist, licensed professional geologist, or professional engineer with experience in carbonate geology. The study shall be based upon field surveys and published data, shall be supported by an explanation of its source(s) and shall include the qualifications of the individuals directly responsible for preparing such information. Persons conducting the study shall be determined to be qualified in advance by the Township. See study review procedures in subsection (4) below.
  - (2) Technical Resources – Although the applicant is responsible for determining carbonate features on the site, the following publications must be reviewed and referenced within the Carbonate Geology Study, as amended or their successor documents:

- [a] Conservation and Management Practices for Buckingham and Durham Carbonate Valley (Bucks County Planning Commission, 1985);
  - [b] Cooks Creek Watershed Conservation Plan (Durham Township Environmental Advisory Council, 2000)
  - [c] Cooks Creek Watershed Monitoring and Planning Program – Wetland, Management Plan. (Durham Twp. Environmental Advisory Council, 2000);
  - [d] Open File Report on Sinkholes and Karstification Related Features (Pennsylvania Bureau of Topographical and Geologic Survey);
  - [e] Caves of Bucks County, Pennsylvania (Bucks County Grotto National Speleological Society, 1983)
- (3) The format and contents of the Carbonate Geology Study shall be as follows:
- [a] Statement of Purpose: This section shall address all standards in Section 508.B.9.b, the extent to which the standards are applicable to the proposed project, and the method(s) utilized for compliance.
  - [b] Description of Existing Conditions: This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.
  - [c] A map, at a scale no smaller than 1” = 100’ and contour intervals of two feet indicating the location of the property and all proposed improvements thereon.
  - [d] The applicant shall submit information indicating the presence of any of the following carbonate features within 100 feet of all areas proposed for disturbance, grading, construction of buildings and other improvements:
    - [1] depressions
    - [2] fissures, lineaments, faults or fracture traces
    - [3] “ghost lakes”
    - [4] outcrops of bedrock
    - [5] seasonal high water tables
    - [6] sinkholes and previously filled sinkholes
    - [7] soil mottling
    - [8] springs
    - [9] caverns/caves
    - [10] disappearing lakes
    - [11] disappearing streams

Such information must be based upon soil testing, field surveys, and published data, and shall be supported by an

explanation of its source including the qualifications of the individuals directly responsible for collecting and preparing such information.

- [e] The applicant shall submit a plan of the site and adjoining properties within 400 feet of the site identifying existing and proposed drainage conditions, locations of all existing and proposed private and public sewage disposal systems, and locations of existing and proposed private/ and public water supplies.
- [f] Study shall include soil type(s) and depth(s) encountered on the site, depth and thickness of carbonate rock, and nature and extent of any voids. Results of a representative sample satisfactory to the Township of onsite borings and/or test pits to a depth of at least 15 to 20 feet below grade shall be included.
- [g] Study shall include a stormwater management plan prepared in consultation with a Hydro geologist, licensed in Pennsylvania, familiar with Karst geology. Stormwater management design shall be in accordance with the Township Stormwater Management Ordinance and include appropriate safeguards for the water quality of streams.
- [h] Description of the Proposed Action. This section shall describe the proposed action including: types, locations and phasing of proposed construction, as well as proposed future ownership and maintenance of the property and proposed improvements. Plans describing the proposed action may also be included with the Carbonate Geology Report.
- [i] A septic management plan prepared in consultation with a hydro geologist familiar with Karst geology shall be included with the Carbonate Geology Study. An estimate of septic loading to the underlying features must be included and the hydro geologist must certify that there will be no threat to public or private water supplies, or to the surface waters of the Township from the proposed septic system(s).
- [j] Proposed Measures to Control Potential Adverse Environmental Impacts. This section shall describe all measures proposed by the applicant to avoid any adverse impacts that may occur as a result of the proposed action, and identify the process by which the contractors and subcontractors will address Karst features encountered during construction.
- [k] List and Qualifications of Preparers. The names, addresses, and telephone numbers and professional qualifications of persons directly responsible for

preparing the Carbonate Geology Report, shall be submitted.

- [l] Appendices. Any additional information that the applicant desires to provide may be included in one or more appendices to the report.
  - [m] The Township may require that additional information be submitted if the Township Engineer or Township Geologist concludes that such information may be instrumental in assessing the potential environmental impact.
- (4) The Carbonate Geology Study must be received by the Township with the zoning permit application, or in the case of a subdivision or land development, at the time of preliminary plan submission. Twenty copies of the study shall be submitted to the Township. The Township staff and professional consultants as designated by the Township in addition to the Township Planning Commission, Environmental Advisory Committee, and Board of Supervisors shall review the Study. The applicant shall pay the costs of reviews by an independent consultant selected by the Township.
- (d) Approvals Required: Following review by the Township staff/professional consultants and advisory Boards, as applicable, on any submission under Section 508.B.9.c., the Township shall either find that Carbonate Geology Study and accompanying plans meets the requirements of this Section, require that the Study and the accompanying plans be revised, or find that the Carbonate Geology Study does not comply with this Ordinance, in which case the submission shall be returned to the applicant with a letter stating one or more provisions of this Ordinance that were not met.
- (1) Where compliance with this section is required as part of an application for subdivision or land development approval, the Township's decision on whether compliance has been achieved shall be made as part of its review of the subdivision or land development application.
  - (2) Where the application is part of a request for a zoning permit, the zoning officer shall issue no such permit until the terms of this section, and any conditions imposed upon the use of the property at the time of subdivision or land development approval are satisfied.
- (e) On sites where carbonate features have been identified by the Carbonate Geology Study, the applicant must retain a professional geologist or professional engineer to perform full-time onsite inspection during all excavation, grading, and backfill operations.

- (f) **Non-Assumption of Liability:** In a Carbonate Geology Area, alteration, development, or use of land is inherently hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, groundwater extraction, or discharge of wastewater, and contamination of ground and surface waters. Within the limitations of the information available at the time of review on individual applications, the Township shall attempt to make reasonable judgments as to the applicant's rights and responsibilities in this Carbonate Geology Area. All applicants and property owners are hereby notified that the Township, Township employees, consultants, and appointees, undertake no responsibility of property, or life, or personal injury due to Carbonate Geology conditions, even if applicants or property owners strictly observe all Township Ordinances.
- (1) It is also noted that local conditions can cause sinkholes and subsidence of ground in areas outside of Carbonate Geology Areas and/or in areas of Carbonate Geology not designated as a sinkhole or hazardous area during Site Plan presentation or review. The applicant and property owner should always make independent investigations of these matters prior to using this land or construction of a building or structure.
- (g) A disclosure statement prepared in a manner satisfactory to the Township must be provided to each landowner prior to issuance of a zoning permit that informs homeowners of the potential for sinkhole formation on the lot and the heightened concern for groundwater pollution in carbonate geology areas. It must also identify the homeowner's responsibilities regarding stormwater management, septic system maintenance, and sinkhole management.
- (h) **Appearance of Geologic Hazards after Site Plan Approval.** In certain cases, specific geologic hazards, such as sinkholes, caves, etc., may not be identified during the Site Plan preparation or review, but will be encountered and uncovered after Site Plan approval or during or after construction. In those cases, the applicant and/or landowner shall follow the procedures outlined below:
- (1) Repair of the hazard in such a way as to prevent or minimize damage to building, structure, utility, driveway, parking area, roadway and other site improvements, and in such a way as to minimize pollution of the groundwater. Repair shall be accomplished in a manner as directed by the applicant's Professional Engineer. A report of the hazard and methods proposed/utilized for

repair shall be prepared by the applicant's Professional Engineer and submitted to the Township.

- (2) Repair and maintain repair of any damage to improvements and restore groundcover and landscaping.
- (3) Report occurrence of hazard to the Code Enforcement Officer within 1 business day of the occurrence. The developer shall then report the proposed method of repair to the Code Enforcement Officer as soon as possible, but not more than 7 days after the occurrence. It is recognized that repairs may have to be undertaken on an emergency basis, so in that event, repairs may begin without a Zoning Permit as long as repairs and restorations are made in compliance with prior approved Site Plans or Zoning Permits. However, no grading or construction of buildings shall occur in the area of the hazard until the Township has approved the method of repair.
- (4) In those cases where the hazard cannot be repaired in such a way as to maintain the integrity of the original approved Site Plan, the applicant and/or property owner shall apply for a Site Plan Amendment. During review and approval of such a Site Plan Amendment, the Township shall recognize that the newly identified geologic hazard may have produced non-conformities to this Ordinance, which may not reasonably be brought into conformity. The Township may, but is not required to, allow the continuation of these non-conformities even if such nonconforming features have not been actually constructed.
  - [a] However, the applicant and/or landowner shall attempt to reduce or eliminate non-conforming features during the preparation of the Site Plan Amendment.
- (5) In all cases, however, if a sinkhole appears after Site Plan approval, but before final inspection and approval of an on-lot sewer disposal system and such sinkhole is within 100 feet of the drain field, the drain field shall be relocated and meet DEP requirements.

10. **Productive Agricultural Soils** Productive agricultural soils shall be defined as "Agricultural Soils, Productive" in Section 201. Section 509.B. provides for preservation of a percentage of productive agricultural soils. Agricultural soils that are required by Section 509.B. to be protected shall be placed in a Farmland Lot with a configuration that would allow the soils to be useable for agricultural purposes. Productive agricultural soil shall not be physically removed from Durham Township.

## § 509. Natural Resource Mapping and Site Capacity Calculations

- A. All applicants for subdivision and land developments (major or minor) shall: 1) include maps delineating the natural resources and demonstrating compliance with Environmental Protection Standards in Section 508, which may limit disturbance of natural features to the extent indicated in 508.B.2. Lot line adjustments (subdivisions which will not result in the creation of an additional lot) shall be exempt from this requirement.
- B. The following natural resource and site capacity calculations shall be submitted by the applicant with applications for any of the following uses: B-5 Manufactured/Mobile Home Park, B-7 Performance Subdivision, B12 Single Family Detached Cluster, B-14 Townhouses, B-15 Twin House and B-16 Village House. In addition, the following natural resource and site capacity calculations shall be submitted by the applicant for any subdivision or land development involving a lot that had a site area of 10 or more acres within the AP - Agricultural Preservation District.

-Through these calculations, the maximum number of dwelling units, the maximum amount of impervious surfaces, and the required amount of open space will be determined for the specific site, based upon the site's specific characteristics.

-Where open space is required for resource protection, it shall be laid out to encompass the maximum amount of the resource that is to be protected that is practical. See Section 601.D. concerning the required Farmland Lot for single family detached dwellings in the AP district.

1. Base Site Area: Certain portions of tracts may not be usable for the activities proposed for the site. These areas shall therefore be subtracted from the site area to determine base site area.

- |     |  |               |
|-----|--|---------------|
| (a) | Site area as determined by actual on-site survey   | _____ Acres   |
| (b) | Subtract-Land within ultimate right-of-way of existing roads, utility rights-of-way and/or easements.  | - _____ Acres |
| (c) | Subtract - land which is not contiguous: i.e.  |               |
| (1) | A separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the site; and/or   |               |
| (2) | Land that is cut off from the main parcel by a road, railroad, existing land uses, and/or a major stream so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes. | - _____ Acres |
| (d) | Subtract - land that in a previously approved subdivision or development was reserved for resource protection, open space, recreation, or any other restriction.   | - _____ Acres |
| (e) | Subtract - land used or zoned for another use, i.e., land used or to be used for commercial or industrial uses in a residential development, or land in a different zoning district other than the proposed use.           | - _____ Acres |

= BASE SITE AREA \_\_\_\_\_ Acres



2. Resource Protection Land: All land within the base site area shall be mapped and measured for the purpose of determining the amount of resource protection land needed to protect them. The Natural Resources listed in the table below shall be mapped on the site plan using the best available data, including but not limited to, the Cooks Creek Watershed Conservation Plan (DTEAC 2001). Because these and other maps are based on watershed-wide surveys, adjacent parcels are suspected of containing sensitive resources and should be surveyed and mapped by a qualified professional.

**Natural Resource Table and Open Space Ratios:**

<b>I. Natural Resource:</b>	<b>II. % of Natural Resource to be Protected:</b>	<b>III. Total Acres in Natural Resource:</b>	<b>IV. Total Resource Protection Land (II&amp;II)</b>
Flood Plain:	100% or 1.00 Ratio		
Flood Plain Soils:	100% or 1.00 Ratio		
Watercourses or Streams:	100% or 1.00 Ratio		
Commonwealth Waters:	100% or 1.00 Ratio		
Lakes or Ponds:	100% or 1.00 Ratio		
Wetlands:	100% or 1.00 Ratio		
Lake & Pond Shoreline:	100% or 1.00 Ratio		
Steep Slope (8-15%):	60% or .60 Ratio		
Steep Slope (16-25%)	70% or .70 Ratio		
Steep Slope (>25%)	85% or .85 Ratio		
Forest & Woodlands	See Table 508 A.3		
Carbonate Geology	100% or 1.00 Ratio		
Productive Agricultural Soils	See Table 508 A.3		
<b>TOTALS:</b>		_____Acres	_____Acres

3. Recreation Land: reserved for Future Use
4. Determination of Site Capacity: Individual site capacity is determined by calculating net buildable site area. No buildings or structures shall be located on Resource Protections Land. Pursuant to the definition of Net Buildable Site Area, buildings and other improvements shall only be permitted on land with Resource Restrictions where such land in NOT Resource Protection Land.

All Residential Uses except B1, Single Family Detached Dwelling:

- (a) RESOURCE PROTECTION LAND \_\_\_\_\_Acres
- (b) Take BASE SITE AREA \_\_\_\_\_Acres
- (c) Multiply by Open Space Ratio (Table Sec 509.2) \_\_\_\_\_Acres
- (d) Equals MINIMUM REQUIRED OPEN SPACE = \_\_\_\_\_Acres
- (e) Take BASE SITE AREA \_\_\_\_\_Acres
- (f) Subtract TOTAL RESOURCE PROTECTION LAND  
Or MINIMUM REQUIRED OPEN SPACE,  
whichever is greater - \_\_\_\_\_Acres
- (g) Equals NET BUILDABLE SITE AREA = \_\_\_\_\_Acres
- (h) Multiply by Max Density for the Use/Zoning District x \_\_\_\_\_Acres
- (i) Equals Number of Dwelling Units = \_\_\_\_\_DU's  
(Round up if fraction is equal or greater than .5;  
Round down if fraction is less than .5)

Non-Residential Uses:

- (a) Take BASE SITE AREA \_\_\_\_\_Acres
- (b) Subtract RESOURCE PROTECTION LAND - \_\_\_\_\_Acres
- (c) Equals NET BUILDABLE SITE AREA = \_\_\_\_\_Acres

C. The following site capacity calculations shall be submitted with applications for agricultural, commercial, institutional, industrial, non-cluster single family detached dwellings, and all other residential uses not regulated by Section 509 B.

1. Base Site Area: Certain portions of tracts may not be usable for the activities proposed for the site. These areas shall therefore be subtracted from the site area to determine base site area.

- (a) Site area as determined by actual on-site survey \_\_\_\_\_ Acres
- (b) Subtract - land which is not contiguous: i.e.
  - (1) A separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the development, and/or
  - (2) Land which is cut off from the main parcel by an arterial or collector roadway, railroad, existing land uses, or major stream so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes. (Each parcel shall be treated separately for the purpose of Base Site Area determination.) - \_\_\_\_\_ Acres
- (c) Subtract - land that was previously preserved by a conservation easement or a condition of an approved plan. - \_\_\_\_\_ Acres
- (d) Subtract - land used or zoned for another use, i.e., land used or to be used for commercial or industrial uses in a

- residential development, or land in a different zoning district rather than the primary use. - \_\_\_ Acres
- (e) Subtract - land within ultimate rights-of-way of existing roads, or utility rights-of-way or easements. - \_\_\_ Acres

= BASE SITE AREA \_\_\_ Acres

2. Impervious Surface Ratio: shall be calculated for each lot, based upon the lot area of each lot, to assure that the amount of IMPERVIOUS SURFACES on the site have not exceeded the standard permitted for the particular district. The total area of impervious surface contained in any of the following categories shall be determined by using the following calculations:

ADD area proposed for:

- Streets: \_\_\_\_\_
- Buildings: \_\_\_\_\_
- Driveways: \_\_\_\_\_
- Sidewalks: \_\_\_\_\_
- Patios, Decks and
- Accessory Structures: \_\_\_\_\_
- Swimming Pools: \_\_\_\_\_
- Other areas meeting  
the impervious  
surface definition: \_\_\_\_\_

=TOTAL IMPERVIOUS SURFACES: \_\_\_\_\_

Divided by BASE SITE AREA: \_\_\_\_\_

Equals IMPERVIOUS SURFACE RATIO for the site: \_\_\_\_\_

D. Suitability of Land: Where land is required to be set aside or protected for certain purposes, it shall be physically suitable for that purpose, and shall be arranged in a lot(s) that has a configuration that is suitable for that purpose. This includes, but is not limited to, protected Agricultural Soils, Recreation Land and Required Open Space for Resource Protection. In the AP District, see the provisions for a Farmland Lot in Section 601.D. Stormwater detention basins shall not count as meeting the minimum requirements for protected Productive Agricultural Soils, Recreation Land or Required Open Space for Resource Protection, unless specifically provided otherwise by this Ordinance. See the definition of “Open Space” in Section 201.

## § 510. Property Maintenance Requirements

- A. Sanitation: All exterior property and premises shall be maintained in a structurally sound, in good repair, clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Any accumulation of debris, construction materials, discarded or broken appliances, or any other item, is prohibited.
- B. Grading and Drainage: All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.  
*Exception*: Approved retention areas and reservoirs.
- C. Sidewalks and Driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Grass areas bordering a public roadway shall be kept mowed for a distance of four (4) feet from the paved area.
- D. Trash & Refuse: No property owner, occupant or other person shall place or allow to remain on any property, drainage course, or other land, any solid waste, or any worn-out, broken, or worthless item, waste, garbage, trash, debris, or refuse, unless such material is in a suitable trash container, designed explicitly for that purpose. Such materials include, without being limited to, those that impede mowing of weeds or tall grass, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition.
- E. Uncultivated Weeds: All premises and exterior lot areas shall be maintained free from weeds and/or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Uncultivated Weeds are defined as all unplanned grasses, plants and vegetation other than trees or shrubs provided; however, this term shall not include cultivated meadows, flowers and gardens.
- F. Motor Vehicles: No inoperative or unlicensed motor vehicle (excluding farm equipment), including boats and/or trailers, shall be parked, kept or stored on any premises, outside of an enclosed garage, and no vehicle shall at any time be in the state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.  
*Exception*: A personal vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed in an enclosed garage or similarly enclosed area normally approved for such purposes.
- G. All accessory structures, including detached garages, pools, barns, fences and walls shall be maintained structurally sound, in good repair and in a sound sanitary condition.

## **§ 511. Design, Maintenance, and Ownership of Open Space**

- A. Recorded plans and deeds shall indicate that there shall be no additional development in areas designated for open space, except for allowed improvements consistent with the furthering of non-commercial recreation, agricultural, conservation, or aesthetic purposes. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the landowner(s) and the Township, and shall be noted on all deeds.
- B. Layout of Open Space
1. Open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents. Open space is most needed in areas of highest density. The intent is to provide open area as close to the individual units as possible. Narrow strips of land or irregularly shaped areas shall not be permitted as open space. In Open Space that was required to be established to preserve productive agricultural soils, the configuration of the open space shall be designed so that it is useable for agricultural purposes. See also Section 508.B.10.
  2. Areas set aside to meet minimum open space requirements, shall contain no structures, stormwater management facilities, or utility easements, except as provided in subsection C.2. below.
  3. Open space areas shall be interconnected with open space areas on abutting parcels wherever possible.
- C. Open Space Designation
1. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in the categories established in subsections C.3a, C.3b, C.3c, or C.3d below: “Open space land may not be further developed except for the addition of farm buildings or other structures related to continuing agricultural activities on that land by Special Exception. Open space shall not be further subdivided except for open space purposes and by Special Exception.” In deciding on the Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards regarding layout, circulation, and performance it deems necessary to protect adjacent residential uses from undesirable effects of noise and odor, within the limitations of the State Right to Farm Act, and to promote a visual character in harmony with the intended nature of the area.
  2. Rights of way and easements containing existing overhead utility lines, existing pipelines for the transmission of oil and gas and other materials and existing or proposed underground electric, telecommunications, and fiber optics are permitted within the required open space provided they do not hinder the approved use of that space (e.g. plowing within the AP Zoning District). Sanitary sewer, including community treatment systems and stormwater management facilities including basins, shall not be permitted in the open space.

3. All plans shall further designate the use of open space (such as recreational or for resource protection), the type of maintenance to be provided, a method to ensure such maintenance will be provided, and a planting plan with a schedule. In designating use and maintenance, the following classes may be used:
  - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and orderly appearance. This category is primarily for land for recreation uses.
  - (b) Natural Area: An area of natural vegetation undisturbed during construction, or replanted with trees, shrubs, and other plant materials indigenous to the area. Such areas may contain pathways. Maintenance may be minimal but shall prevent proliferation of noxious weeds and undesirable plants such as Canadian Thistle and Multiflora Rosa. Streams shall be kept in free flowing condition with streamside vegetation left in its natural condition. This category is primarily for open space for resource protection purposes.
  - (c) Recreation Area: An area designated for a specific recreational use, including but not limited to tennis, swimming, shuffle board, play field, and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use. This category is primarily for land for recreational purposes.
  - (d) Farmland or Farmland Lot: A parcel dedicated to agricultural activities, or a lot created in conformance with Section 508.B.10 and 509, either of which are intended to preserve productive agricultural soils, and which are restricted against further subdivision or non-agricultural development as provided in Section 511.D.

D. Methods of Conveyance and Ownership: Open space shall be preserved by one of the following means which shall be selected by the Board of Supervisors and shall be subject to the Board of Supervisors' sole discretion.

1. Dedication in fee simple to the Township - Prior to acceptance of open space land, the Board of Supervisors will seek recommendations from the Township Planning Commission. The Township may, at the sole discretion of the Board of Supervisors, accept any portion or portions of open space or recreation areas provided:
  - (a) It is determined by the Board of Supervisors that the land is suitable and will serve the general public.
  - (b) The Township agrees to and has access to maintain the land.
  - (c) The title is conveyed to the Township without cost.
2. Conveyance to a conservancy, corporation, association, funded community trust, condominium or similar legal entity shall be allowed, provided:
  - (a) The land shall include a permanent conservation easement enforceable by the Township, which shall guarantee continued use of the land for the intended purposes in perpetuity and which shall require approval by

- Board of Supervisors prior to ownership of the land being transferred to another entity.
- (b) Proper maintenance and continued funding for maintenance must be guaranteed.
  - (c) The corporation or association shall be responsible for liability insurance, taxes, and recovery from loss sustained by casualty, condemnation or otherwise. Certificates of insurance and tax payment receipts shall be provided to the Township.
  - (d) The corporation or association shall not be dissolved nor shall it dispose of the open space, except to another similar organization established to own and maintain the open space and which meets the approval of the Township. The corporation or association must first offer to dedicate the open space to the Township at no cost before such sale or disposition of the open space takes place.
3. Conveyance of a permanent conservation easement that is enforceable by Durham Township, while the land remains owned by an entity other than the Township. Such easement may also be granted to a conservancy, corporation, funded community trust, or similar legal entity as may be approved by the Township as an additional method of oversight and enforcement.
4. Private Holding - The Township may approve that the Open space is part of fee simple lots with a permanent conservation easement enforceable by the Township, provided:
- (a) The terms of the agreement guarantee the continued use of the land for the preservation of open space.
  - (b) The cost and responsibility of maintaining Private Holding open space shall be the responsibility of the owner of the open space.
  - (c) Including open space within fee simple lots shall only be permitted at the discretion of the Board of Supervisors and shall not be part of any lot necessary to meet requirements for lot width, area, or yards as specified in Article 6.
5. Land designated as open space for preservation and agricultural soils (resource protection) may include farm buildings, a pre-existing residence, and other structures related to continuing agricultural activities on that land. These areas may not be available for public use. All open space intended for agricultural purposes shall be so designated on the plans. The plans shall contain the following statement or a similar statement pre-approved by the Township: "Required Open space land may not be further developed and shall not allow any new buildings, except for the addition of accessory farm buildings or other non-residential structures related to the agricultural activities on that land by Special Exception. Required Open space shall not be further subdivided." In addition, a Declaration of Covenants, Conditions and Restrictions in a form approved by the Township, shall be recorded with respect to land to be preserved as open space and agricultural soils.

## § 512. Planned Group Development

A. Residential Planned Group Development - The following regulations shall apply to residential development where planned group development of more than one building or use is permitted on a single lot, including but not limited to townhouse and apartment development. Planned group developments shall also comply with all other applicable regulations of this ordinance.

1. The proposed development shall be constructed in accordance with an overall plan and shall be designed as, or as part of, a single architectural and landscaping theme. The buildings as a unit shall comply with the area and yard regulations of the zoning district in which it is located.
2. The tract of land on which each permitted use is conducted shall be owned and operated as a single or common management and maintenance unit, with common open space, parking, utility and maintenance facilities.
3. Building Arrangement: The use regulations in Article 4 herein shall apply.
4. Underground Utilities: All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground and electric transformers shall be installed underground or within the walls of a completely enclosed building.
5. Staged Development: If the development is to be carried out in stages, each stage shall be so planned to ensure that all requirements of this Ordinance, such as but not limited to density and minimum open space, shall be fully complied with at the completion of any stage.
6. Planned group development shall be subject to the regulations of the Township Subdivision and Land Development Ordinance.

B. Nonresidential Planned Group Development - The following regulations shall apply to nonresidential development where group development of more than one building or use is permitted on a single lot, including but not limited to groups of office or industrial buildings on a single lot. Planned group development shall also comply with all other applicable regulations of this ordinance.

1. The proposed development shall be constructed in accordance with an overall plan and shall be designed as, or as part of, a single architectural and landscaping theme. Buildings as a unit shall comply with the area and yard regulations of the zoning district in which it is located. The development shall consist of a harmonious grouping of buildings, service, and parking area circulation and open spaces, planned as a single unit, in such manner as to constitute a safe, efficient and convenient use.
2. All buildings and uses shall front upon a common parking lot, service road, or marginal access road and not directly upon a collector or arterial highway.
3. The tract of land on which each permitted use is conducted shall be owned and operated as a single or common management and maintenance unit, with common open space, parking, utility and maintenance facilities.
4. All streets and access ways shall conform to the specifications determined by the Township Engineer and the requirements of the Township Subdivision and Land Development Ordinance. Provisions shall be made for adequate



- signalization, turning lanes, deceleration lanes, and other roadway improvements as deemed necessary by the Township.
5. Building Arrangement: The distance between two principal buildings on a lot shall be equal to or greater than the height of the taller building, except that the buildings may be attached by an enclosed walkway.
  6. Underground Utilities: All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground and electric transformers shall be installed underground or within the walls of a completely enclosed building.
  7. Staged Development: If the development is to be carried out in stages, each stage shall be so planned that the intent of this Ordinance shall be fully complied with at the completion of any stage.
  8. Planned group development shall be subject to the regulations of the Township Subdivision and Land Development Ordinance.
  9. When more than one building per lot is not specifically provided for in this Ordinance, multiple buildings on a single lot shall be permitted where the required lot, area, setback, impervious surface, yard, parking and other requirements for each individual use or building are provided for on the lot. The total lot area shall be equal to the required lot areas for the individual uses or buildings proposed.

### **§ 513. HR Historic Resources**

- A. Historic Resources List: The Historic Resources List is hereby adopted as part of this Zoning Ordinance. Such List shall identify resources in the Township that have historical or architectural significance and shall be based upon analysis by a historic preservation professional. Such List shall classify Historic Resources by classes. Only Classes 1, 2 and 3, as designated on the Historic Resources List, shall be regulated by this Section 513. In order to be eligible for such list, a building shall be a minimum of 50 years old.
- B. Purposes. This section implements the mandatory requirements of the State Municipalities Planning Code to use zoning to preserve historic buildings. This section implements Sections 603(b), 603(g), 604(1) and 605(2) of the State Municipalities Planning Code which address protecting and facilitating the preservation of historic values, buildings and structures at or near places having unique historic, architectural or patriotic interest or value.
- C. Approval of Partial or Complete Demolition of a Class 1 or 2 Resource. The following shall apply to resources that are identified on the Historic Resources List as Class 1 or 2
  1. General Requirement: A building shall not be partly or entirely demolished or removed without a Demolition Permit, which shall only be issued if conditional use approval is received for such action under this Section. This Section shall not regulate interior alterations, provided they do not affect the exterior features of the building that are visible from a public street.

2. Application Procedures: A Demolition Permit Application shall include the following:
- (a) A Site Plan drawn to scale, showing the specific location of the building or structure to be demolished and its relationship to adjacent property lines and all other buildings, structures and improvements (such as sidewalks, driveways, parking areas, landscape beds, mature trees), and shall indicate the general topography of the property. In addition to the location of the building or structure(s) to be demolished, the Site Plan shall include a separate sheet showing the proposed future use of the lot, including any proposed buildings and a scaled elevation/facade drawing of the proposed use/structure.
  - (b) An explanation of why the building is being considered for demolition, removal or relocation.
  - (c) Proposed use for the property or portion thereof from which the resource will be removed and a time-line for the implementation of the proposed use (including other local, county, state and federal approvals).
  - (d) Photographs of the existing building or structure proposed to be demolished.
3. Approval or Disapproval of a Demolition Permit: Demolition Permits for the partial or entire demolition of a building regulated by this Section shall need conditional use approval by the Board of Supervisors, after a review by the Township Planning Commission. 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 and details that are visible from a street. The replacement of windows and doors that does not change the window or door size opening and changes in roofing materials shall not by themselves be considered a partial demolition.
- (a) A building regulated by this Section shall not be demolished, in whole or in part, unless the applicant proves by credible evidence to the satisfaction of the Board of Supervisors that one or more of the following conditions exist:
    - (1) 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
    - (2) The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created; or
    - (3) 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 this Section, and the project must occur at this location. 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

- (4) 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.
- (b) For approval of a demolition, the standards of this Section shall apply in place of the general conditional use standards. In reviewing the application, the Board of Supervisors shall consider the following:
    - (1) 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.
    - (2) The feasibility of other alternatives to demolition.
  - (c) Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. The conditions that justify the proposed demolition shall not have been self-created by the applicant.
  - (d) Exceptions. Conditional use approval shall not be needed for the following:
    - (1) Demolition of an accessory structure with a floor area of less than 300 square feet, except for smoke houses, root cellars, limekilns and summer kitchens, which are regulated by this Subsection.
    - (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.
    - (5) Expansion of a building that does not involve a partial demolition.
  - (e) The Township Historic Commission, if one exists, and the Township Planning Commission shall each be provided with an opportunity to review the proposed demolition. However, if such reviews are not provided within 30 days of being forwarded to such Commissions, then the lack of a review shall not delay action by the Board of Supervisors.

D. Delay of Demolition for Class 3 Historic Resources.

1. Purposes. In addition to the overall purposes of this Section, this subsection is intended to provide a mechanism to discourage thoughtless and unnecessary destruction of valuable historic resources. To provide a mechanism that allows interested parties an opportunity to encourage a property-owner to consider alternatives to demolition, such as sale to another person, movement of the building or rehabilitation. Also, to provide opportunities for historic resources to be documented before they may be demolished and to seek those historic features are salvaged before demolition.
2. This subsection "D." shall apply to historic resources classified as "Class 3" on the Historic Resources List.
3. No building classified as "Class 3" shall be partially or entirely demolished unless a minimum of 75 days has passed from the date a complete valid application(s) has been duly submitted for all required Township permits for the demolition. After such time period, the permit may be issued by the Zoning Officer for the demolition if all requirements of Township ordinances have been met.
4. As part of the application to demolish a Class 3 building, the applicant shall submit photographs of the exterior and interior of the building to the Zoning Officer. If demolition is approved, the owner is requested to grant permission to responsible persons or groups to salvage materials with historic value.

E. Additional Use Opportunities for Historic Resources.

1. In addition to the uses allowed in the various zoning districts as established by this Ordinance, each historic resource classified as Class 1, 2 or 3 shall be eligible for additional use opportunities as described herein and approved by the Board of Supervisors as a Conditional Use. These use opportunities shall be in addition to any use currently being made of the property, subject to the standards and procedures contained in applicable sections of this Ordinance and the additional requirements set forth below.

<u>Use:</u>	<u>Allowed as a Conditional Use in these districts:</u>
B-9 Residential Conversion	ALL DISTRICTS
C-6 Library or Museum	ALL DISTRICTS
C-11 Private Organization, not including a tavern or target range	RP, PC-I
D-2 Office	ALL DISTRICTS
D-5 Professional Studio	ALL DISTRICTS
E-11 Bed and Breakfast Inn	ALL DISTRICTS
E-18 Retail Trade & Retail Services	ALL DISTRICTS

2. Uses allowed as a Conditional Use shall be subject to the following additional standards:
  - (a) No historic building may be enlarged beyond what is minimally necessary to accommodate the additional use and related improvements for disability and fire access.
  - (b) The granting of the Conditional Use shall be deemed by the Board of Supervisors to be valuable to preserve the historic resource.
  - (c) The granting of the Conditional Use shall be deemed by the Board of Supervisors to have minimal detrimental effects on neighboring properties.
  - (d) The property must be able to accommodate the additional parking needed to support the proposed use without violating other requirements of this Ordinance, including but not limited to yards, impervious coverage, and resource protection.
  - (e) The applicant shall show that any exterior changes to the building will be in substantial compliance with the U. S. Department of Interior's Standards for Rehabilitation, unless a more restrictive Township requirement applies.

F. Classification.

Historical property shall be categorized in relation to their significance and condition under the following hierarchical classification system:

**Class 1. Major Historic Landmark.** A building, structure, object, site, or natural feature of major historical significance. The property exemplifies historic/architectural themes of local and statewide importance and serves as a significant part of the heritage of Durham Township.

**Class 2. Historic Landmark.** A building, structure, object, site, or natural feature of historical significance. The property is representative of historic/architectural themes of local and statewide importance and serves as a physical link to the historical past of Durham Township

**Class 3. Local Historic Site.** A building, structure, object, site, or natural feature of local significance only. The property is representative of historic/architectural themes of local importance.

**Class 4. Structure of Historic Interest.** A building, structure, object, site, or natural feature that has been altered to the extent that the historic/architectural integrity has been substantially compromised but is still worthy of recognition.

**Class 5. Point of Historic Interest.** A site of a building, structure, or object that no longer exists, but is associated with historic events or persons, or architecturally significant structures.

## § 514. Scenic Provisions

- A. The purpose of the Scenic Provision is to encourage use of the land which will be compatible with the rural character of the township, and which will protect the following scenic values:
- (1) The scenic character of the township
  - (2) The entrances to historic villages of the township
  - (3) Scenic vistas from roadways, and
  - (4) To encourage orderly development that is sensitive to the area landscape
- B. Scenic Concept:
1. It does not change the underlying density, use, or area and dimensional requirements nor is it intended to reduce the development opportunities that would otherwise be permitted by this ordinance. These procedures do not apply to the following uses:  
A-1 Agriculture  
B-11a Single Family Detached Dwelling (<5 lots)  
B-13 Subdivision Creating Large Lots
- C. Procedures:
1. Scenic Resource Mapping - Applications for development on properties that lie in the township shall be accompanied by a map showing the following:
    - (a) Historic Resources - Historic sites, buildings and landmarks
    - (b) Working farms
    - (c) Location and types of vegetation, including hedgerows, stands of mature trees, meadows, cultivated fields
    - (d) Scenic vistas from roadways of streams, valleys, fields, and hillsides
  2. Visual Analysis - Applications for development on properties that lie in the township shall be accompanied by an analysis and sketches of the existing views from major roads and an analysis and sketches of the views from major roads as they would appear after the proposed development is constructed.
- D. Performance Standards:
1. New development shall be sited so as to minimize disturbance of scenic views of the landscape from a public road where possible. Use of exterior materials with an historic appearance and earth-tone colors is recommended.
  2. Existing tree lines along a public road shall be preserved where possible, or replacement with new tree lines that serve a similar purpose.
  3. Where historic sites or structures are visible from a public street, the views of these areas shall be preserved where possible.
  4. Significant landscape forms, such as hedgerows, hillsides, and stream valleys should be integrated into the proposed development as buffers, lot lines, or focal points in the development.
  5. Where the preservation of scenic views may require a greater intrusion into areas of natural resource restrictions due to steep slopes and woodlands, the Board of

Supervisors, upon favorable recommendation by the Township Planning Commission, may allow a reduction in the required protection ratio for steep slopes and woodlands in order to accommodate the protection of views.

### **§ 515. Requirement for Internal Streets; Rear Yards along a Street**

- A. Any subdivision resulting in 5 or more lots shall utilize an internal street
- B. The Township may require that a provision be included on the deed of a new lot stating that the driveway must be relocated from a public through-street to a new or extended internal street if such access would be available in the future.
- C. If an internal street is being extended or constructed, the developer shall provide an opportunity for owners of adjacent lots to connect a new driveway to the internal street if that lot owner agrees to close their driveway onto an existing public through-street.
- D. New lots with rear yards abutting a public street must meet the reverse frontage buffer requirements of Section 502 of this Ordinance.
- E. If only a portion of a tract of land is proposed for subdivision at the present time, the Township may require that the applicant provide a concept plan of the entire tract to show how internal street access could be efficiently provided in the future.

### **§ 516. WP Wellhead Protection**

- A. Purposes: In addition to serving the overall objectives of this Ordinance, this Section is intended to minimize threats to the quality of groundwater and surface water, particularly those water features that affect public water supply wells and concentrations of private wells. This Section is also intended to assist in oversight to ensure compliance with Federal and State environmental protection regulations that could affect water quality.
- B. Overlay Districts: This Section 516 establishes an overlay district that overlays the conventional underlying zoning districts. This overlay district is the WP Wellhead Protection District, which shall include all land within a 400 feet radius of a public water supply well. Within this District when two provisions of this ordinance apply to the same manner, whichever provision is more restrictive upon the use and development of land and structures shall apply.
- C. Prohibited Uses: The following uses are prohibited within the Wellhead Protection Overlay District:
  - 1. Medical Offices, Veterinarian Clinics, and Funeral Homes
  - 2. Sewage Treatment Facilities with On-site Disposal of Primary or Secondary Treated Effluent in Excess of 5,000 gallons per day
  - 3. Bulk Storage and Mixing of Pesticides and Fertilizers
  - 4. Bulk Storage of regulated substances, as established by Subsection E. below.
  - 5. Dry Cleaning Establishments, other than pickup and drop off locations
  - 6. Auto Repair Garage or Auto Service Station
  - 7. Manufacturing involving bulk use or mixing of highly hazardous or toxic chemicals
  - 8. Junk Yards
  - 9. Land Application of Wastewater and Sludge's
  - 10. Metal Plating Establishments

11. Open Burning Sites and Dumps
12. Mineral Extraction
13. Bulk Storage of Road Salt
14. Sales, Storage, or Disposal of Fuels or Hazardous Chemicals
15. Solid Waste Landfill, Solid Waste-to-Energy Plant or Solid Waste Transfer Facility.
16. Bulk Storage of Flammable Liquids and Gases for off-site use
17. Uses which involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or regulated substances
18. Uses which involves toxic and regulated substances in quantities greater than those associated with normal household use
19. Motor Vehicle Sales Area
20. Cleaning of trucks that transport Regulated Substances
21. Outdoor stockpiles of industrial materials.
22. Open burning of materials containing hazardous substances.
23. Battery manufacturing or recycling.
24. Metal drums recycling or reprocessing.
25. Slaughterhouse, animal rendering or tannery facility.
26. Underground injection well.
27. On-site disposal of hazardous substances.

E. Regulated Substance Limitations

1. The use, storage, manufacture, or disposal of Regulated Substances as provided on the following Regulated Substances List is prohibited within the WP Overlay District, except as provided under the General Exceptions provision of this Section:

**REGULATED SUBSTANCES LIST:**

Acid and Basic Cleaning Solutions  
 Antifreeze and Coolants  
 Arsenic and Arsenic Compounds  
 Bleaches, Peroxides  
 Brake and Transmission Fluids  
 Brine Solution Casting and Foundry Chemicals  
 Caulking Agents and Sealants  
 Cleaning Solvents  
 Corrosion and Rust Prevention Solutions  
 Cutting Fluids  
 Degreasing Solvents  
 Disinfectants  
 Electroplating Solutions  
 Explosives  
 Fire Extinguishing Chemicals  
 Food Processing Wastes  
 Formaldehyde  
 Fuels and Additives  
 Gasoline and Oils



Glues, Adhesives, and Resins  
 Greases  
 Hydraulic Fluid  
 Industrial and Commercial Janitorial Supplies  
 Industrial Sludge and Still bottoms  
 Inks, Printing and Photocopying Chemicals  
 Laboratory Chemicals  
 Liquid Storage Batteries  
 Medical, Pharmaceutical, Dental, Veterinary, and Hospital Solutions  
 Mercury and Mercury Compounds  
 Metal Finishing Solutions  
 Oil-Based Paints, Primers, Thinners, Dyes, Stains, Wood Preservatives,  
 Varnishing and Cleaning Compounds  
 Painting Solvents  
 PCB's  
 Pesticides, Herbicides, Fungicides, and Rodenticides  
 Plastic Resins, Plasticizers, and Catalysts  
 Photo Development Chemicals  
 Poisons  
 Polishes  
 Pool Chemicals in Concentrated Form  
 Processed Dust and Particulates  
 Radioactive Sources  
 Reagents and Standards  
 Refrigerants  
 Road Salts  
 Roofing Chemicals and Sealers  
 Sanitizers, Disinfectants, Bactericides, and Algaecides Soaps, Detergents, and  
 Surfactants Solders and Fluxes  
 Stripping Compounds  
 Tanning Industry Chemicals  
 Transformer and Capacitor Oils/Fluids  
 Water and Wastewater Treatment Chemicals

2. See also regulations of Article 7 concerning storage within the 100-year floodplain.

F. General Exceptions

1. Many operation and maintenance activities require the use, storage, and transport of Regulated Substances in quantities or in a manner that do not pose a significant threat to water quality. The following General Exceptions specify those activities that are permitted by right within the WP District and do not require a Special Exception or Variance.

- (a) Exceptions for Transit: The transportation of any regulated substance through the WP District shall be exempt from the provisions of this regulation provided the transporting motor vehicle is in transit. This exception shall not apply to on-site storage or overnight parking.
- (b) Exceptions for Application: of Pesticides, Herbicides, Fertilizers, Fungicides, and Rodenticides. The application of Regulated Substances used as pesticides, herbicides, fertilizers, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this regulation provided that:
  - (1) The application shall be in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold.
  - (2) When a certified operator is required under Federal or State regulations, the application of any of the pesticides, herbicides, fertilizers, fungicides, and rodenticides shall be noted in the records of the certified operator. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection.
  - (3) The application of pesticides, herbicides, fertilizers, fungicides, and rodenticides for non-residential or non-agricultural purposes shall comply with State and/or Federal requirements for permits and/or certifications. Application of these substances in the no disturbance riparian buffer is prohibited. Application within the minimal disturbance riparian buffer or wetlands is also prohibited except for agricultural purposes.
- (c) Exemption for Retail/Wholesale Sales Activities: The storage and re-sale by retail/wholesale sales of Regulated Substances in their original unopened containers shall be exempt from the provisions of this Section
- (d) Exceptions for Office and Commercial Uses: Office and commercial use of Regulated Substances below the aggregate sum per month not exceeding 25 gallons where said substance is a liquid or 220 pounds where said substance is a solid shall be exempt from the provisions of this Section 516, provided however, that office and commercial uses that store or handle quantities of Regulated Substances exceeding on a monthly basis 25 gallons liquid or 220 pounds solid shall need Special Exception approval within the WP District.
- (e) Exception for Construction Activities: The activities of constructing, repairing, or maintaining any facility or improvement on lands within WP Districts shall be exempt from the provisions of this regulation provided that all contractors, subcontractors, laborers, material and their employees when using, handling, storing, or producing Regulated Substances in the WP District use those applicable Best Management Practices.
- (f) Exception for Household Use: In addition to the exemptions provided for in Section 1.b. above, the household use of Regulated Substances below the monthly aggregate sum not exceeding 25 gallons where said

substance is a liquid or 220 pounds where said substance is a solid shall be exempt from the provisions of this regulation provided, however, the household that stores or handles quantities of Regulated Substances exceeding 25 gallons liquid or 220 pounds solid shall need Special Exception approval.

- (g) Exception for Municipal Use: Use by Durham Township of Regulated Substances is exempt from this Section 516, provided there is compliance with Federal and State environmental regulations.
- (h) Exception for Underground Storage of Oil(s). The underground storage of oil(s) used for heating fuel shall be exempt from the provisions of this regulation provided, however, that the container used for said storage shall be located within an enclosed structure (i.e., secondary containment or any currently approvable containment technology) sufficient to preclude leakage of oil to the external environment and to afford routine access for visual inspection (e.g., cement floored basement), and sheltered to prevent the intrusion of precipitation. Any container used for the underground storage of oil that is out of service for more than one year shall be removed. Any liquid residue shall be removed and all connecting line or pipes securely capped or plugged. No underground storage tank shall be installed in the 100 year floodplain, any riparian buffer or wetland.
- (i) Exception for Aboveground Storage of Oil(s). The aboveground storage of oil(s) used for heating fuel shall be exempt from the provisions of this regulation provided, however, that the container used for said storage shall be located over an impervious pad or container sufficient to capture spills and leakage of oil to the external environment and to afford routine access for visual inspection and sheltered to prevent the intrusion of precipitation. Aboveground storage of oils shall be located as far away from the public water supply wells as possible. No above ground bulk storage of oil shall occur in the 100 year floodplain, any riparian buffer or wetland.

- G. Nonconformities. Any of the land uses, facilities, and/or activities identified in Subsection C. or D, lawfully in existence within the WP Overlay District prior to the effective date of this ordinance, may continue to exist on the parcel upon which it is located subject to meeting existing federal, state, and local regulations including the requirements described in Subsections H. and I. below.

## H. Design Standards.

### 1. Industrial, Commercial, and Manufacturing Facilities

(a) The following design standards apply to industrial, commercial, and manufacturing facilities that operate within the WP Wellhead Protection Overlay District:

- (1) Facilities which store, process, convey, and/or contain Regulated Substances shall be designed in such a manner to prevent discharges of Regulated Substances to the environment and meet applicable regulatory requirements (i.e., Occupational Safety and Health Agency (OSHA) standards, Building and Fire Codes, National Institute of Occupational Safety and Health (NIOSH) standards, EPA and PADEP requirements, etc.)
- (2) Regulated Substances storage areas shall be designed with containment structures capable of containing 100 percent of the volume of the largest storage container.
- (3) No on-site floor drains shall be permitted, unless they drain to a secure tank, the contents of which are regularly pumped and properly disposed.
- (4) Outside storage of Regulated Substances in drums shall not be permitted unless stored on containment structures capable of containing 100 percent of the volume of the largest storage container.

### 2. Underground Storage Tanks

(a) The following design standards apply to underground storage tanks that operate within the WP Overlay District:

- (1) The design and construction of underground storage facilities shall be in accordance with applicable federal and state requirements including the rules and regulations of PADEP.
- (2) The tank shall be constructed of fiberglass-reinforced plastic or fiberglass-reinforced plastic composite.
- (3) The tank and associated tank piping shall provide for secondary containment for release detection purposes which may include double-walled tanks and piping, a concrete vault in which the tank and piping is placed, or an impermeable liner in the excavation zone in which the tank and piping is placed.
- (4) The tank shall be equipped with spill and overflow prevention equipment and a leak detection system.

### 3. Aboveground Storage and Tanks.

(a) The following design standards apply to aboveground storage tanks that operate within the WP Overlay District:

- (1) The design and construction of aboveground storage tanks shall be in accordance with applicable federal and state regulations.

- (2) Aboveground storage tanks shall be provided containment facilities meeting the following design requirements:
    - [a] The containment device shall be large enough to contain 100 percent of the volume of the tank, in cases where a single tank is used to store, handle, use, or produce a hazardous material. In cases where multiple tanks are used, the containment device shall be large enough to contain 100 percent of the volume of the aggregate tank volumes.
    - [b] All containment devices shall be constructed of materials of sufficient thickness, density, and composition to prevent structural weakening of the containment device as a result of contact with any hazardous material and shall be capable of containing any accidental release for at least a period sufficient to allow detection and removal of the material. Provisions shall be made for monitoring, testing, and immediate removal of accumulated precipitation.
  - (3) The design of the tank shall meet applicable technical standards for the specific type and class of tank as set forth in the applicable Underwriters Laboratory Standards No. 142 by the American Petroleum Institute (API), by the American Water Works Association (AWWA), or by the Society of Mechanical Engineers (ASME). The tanks shall be fabricated, tested, and installed in accordance with the appropriate codes and standards applicable to the material to be stored therein.
  - (4) The tank shall be designed with monitoring standards consistent with the manufacturer's specifications.
  - (5) The tank shall be tested as required by federal and state codes and standards.
  - (6) The tank and containment area shall be protected by a security fence.
4. Agricultural Operations: The following design standards apply to agricultural operations within the WP Overlay District:
- (a) The yarding of livestock animals, including horses, shall not exceed a density of 25 animal units per acre, within the area yarded without a Special Exception.
  - (b) All livestock animals shall be kept at least 50 feet from public water supply wells.
  - (c) Manure and pesticide storage areas shall be designed in a manner to contain any accidental releases and provide optimal protection of the groundwater resources. No storage of manure or pesticides shall occur in the 100 year floodplain, any riparian buffer or wetland.

5. On-Lot Wastewater Disposal Facilities: The following design standards apply to on-lot wastewater disposal facilities within the WP District:
  - (a) Residential and non-residential wastewater treatment systems must meet all applicable State, County, and local codes and regulations and must be designed and operated to not cause the average concentration of nitrate nitrogen in groundwater recharged on the property to exceed 10 milligrams per liter.
  - (b) All new wastewater treatment systems must maintain a minimum setback distance of 100 feet from public water supply wells, or DEP requirements, as amended. A larger distance should be provided where feasible.
  
6. Stormwater Management Facilities: The following design standards apply to stormwater management facilities within the WP Overlay District:
  - (a) Stormwater management facilities including drainage swales, detention ponds, and retention ponds shall be designed in a manner to provide optimal protection of the groundwater resources consistent with applicable township and PADEP requirements and guidelines.
  
7. Wells: The following design standards apply to well drilling in the WP Overlay District:
  - (a) The drilling of public and individual water supply wells and irrigation wells shall meet the requirements of PADEP and the County Health Department.
  - (b) Any well that is no longer used shall be capped or abandoned in a manner approved by the County Health Department and that avoids entry of surface contaminants into the well.
  
8. Sinkholes: The following design standards apply to sinkholes in the WP Overlay District:
  - (a) It shall be the responsibility of the property owner to repair sinkholes in a manner which will prevent the direct inflow of surface water into the groundwater. This will require the filling of the sinkhole with concrete, stone, or other appropriate fill.
  - (b) See also the Carbonate Geology provisions of Section 508.

I. Operating Requirements

1. Industrial, Commercial, and Manufacturing Facilities
  - (a) The following requirements apply to Industrial and Commercial Uses within the WP Overlay District:
    - (1) Owners of facilities shall apply to the Zoning Officer for a Zoning Permit within 180 days from the effective date of this Ordinance or before starting operation of a new facility. All Permits shall be renewed annually thereafter. The Permit Application shall contain:

- [a] A list of all Regulated Substances, including their quantities, which are stored, handled, used, or produced at the facility being permitted. This information should be consistent with public disclosure and reporting requirements in the Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III.
- [b] A detailed description of the activities conducted at the facility that involves the storage, handling, use, and/or production of Regulated Substances. Included with this information shall be a description of the containment structures for hazardous material storage.
- [c] A detailed description of disposal procedures for Regulated Substances and wastes and name, address, and telephone number of any waste haulers used.
- [d] A site map showing the location of the facility and its property boundaries and the locations where hazardous substances are stored, handled, used, and produced.
- [e] A contingency and emergency response plan that includes procedures to be followed to prevent, control, collect, and dispose of any accidental spill or unauthorized release of a hazardous material.
- [f] An environmental audit identifying areas of non-compliance with existing federal, state, and local regulations concerning groundwater protection. A discussion of the plans to address areas of noncompliance must be included as part of the audit.
- [g] Prepare Best Management Practices (BMPs) and procedures for the daily in-house inspection and maintenance of areas where Regulated Substances are stored, handled, used, and/or produced. Such procedures shall be in writing and a log shall be kept of all inspection and maintenance activities. Such logs shall be available for inspection by the Zoning Officer.
- [h] A detailed description of how the facility plans to comply with federal, state, and local stormwater regulations.
- [i] Provide a detailed description of how the facility plans to comply with the above Design Standards.

2. Underground Storage Tanks

- (a) The following operating requirements apply to underground storage tanks that hold Regulated Substances or fuel in the WP Overlay District:
  - (1) Owners of underground storage tanks shall apply to the Zoning Officer for a Zoning Permit within 180 days from the effective date of this Ordinance or before starting operation of a new tank. All Permits shall be renewed annually thereafter. The Permit Application shall contain:

- [a] Description of the tank including age, size, and location at the facility.
  - [b] Description of the type and quantity of material stored in the tank.
  - [c] Documentation that the tank is in compliance with existing federal, state, and local regulations including any leak tests performed on the tank.
  - [d] Documentation that the tank is properly registered as required by federal and state regulations.
- (2) Leak detection systems shall be checked for evidence of a release at least every 30 days.
  - (3) Existing tanks shall be upgraded as required to meet applicable federal and state regulations.
  - (4) Owners shall meet federal and state requirements for release detection recordkeeping, reporting, and notification.
  - (5) Provide a detailed description of how the Owners plan to comply with the above Design Standards.
3. Aboveground Storage, Tanks
- (a) The following operating requirements apply to aboveground storage tanks that hold fuel or Regulated Substances within the WP Overlay District:
    - (1) Owners of aboveground storage tanks shall apply to the Zoning Officer for a Zoning Permit within 180 days from the effective date of this Ordinance or before starting operation of a new tank. All Permits shall be renewed annually thereafter. The Permit Application shall contain:
      - [a] Description of the tank including age, size, and location at the facility.
      - [b] Description of the type and quantity of material stored in the tank.
      - [c] Documentation that the tank is in compliance with existing federal, state, and local regulations.
      - [d] Copy of Spill Prevention Response Plan consistent with applicable Federal and State regulations and requirements.
    - (2) Existing tanks shall be upgraded as required to meet applicable federal and state regulations.
    - (3) Owners shall meet federal and state requirements for release detection recordkeeping, reporting, and notification.
    - (4) Provide a detailed description of how the Owners plan to comply with the above Design Standards.



4. Agricultural Operations: The following operating requirements apply to agricultural lands that operate within the WP Overlay District:
- (a) Owners of lands utilized for agricultural production shall comply with the Pennsylvania Nutrient Management Act and accompanying State regulations.
  - (b) Agricultural operations shall utilize integrated pest management techniques to minimize the risk to groundwater systems associated with the application of pesticides and herbicides.
  - (c) The Township may require proof of compliance with Federal pesticide regulations.

**----- End of Article 5 -----**

## ARTICLE 6 District Regulations

§ 600. Reserved

### § 601. AP – Agricultural Preservation District

In the AP District, the following regulations shall apply:

A. Use Regulations:

1. **Permitted by Right Uses:** Only the following uses shall be permitted by right within the AP District: (See also Article 4, Use Regulations).

- A-1 Agriculture
- A-2 Accessory Agricultural Sales
- A-3 Forestry
- A-4 Commercial Greenhouse
- A-7 Nursery
- A-8 Riding Academy/Boarding Stable
- A-9 Accessory Farm Business
- B-9 Residential Conversion
- B-11a Single family detached dwelling (less than 5 lots)
- B-11b Single family detached dwelling (5 or more lots)
- B-12 Single family detached cluster
- B-13 Subdivision creating large lots
- B-17 Farmland Lot
- F-4 Essential Services
- F-7 Wind Energy Systems
- H-1 Accessory apartment for immediate family members
- H-3 Family Day Care
- H4a No Impact Home Occupation
- H-5 Livestock and Horses as an accessory use
- H-7 Recreational Vehicles
- H-8 Residential Accessory Structure and Use
- H-9 Spa/Hot Tubs
- H-10 Swimming Pool
- H-11 Temporary Structures and Vehicles
- H-13 Customarily Accessory Use or Structure
- H-14 Garage or Yard Sales

2. **Conditional Uses:** Only the following uses shall be conditional uses within the AP District: (See also Articles 4 and 8)

- B-1 Boarding Home
- B-8 Private Camp or Cottage Development
- C-1 Cemetery
- C-4 Golf Course

- D-3 Veterinary Office or Clinic
- E-11 Bed and Breakfast Inn and certain other additional specified uses if approved under Section 513 in a Historic Structure
- H-4 Home Occupation

3. **Special Exception Uses:** Only the following uses shall be special exception uses within the AP District: (See also Articles 4 and 10)

- A-5 Intensive agriculture
- A-6 Kennel
- F-1 Utility operating facility
- F-5 Commercial Communications Antenna/Tower
- H-12 Accessory Parent/In-Law/Guests/Workers Dwelling

4. **Signs** in accordance with Article 9.

B. Dimensional, Open Space and Coverage Regulations for Uses Other than Single Family Detached Cluster Development. The following regulations shall apply within the AP district unless a more restrictive provision is established by another section of this Ordinance (such as but not limited to Articles 4 and 5):

1. Maximum Height - See Section 601.F.
2. Single family detached dwelling - B-11a and B-11b:

(a) The following provisions shall apply if a site included 10 or more acres of site area as of the effective date of this Ordinance:

- (1) Site Capacity Calculations shall be required as provided in Section 509.B. (with the inclusion of 601.B.2.a (7))
- (2) See the Farmland Lot provisions in Section 601.D. and the productive agricultural soil provisions in Sections 508.B.10 and 509. B.
- (3) Minimum Lot Area = 1 acre
- (4) Maximum Impervious Surface Ratio = .25
- (5) Minimum Lot Width at Minimum Building Setback Line - 150 feet
- (6) Minimum Yards (in feet): 50 front, 15 each side, 35 rear.
- (7) Maximum Density - 0.33 dwelling unit per acre of base site area.

(b) The following provisions shall apply if subsection "a." above does not apply:

- (1) Minimum Lot Area = 3 acres
- (2) Maximum Impervious Surface Ratio = .15
- (3) Minimum Lot Width at Minimum Building Setback Line - 200 feet
- (4) Minimum Yards (in feet): 50 front, 30 each side, 50 rear.

3. Intensive Agriculture - A-5:

- (a) Minimum Lot Area = 25 acres
- (b) Maximum Impervious Surface Ratio = .10
- (c) Minimum Lot Width at Minimum Building Setback Line - 400 feet
- (d) Minimum Yards (in feet)\*: 100 front, 100 each side, 100 rear.

\* In addition to the yards, a 300 feet minimum building setback shall apply from a building that is used to house an intensive agriculture use to any lot line of a lot that is zoned VC or RR or from any dwelling that is in another district.

4. Other Allowed Use:

- (a) Minimum Lot Area = 3 acres
- (b) Maximum Impervious Surface Ratio = .15
- (c) Minimum Lot Width at Minimum Building Setback Line - 200 feet
- (d) Minimum Yards (in feet): 50 front, 30 each side, 50 rear.

C. Dimensional, Open Space and Coverage Requirements for Single Family Detached Cluster Development ("SFDC"), Use B-12.

	Maximum Building Coverage	Maximum Impervious Surface Ratio	Minimum Lot Area (one dwelling unit per lot)	Minimum Open Space Ratio
SFDC	.15	.25	1 acre	.45

	Minimum Lot Width at Minimum Building Setback Line (feet)	Maximum Building Height *	Minimum Yards: Front/Each Side/Rear (feet)
SFDC	130	35	50/15/35

\*Or 3 stories, whichever is more restrictive.

D. Farmland Lot. If a site included 10 or more acres of site area as of the effective date of this Ordinance, then one Farmland Lot shall be provided. The Farmland Lot shall encompass the "Agricultural Soils, Productive" that are required to be protected. The requirements for a Farmland Lot shall not apply if less than 2 acres of productive agricultural soils are required to be preserved under Sections 508.B.10 and 509.B.2. Areas of the Farmland Lot that are protected by a deed restriction (once created it shall be restricted from any further subdivision) or conservation easement against additional subdivision, building and development shall count toward the required amount of open space, as applicable. The Farmland Lot shall be a contiguous area with a minimum dimension of 200 feet, and which has a shape that is suitable for modern agricultural or horticultural uses. The Farmland Lot may include one existing, or new, dwelling unit and agricultural buildings. The Farmland Lot shall be readily accessible to a public road or to a road constructed to provide convenient access by farm machinery to the site.

1. Areas of the Farmland Lot that are not occupied by a building may also count towards the required Open Space, provided there is compliance with the other sections of this Ordinance.
2. See also Sections 508.B.10 and 509.B.2

E. Right to Farm:

1. In order to protect and encourage the development and improvement of farmland within the Township for the production of food and other agricultural products, this Ordinance strives to protect and encourage a positive agricultural business climate by protecting commercial farms operated in accordance with acceptable methods and techniques of agricultural production from unnecessary regulation or unreasonable nuisance actions.
2. This Ordinance recognizes the protection that is provided for normal farming practices under the Pennsylvania Right to Farm Act.
3. This Ordinance recognizes that certain regulatory matters may be preempted by the Pennsylvania Right to Farm Act or the Pennsylvania Nutrient Management Act.
4. Current and prospective residents are hereby placed on notice that noise, dust and odors and use of pesticides and herbicides and the spreading of nutrients are a typical part of normal farming practices and that these practices may create nuisances and impacts that may be noticeable and objectionable to residents, and that the residents ability to file a nuisance action and the Township's ability to control nuisances concerning agricultural activities is limited by State law.

F. Maximum Height for All Uses: 3 stories or 35 feet, whichever is more restrictive. See exceptions in Section 500.H. including for agricultural buildings.

## § 602. RP - Resource Protection District

In the RP District, the following regulations shall apply:

### A. Use Regulations:

1. **Permitted by Right Uses:** Only the following uses shall be permitted by right (see also Article 4):

- A-1 Agriculture
- A-2 Accessory Agricultural Sales
- A-3 Forestry
- A-4 Commercial Greenhouse
- A-7 Nursery
- A-8 Riding Academy / Boarding Stable
- A-9 Accessory Farm Business
- B-9 Residential Conversion
  
- B-11a Single-Family Detached Dwelling (less than 5 lots)
- B-11b Single-Family Detached Dwelling (5 or more lots)
- B-12 Single-Family Detached Cluster
- B-13 Subdivision Creating Large Lots
- C-7 Municipal Facility
- F-4 Essential Services
- F-7 Wind Energy Systems
- H-1 Accessory Apartments for Immediate Family Members
- H-3 Family Day Care
- H4a No Impact Home Occupations
- H-5 Livestock and Horses as an Accessory Use
- H-7 Recreational Vehicles
- H-8 Residential Accessory Structure and Use
- H-9 Spa/Hot Tubs
- H-10 Swimming Pool
- H-11 Temporary Structures and Storage
- H-13 Customarily Accessory Use or Structure
- H-14 Garage or Yard Sales

2. **Conditional Uses:** Only the following uses shall be allowed as conditional uses (see also Articles 4 and 8):

- B-1 Boarding House
- B-8 Private Camp or Cottage Development
- C-1 Cemetery
- C-4 Golf Course
- C-10 Place of Worship
- C-12 Recreational Facility / Community Center
- D-3 Veterinary Office or Clinic
- D-5 Professional Studio

E-11 Bed-and-Breakfast Inn and certain other additional uses if approved under Section 513 in a Historic Structure

F-2 Emergency Services

H-4 Home Occupations

3. **Special Exception Uses:** Only the following uses shall be allowed as special exception uses (see also Articles 4 and 5):

A-6 Kennel

F-1 Utility Operating Facility

F-5 Commercial Communications Antennas/Tower

H-12 Accessory Parent/ In-Law/ Guests/Workers Dwelling

4. Signs shall be allowed in accordance with Article 9.

**B. Dimensional, Open Space and Coverage Regulations for Uses Other Than Single Family Cluster Development.**

The following regulations shall apply within the RP district unless a more restrictive provision is established by another section of this Ordinance (such as but not limited to Articles 4 and 5):

1. Minimum Lot Area – 3 acres.
2. In addition to each lot meeting the lot area requirement per lot, as provided above, the number of dwelling units allowed on a site for land in the RP District under Uses B11a and B11b shall also be limited, based upon the Natural Resource and Site Capacity calculations of Section 509.
  - (a) Maximum Density – 0.33 dwelling units per acre of base site area.
  - (b) Maximum Building Coverage – 0.10 per lot
  - (c) Maximum Impervious Surface Ratio – .15 per lot.
  - (d) Minimum Lot Width at Minimum Building Setback Line – 200 feet.
  - (e) Minimum Front Yard – 50 feet.
  - (f) Minimum Side Yard – 30 feet each.
  - (g) Minimum Rear Yard – 50 feet.
  - (h) Maximum Height – 35 feet (See exceptions for agricultural buildings)

**C. Dimensional, Open Space and Coverage Regulations for Single Family Cluster Development (SFDC).**

The following regulations shall apply within the RP district for SFDC unless a more restrictive provision is established by another section of this Ordinance (such as but not limited to Articles 4 and 5):

1. Any parcel larger than 10 acres may be developed as a cluster (Use B-12), unless it is demonstrated that clustering impacts more of the environmental resources defined in the resource protection calculation (Section 509.B.) than does non-clustered development.
2. Minimum Lot Area – 1 acre, except as follows:

(a) A proposed building area shall be designated on any subdivision or land development plan. The proposed building area shall show the outer extent of a contiguous area that shall encompass all areas that are allowed to be used for the construction of buildings, driveways, sewage disposal facilities and off-street parking spaces and an area 40 feet wide on each side of all such improvements.

(b) If such proposed building area on any lot includes any land area with slopes of 25% or greater slopes, then the SFDC option shall not be used. If such proposed building area includes any land area with slopes of 15 to 24.99% slopes, but no area of 25% or greater slopes, then a 3-acre minimum lot area shall be required for that lot.

(c) Such proposed building area shall be binding upon all future improvements on the lot, unless the applicant submits a revised subdivision or land development plan that is approved by the Board of Supervisors, after the Planning Commission has had an opportunity for a review. Such revised plan shall only be approved if the applicant proves that the revised proposed building area would comply with all requirements of Township ordinances.

3. Minimum Open Space Ratio - .50
4. Maximum Impervious Surface Ratio – .10 for the tract.
5. Minimum Lot Width at Minimum Building Setback Line – 150 feet.
6. Minimum Front Yard – 50 feet.
7. Minimum Side Yard – 15 feet each.
8. Minimum Rear Yard – 35 feet.
9. Maximum Height – 35 feet. (See exceptions in Section 501.H)
10. Maximum density – 0.33 dwelling units per acres of base site area.

D. Additional Requirements for Single Family Detached Cluster ("SFDC") Developments.

The maximum number of dwelling units on a SFDC tract shall not exceed the number of units that would be permitted under a non-clustered subdivision for Use B-11a or B-11b Single Family Detached Dwellings.

See also provisions for use B-12 Single Family Detached Cluster in Section 403.B.

**§ 603. RESERVED**



## § 604. RR - Rural Residential District

In the RR District, the following regulations shall apply:

### A. Use Regulations:

1. **Uses by Right:** Only the following uses shall be permitted by right (see also Article 4):
  - A-1 Agriculture
  - A-2 Accessory Agricultural Sales
  - A-3 Forestry
  - A-4 Commercial Greenhouse
  - A-7 Nursery
  - B-9 Residential Conversion
  - B-11a Single-Family Detached Dwelling (less than 5 lots)
  - B-11b Single-Family Detached Dwelling (5 or more lots)
  - B-12 Single-Family Detached Cluster
  - B-14 Townhouse
  - B-15 Twin House
  - B-16 Village House
  - C-7 Municipal Facility
  - F-4 Essential Services.
  - F-7 Wind Energy Systems
  - H-1 Accessory Apartment for Immediate Family Members
  - H-3 Family Day Care
  - H4a No Impact Home Occupations
  - H-5 Livestock and Horses as an accessory use
  - H-7 Recreational Vehicles
  - H-8 Residential Accessory Structure and Use
  - H-9 Spa/Hot Tubs (*Residential Only*)
  - H-10 Swimming Pool (*Residential Only*)
  - H-11 Temporary Structures and Storage
  - H-13 Customarily Accessory Use or Structure
  - H-14 Garage or Yard Sales
  
2. **Conditional Uses:** Only the following uses shall be conditional uses (see also Articles 4 and 8):
  - A-8 Riding Academy / Boarding Stable
  - B-1 Boarding House
  - B-5 Mobile (Manufactured) Home Park
  - B-6 Garden Apartments
  - B-7 Performance Subdivision (limited to the uses: B-6 Apartments, B-11a and B-11b Single Family Detached Dwellings, B-14 Townhouse, B-15 Twin House and B-16 Village Houses)
  - C-6 Library or Museum
  - C-8 Nursing Home

- C-9 Personal Care/Assisted Living/Hospice Center Facility
- C-10 Place of Worship
- C-11 Private Organization
- C-12 Recreational Facility / Community Center
- C-13 Primary or Secondary School, College/University
- D-5 Professional Studio
- E-11 Bed and Breakfast Inn if approved under Section 514 in a Historic Structure
- F-2 Emergency Services
- H-2 Dwelling in Combination with a Business
- H-4 Home Occupation

3. **Special Exception Uses:** Only the following uses shall be allowed as special exception uses (see also Articles 4 and 10):

- F-1 Utility Operating Facility
- H-12 Accessory Parent/ In-Law/ Guests/ Workers Dwelling

4. Signs shall be allowed in accordance with Article 9.

B. Dimensional, Open Space and Coverage Regulations: The following regulations shall apply within the RR district, for uses other than Mobile (Manufactured) Home Parks, unless a more restrictive provision is established by another section of this Ordinance (such as in Article 4):

<b>Dwelling Type:</b>	<b>Maximum Density</b>	<b>Minimum Open Space Ratio</b>	<b>Maximum Impervious Surface Ratio</b>	<b>Minimum Gross Site Area</b>
B-11a or B-11b. Single-Family Detached Dwellings	–	–	.30	–
B-12 Single-Family Detached Cluster	4	.30	.30	<i>3 acres</i>
B-7 Performance Subdivision	4	.35	.40	<i>3 acres</i>
Other Allowed Use	–	–	.40	-

<b>Dwelling Type:</b>	<b>Minimum Lot Area* (sq.ft.)</b>	<b>Minimum Lot Width at Minimum Bldg. Setback Line (feet)</b>	<b>Minimum Yards: Front / Each Side / Rear (feet)</b>
B-11a or B-11b. Single-Family Detached Dwelling**	10,000	90	25 / 10 / 35
B-12 Single-Family Detached Cluster**	7,000	60	25 / 8 / 35
B-7 Performance Subdivision**:			
– Single-Family Detached Dwelling	6,000	55	25 / 6 / 25

<b>Dwelling Type</b>	<b>Minimum Lot Area* (sq.ft.)</b>	<b>Minimum Lot Width at Minimum Bldg. Setback Line (feet)</b>	<b>Minimum Yards: Front / Each Side / Rear (feet)</b>
– Twin Dwelling or Village House unless smaller setbacks allowed in Section 403.B.16 for a Village House	5,000	45	25 / 6 / 25
– Other Allowed Housing Types - As provided in Section 403.B. for a Performance Subdivision	None required	90, except see Section 403.B.14 for townhouses	25/ 6/ 25
Other Allowed Uses or Single Family Detached Dwelling without Central Water and Central Sewage Services	43,560	110	35 / 20 / 40

\*Per dwelling unit for residential uses.

\*\* Township-approved central sewage and central water services shall both be provided.

C. Additional Requirements for a Mobile (Manufactured) Home Park. See also additional requirements in Section 403.B. including requirements for perimeter setbacks.

	<b>Minimum Lot Width at Minimum Bldg. Setback Line (feet)</b>	<b>Minimum Yards: Front / Each Side / Rear (feet)</b>	<b>Minimum Distance Between Buildings (feet)</b>
B-5 Mobile (Manufactured) Home Park	200	15 / 15 / 15	30

	<b>Maximum Density</b>	<b>Minimum Open Space Ratio</b>	<b>Maximum Impervious Surface Ratio for the Site</b>	<b>Maximum Gross Site Area</b>
B-5 Mobile (Manufactured) Home Park**	4.0	0.20	0.40	5 Acres

\*\* Township-approved central sewage and central water services shall both be provided.

D. Maximum Height for All Uses: Three (3) stories or 35 feet, whichever is more restrictive. See exceptions in Section 501.H. including for agricultural buildings.

**§ 605. Reserved**

## § 606. VC - Village Center District

In the VC District, the following regulations shall apply:

A. Use Regulations.

1. **Uses by Right:** Only the following uses shall be permitted by right (see also Article 4):

- A-1 Agriculture.
- A-2 Accessory Agricultural Sales
- A-3 Forestry
- A-4 Commercial Greenhouse
- A-7 Nursery
- B-9 Residential Conversion
- B-11a Single-Family Detached Dwelling (less than 5 lots)
- B-12 Single-Family Detached Cluster
- B-14 Village House
- B-15 Twin House
- C-7 Municipal Facility
- F-4 Essential Services
- F-7 Wind Energy Systems
- H-1 Accessory Apartment for Immediate Family Members
- H-3 Family Day Care
- H4a No Impact Home Occupation
- H-5 Livestock and Horses as an accessory use
- H-7 Recreational Vehicles
- H-8 Residential Accessory Structure and Use
- H-9 Spa/Hot Tubs (*Residential Only*)
- H-10 Swimming Pool (*Residential Only*)
- H-11 Temporary Structures and Storage
- H-13 Customary Accessory Use or Structure
- H-14 Garage or Yard Sales

2. **Conditional Uses:** Only the following uses shall be allowed as conditional uses (see also Articles 4 and 8):

- B-1 Boarding House
- B-2a Group Home
- C-1 Cemetery
- C-3 Day Care Center
- C-6 Library or Museum
- C-10 Place of Worship
- C-11 Private Organization
- C-12 Recreational Facility/Community Center
- D-1 Medical Office

- D-2 Office
- D-5 Professional Studio
- E-5 Convenience Store/Mini Market
- E-6 Restaurant (without Drive-Thru Service)
- E-11 Bed and Breakfast Inn
- E-18 Retail Trade & Retail Services
- F-2 Emergency Services
- H-2 Dwelling in Combo with Business
- H-4 Home Occupations

3. **Special Exception Uses:** Only the following uses shall be allowed as special exception uses (see also Articles 4 and 5):

- E-23 Tavern
- F-1 Utility Operating Facility
- G-6 Manufacturing
- H-12 Accessory Parent/ In-Law/Guests/Workers Dwelling

4. Signs shall be allowed in accordance with Article 9.

B. **Dimensional, Open Space and Coverage Regulations:** The following regulations shall apply within the VC district, unless a more restrictive provision is established by another section of this Ordinance (such as Articles 4 and 5):

Use Type:	Front Yard:	Side Yard:	Rear Yard:	Minimum Yard Width:	Maximum Height:
Village Center	50'	30'	50'	150'	35'

Use Type:	Max Net Density DU/AC	Min Open Space Ratio:	Max Impervious Surface Ratio:	Minimum Site Area:	Minimum Lot Area:
<u>Village Center:</u>					
Single-Family:	.87	None	.15	1 Acre	1 Acre
Agriculture Use A-1 thru A-7	-	-	.05	3 Acres	3 Acres

C. **Site Design Standards and Guidelines:** To promote infill and traditional neighborhood development, as authorized by the State Municipalities Planning Code, the following additional standards and guidelines shall apply in the VC District.

1. A maximum of 10 percent of the required off-street parking spaces may be met by providing on-street parking spaces along a newly built public street, provided that the spaces are within 250 feet of the use being served by the parking.
2. All streets shall include a hard surface pathway meeting Township requirements on both sides of the street, if sidewalks are not required.

3. If a new principal building is constructed on a vacant lot, at least a portion of one such building shall be located a maximum of 75 feet from the existing or ultimate street right-of-way of a public street.
4. All lots shall have provisions for well-marked pedestrian routes from a public street to a pedestrian entrance of a principal building. This may include, but not be limited to, a path between adjacent rows of parking vehicles, that is protected by curb or curb stops from the adjacent parking spaces. Individual buildings and pedestrian entrances and parking areas shall be laid out to promote pedestrian access among different uses.
5. A building shall have a maximum length of 200 feet if it is parallel to a public street, unless the building is designed to appear to be two or more distinct buildings that are attached to each other.
6. Where parking or buildings do not currently exist, a minimum width of 10 feet adjacent to the curb line of an arterial street shall be planted and maintained in grass or other vegetative ground cover, except for necessary approximately perpendicular driveway crossings. Trees and shrubs shall also be planted in this vicinity, provided they do not obstruct safe sight distances. Where a sidewalk is provided, such 10 feet width may be provided in two segments, provided that the total width totals at least 10 feet. Where curbing is not provided, such width shall be measured from the street right-of-way. Preexisting parking spaces may be rearranged, provided they do not result in an increase in the land area covered by off-street parking spaces in such location.
7. Buildings may be developed in a condominium arrangement without each building being on its own minimum sized lot provided the applicant proves that the same dimensional requirements could be met as if the dwellings were in fee-simple ownership. For example, if a 10 feet side yard is required on each side of 2 buildings, then a 20 feet separation shall be provided, although a lot line would not need to exist between the 2 buildings.
8. Before zoning approval is granted for any new principal building, a conceptual architectural plan shall be submitted to the Township for review by the Planning Commission and Board of Supervisors. Such plans shall show the front elevation of the building and shall list the types of exterior building materials of the front facade.
9. Street level storefronts shall be inviting to pedestrians.
10. Loading and unloading spaces for trucks shall not block major pedestrian ways or create blind spots.
11. Design Guidelines: The following advisory guidelines are recommended to be used by the Township and applicants in the VC district:
  - (a) Parking: Parking areas should be well screened from arterial roads by landscaping and/or a decorative masonry wall.
  - (b) Blank Walls: Blank walls without door and window openings should be avoided along a street. Overly modernistic or bland buildings devoid of details should be avoided when adjacent buildings have architectural details.
  - (c) Fencing: Chain link metal fencing should be avoided in the front yard.

- (d) Materials: On building sides facing a street, new construction should use building materials that are similar to appearance to older buildings, such as brick, stone, glass, clapboard-type siding.
- (e) Buildings of over 100 feet in length should be designed to have the appearance of inter-connected buildings and to avoid the appearance of monotony. This should be accomplished through variations in rooflines, overhangs, setbacks, colors and facade materials and use of canopies, porches and awnings.
- (f) Buildings should have the appearance of having a pitched or peaked roof as viewed from an arterial street or have a decorative cornice roof.
- (g) Retail stores should have display windows facing onto the street.
- (h) To the maximum extent feasible, off-street parking should be located to the rear or side of non-residential buildings.
- (i) Buildings should be designed and arranged to provide a character similar to an older village.

**§ 607. RESERVED**



## § 608. PC-I - Planned Commercial - Industrial District

In the PC-I District, the following regulations shall apply:

- A. Use Regulations: Only the following uses shall be allowed within the PC-I District:  
(All Commercial / Industrial Uses Require a Review before the Board of Supervisors)
1. **Uses by Right:** Only the following uses (Agricultural & Existing Residential Uses) shall be permitted by right. No New Residential Uses are permitted in this District (See also Article 4):
    - A-1 Agriculture
    - A-2 Accessory Agricultural Sales
    - A-3 Forestry
    - A-4 Commercial Greenhouse
    - A-7 Nursery
    - A-9 Accessory Farm Business
    - C-7 Municipal Facility
    - F-4 Essential Services
    - F-7 Wind Energy Systems, provided that the setback of each windmill from all lot lines and street right-of-ways shall be equal to the total maximum extended height of the windmill and provided that if more than 2 windmills are located on the lot, then the setback from a lot line of a dwelling shall be twice the total maximum extended height of the windmill.
    - H-4a No Impact Home Occupation within an existing dwelling
    - H-5 Livestock and Horses as an accessory use
    - H-8 Residential Accessory Structure and Use as accessory to an existing dwelling
    - H-9 Spa/Hot Tubs as accessory to an existing dwelling
    - H-10 Swimming Pools as accessory to an existing dwelling

**Note: ALL other Permitted Uses Require a Conditional Use Hearing before the Board of Supervisors**

2. **Conditional Uses:** Only the following uses shall be allowed as a conditional use. (See also Article 8 Conditional Uses and Article 4 Use Regulations):
  - A-6 Kennel
  - B-2a Group Home within an existing dwelling
  - B-2c Group Home as Land Development
  - C-2 Commercial School
  - C-3 Day Care Center
  - C-4 Golf Course
  - C-5 Hospital
  - C-6 Library or Museum
  - C-8 Nursing Home
  - C-9 Personal Care/Assisted Living/Hospice Center

- C-10 Place of Worship
- C-11 Private Organization
- C-12 Recreation/Community Center
- C-13 Primary, Secondary School, College or University
- D-1 Medical Office
- D-2 Office
- D-3 Veterinary Office or Clinic
- D-4 Office Park/Corporate Center
- D-5 Professional Studio
- E-2 Vehicle Sales
- E-3 Vehicle Repair; Body & Paint Shop; Vehicle Accessory Sales
- E-4 Car Wash
- E-5 Convenience Store / Mini Market
- E-6 Restaurant, without drive-through service
- E-8 Entertainment Facility
- E-9 Financial Establishment
- E-10 Funeral Home
- E-11 Bed & Breakfast Inn
- E-13 Mini Warehouse / Self -Storage
- E-14 Motel or Hotel
- E-16 Recreational Campsites
- E-17 Repair Shop
- E-18 Retail Trade & Retail Services<10,000 sq.ft.
- E-19 Gas Station
- E-20 Shopping Center
- E-21 Parking Lot or Garage
- E-22 Mobile Home & Accessory Sales
- E-23 Tavern
- E-25 Betting Use
- E-27 Firearms target Range
- E-28 Commercial Flea Market
- F-1 Utility Operating Center
- F-2 Emergency Services
- F-3 Passenger Terminal (*Railway/Bus*)
- F-5 Commercial Communications Antennas/Towers
- F-6 Airport or Heliport
- G-1 Salvage Facility
- G-2 Building Material Sales & Equipment Storage Yards
- G-3 Contractor Service
- G-4 Food Processing
- G-5 Fuel Storage and Distribution
- G-6 Manufacturing, other than types of manufacturing that are listed as by right uses
- G-7 Quarry
- G-8 Recycling Facility
- G-9 Research
- G-10 Solid Waste Facility

- G-11 Truck Terminal
- G-12 Wholesale
- G-13 Warehouse
- G-14 Printing, Publishing & Binding
- G-15 Planing Mill
- H-2 Dwelling in Combination with a Business
- H-4 Home Occupations
- H-6 Outside Storage as accessory to an allowed principal use in no case shall outdoor storage exceed 25 percent of the total lot area of a lot.
- H-7 Recreational Vehicles
- H-11 Temp Structures and Storage
- H-13 Customarily Accessory Use or Structure

3. **Special Exception Uses:** Only the following uses shall be allowed as special exception uses. (See also Article 10. Zoning Hearing Board and Article 4. Use Regulations):

- B-1 Boarding House
- B-2b Halfway House
- B-6 Garden Apartments
- B-9 Residential Conversion
- C-1 Cemetery
- E-1 Adult Entertainment
- E-7 Restaurant with Drive-Thru
- E-12 Retail Store over 10,000 square feet of retail floor space
- E-24 Treatment Center
- E-26 Motor Vehicle Race Track

4. Signs: Signs shall be permitted in accordance with Article 9.

B. Performance Regulations: The following requirements shall apply within the PC-I district, unless a more restrictive provision is established by another section of this Ordinance (such as in Articles 4 or 5).

Use Type	Maximum Building Coverage	Maximum, Impervious Surface Ratio	Minimum Lot Area
Allowed Use	.40	.60	80,000 sq.ft.*

Note:\* Except 43,560 sq.ft. for an E-9 Financial Establishment, D-2 )office, or C-3 Day Care Center.

- C. Area and Dimensional Regulations: The following regulations shall apply within the PC-I district, unless a more restrictive provision is established by another section of this Ordinance.

Use Type	Minimum Lot Width at Minimum Building Setback (feet)	Maximum Building Height (feet)	Minimum Yards Front/Each Side/Rear (feet)
Allowed Use in Use Category "G-"	250	50*	50 / 70** / 70**
Other Allowed Use	200	50*	50/ 25/ 40 **

\* Except for wireless communications towers, which shall meet the conditions of Section 403.F.5

\*\* Except a side yard and rear yard of 25 feet shall apply where the abutting lot line is part of a lot within the PC-I zoning district.

1. Berm: If a new principal use in use category "G-" is constructed with a side or rear yard abutting a residential district, then a landscaped undulating earth berm shall be provided abutting the residential district. Such berm shall have a minimum average height of 5 feet and a maximum 3:1 slope on the residential side. The business side of the berm may utilize retaining walls.

**----- End of Article 6 -----**

## **ARTICLE 7 FLOODPLAIN REGULATIONS**

### **§ 700. Purposes**

In addition to serving the overall purposes of this Ordinance, the Pennsylvania Floodplain Management Act 166 of 1978 delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Durham Township Board of Supervisors do hereby order as follows; these provisions are intended to promote public health, safety, and welfare, prevent the loss of property and life, the disruption of commerce and governmental services, the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future. Require all those uses, activities, and development that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- D. Reduce the financial burden imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding and protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- E. Promoting protection of surface and groundwater quality and watershed protection.
- F. Comply with federal and state floodplain management requirements

### **§ 701. Applicability**

These provisions shall apply to all lands within the jurisdiction of Durham Township and shown as being located within the boundaries of the designated floodplain district as defined herein. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Durham Townships' Floodplain District unless a Permit has been obtained from the Floodplain Administrator.

Exception: A Permit is not required for minor repairs to existing buildings or structures.

### **§ 702. Abrogation & Greater Restrictions**

This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this section, the more restrictive shall apply.

### **§ 703. Compliance**

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

### **§ 704. Warning and Disclaimer of Liability**

The degree of flood protection sought by the provisions of this Section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of Durham Township or any officer, official, consultant or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

### **§ 705. Administration**

The Zoning Officer of Durham Township is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.

#### **A. Duties and Responsibilities of the Floodplain Administrator:**

1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the PA Sewage Facilities Act (Act 1966-537, as amended); the PA Clean Streams Act (Act 1937-394 as amended); and the US Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the

identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this section.

6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Township Board of Supervisors for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, permitting, inspection and enforcement.
8. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009IBC and the 2009 IRC or the latest revisions thereof.

### **§ 706. Application Procedures & Requirements**

- A. Application for a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Durham Township. Such application shall contain the following:
  1. Name and address of applicant
  2. Name and address of the owner of the land on which the proposed construction is to occur.
  3. Name and address of contractor
  4. Site location including complete address and tax map parcel number
  5. Listing of all required permits
  6. Brief description of proposed work and estimated cost, including a break-down of flood related costs and the market value of the building before the flood damage occurred where appropriate
  7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall supply all of the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
  1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances;
  2. All utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided so as to reduce exposure to flood hazards;
  4. All structures will be anchored to prevent flotation, collapse, or lateral movement
  5. Building materials are flood resistant
  6. Appropriate practices that minimize flood damage have been used
  7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation

- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Zoning & Building Permit application
  2. A plot plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - (a) North arrow
    - (b) Topographic contour lines, if available
    - (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed utilities, subdivision and development
    - (d) The location of all existing streets, drives, and other access ways
    - (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities
  3. Detailed plans of all proposed structures, buildings, and other improvements, drawn at suitable scale showing the following:
    - (a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988
    - (b) The Base Flood Elevation.
    - (c) Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC
  4. The following data and documentation:
    - (a) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;
    - (b) Detailed information concerning any proposed flood proofing measures and corresponding elevations
    - (c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See Section 708.B.1) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
    - (d) Documentation, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.  
  
Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
    - (e) Detailed information required to determine compliance with Section 705 and Section 713; Development Which May Endanger Human Life; including:



- (1) The amount, location and purpose of any materials or substances referred to in Sections 712 E.3 and 713 B which are intended to be used, produced, stored or otherwise maintained on site.
    - (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 713 during a base flood.
  - (f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"
  - (g) Where any grading or exaction is proposed, a plan meeting the requirements of the DEP, to implement and maintain erosion and sedimentation control
- D. All applications for permits shall be accompanied by a fee payable to Durham Township based upon the estimated cost of construction as determined by the Floodplain Administrator and the townships Fee Schedule.
- E. A copy of all applications and plans submitted for any proposed construction or development in any identified floodplain area to be considered for approval; shall be first submitted by the Floodplain Administrator to the Bucks County Conservation District for review and comment prior to the issuance of any permits. The recommendations of the BCCD shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.
- F. Work on the proposed construction or development shall begin within 180 days after the issuance of any permits and shall be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a written time extension is requested and granted. After the issuance of any permits, any changes must first be submitted in writing to and approved by the Floodplain Administrator, and must be compliant with the FIRM and Ordinance in effect at the time of the extension.

## **§ 707. Enforcement**

### **A. Notices:**

Whenever the Floodplain Administrator, or other authorized township official, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Section, or of any other regulations adopted pursuant hereto; the Floodplain Administrator shall give written notice of such alleged violation(s), including a statement of the reason for the violation, along with an outline of remedial actions, which, if taken, will effect compliance with the provisions of this Section, allowing a reasonable time not to exceed thirty (30) days to correct the violation.

Such notice shall be served upon the property owner or his agent as the case may require; provided, however, that such notice shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.

B. Penalties:

1. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized township employee and/or official shall be guilty of a Misdemeanor and upon conviction shall pay a fine to Durham Township of not less than Twenty-Five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution.
2. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time.
3. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Ordinance may be declared by the Durham Township Board of Supervisors to be a public nuisance and abatable as such.

C. Appeals:

1. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Section, may appeal to the Durham Township Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Floodplain Administrator.
2. Upon receipt of such appeal, the Durham Township Zoning Hearing Board shall set a time and place, within not less than ten (10) days or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place of the hearing shall be provided to all concerned parties.
3. Any person aggrieved by any decision of the Durham Township Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of the State of PA, including the PA Flood Plain Management Act.

## **§ 708. Identification of Floodplain Areas**

A. Identification: The identified floodplain area shall be those areas of Durham Township classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRM's) dated March 16, 2015 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, and all other areas adjacent to streams, ponds, or lakes which are subject to the 100 year recurrence interval flood and any Community Identified Flood Hazard Areas.

1. The above referenced FIS and FIRM's (Flood Insurance Rate Maps), and any subsequent revisions and amendments are hereby adopted by Durham Township and declared to be a part of this section. Such FIS mapping is hereby incorporated by reference.

B. Description of Floodplain Areas: The identified floodplain area shall consist of the following specific areas:

1. AE/ FW (Floodway Area) – the areas identified as “Floodway” in the AE Zone in the Flood Insurance Study (FIS) prepared by the FEMA. It represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  - [1] Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic analysis, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during occurrence of the base flood discharge.
  - [2] No new construction or development shall be allowed, unless a permit is obtained from the PA DEP Regional Office
2. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
  - [1] The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
3. The A Area/District – the areas identified as Zone A in the FIS for which no one-percent (1%) annual chance flood elevations have been provided. .
4. For areas adjoining streams, ponds, and lakes not included within the Flood Insurance Study, and all areas identified as FA (Zone A) in the Flood Insurance Study, the Township will require the applicant to determine the elevation of the Base Flood with hydrologic and hydraulic engineering techniques to determine the floodplain area. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, compilations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

C. Overlay Concept:

1. The Floodplain Districts described above shall be considered overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administration actions or judicial discretion, the underlying district provisions shall remain applicable.

### **§ 709. Zoning Map**

The boundaries of the floodplain districts are established as FIS mapping for Durham Township, which is declared to be a part of this ordinance by reference, and which shall be kept on file at the Durham Township offices.

### **§ 710. District Boundary Changes**

The delineation of any of the floodplain districts may be revised by the Board of Supervisors in response to more detailed professional studies by qualified persons or entities after review by the Township Engineer. However, prior to any change in the floodplain districts identified on the Flood Insurance Study mapping, written approval must first be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data

### **§ 711. Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Township Planning Commission shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Planning Commission and submit his own technical evidence if he so desires. Any appeals to the Planning Commission determination may be made to the Township Board of Supervisors. All appeals must be made in writing, within thirty (30) days of the initial determination.

### **§ 712. Floodplain District Provisions**

- A. Within any Identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

- B. No hazardous, explosive, flammable or toxic substances may be stored or manufactured within any Floodplain District except for types and amounts of substances customarily kept in a dwelling unit. This matter is also regulated by Section 516.E. provided that whichever regulation is most restrictive shall apply.
- C. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the PA DEP Regional Office.
  2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
  3. In addition, FEMA and PA DCED shall be notified prior to any alteration or relocation of any watercourse.
- D. All uses, activities, and development occurring within any floodplain district shall be undertaken in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances such as the Township Building Code and Township Subdivision and Land Development Ordinance. In addition, all such uses, activities and the development shall be undertaken only in compliance with Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments; the Pennsylvania Sewage Facilities Act (Act 537); the Pennsylvania Dam Safety and Encroachment Act (Act 325) and the Pennsylvania Clean Streams Act (Act 394). Any wetland or watercourse margins established by the regulations in Article 5 which may be stricter shall be applicable.
- E. In the Floodplain District, no activity shall be permitted except where any rise in flood heights caused by the proposed activity will be fully offset by accompanying improvements which have been approved by all appropriate local, State and Federal authorities as required above.
1. Expansion of Existing Buildings or Structures: When permitted as a variance by the Zoning Hearing Board, any building or structure within the floodplain at the time of enactment of this Ordinance may be altered or extended, provided that:
    - (a) The alteration or extension conforms to all applicable regulations of this Ordinance.
    - (b) Any increase in volume or area shall not exceed an aggregate of more than 25 percent of such volume or area during the life of the structure.
    - (c) No increase of any on-lot sewer system presently located either wholly or partially in the floodplain shall be permitted.
    - (d) No expansion or enlargement to existing structures shall be allowed within any floodway area that would, together with all other existing and anticipated development, increase the BFE at any point.

- (e) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this ordinance.
  - (f) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.
- F. All subdivision proposals and development proposals in Identified Floodplain Areas, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- G. Recreational vehicles in Zones A, A1-A30, AH and AE must either:
- 1. Be on the site for fewer than 180 consecutive days, and
  - 2. Be fully licensed and ready for highway use
- Or**
- 3. Meet the permit requirements for manufactured homes in Section 718.

### **§ 713. Development Which May Endanger Human Life**

- A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by DCED as required by the Act, any new or substantially improved structure which:
- 1. Will be used for the production or storage of any of the following materials or substances, or
  - 2. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons or any amount of radioactive substances or any of the following materials or substances on the premises, shall be subject to the provisions of this section and all other applicable provisions. The following list of materials and substances are considered dangerous to human life.
    - Acetone
    - Ammonia
    - Benzene
    - Calcium carbide
    - Carbon disulfide
    - Celluloid
    - Chlorine
    - Hydrochloric acid
    - Hydrocyanic acid

- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, propane, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides, including insecticides, fungicides, and rodenticides
- Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any Floodway Area, any structure of the kind described in Subsection A above shall be prohibited.
- C. Within any Floodplain Area, any new or substantially improved structure of the kind described in Subsection B above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- D. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 713 (A), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with the Technical Provisions, Elevating and Flood Proofing Provisions and Design and Construction Standards of this Ordinance.
- E. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 713 (A) above, shall be built in accordance with the Technical Provisions, Elevating and Flood proofing Provisions and Design and Construction Standards of this Ordinance including:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
  2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

## § 714. Activities Specifically Prohibited

In accordance with the State regulations promulgated to implement the State Floodplain Management Act, the following obstructions, uses and activities are prohibited if located entirely or partially within an identified floodplain area:

- A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following:
  - Hospitals
  - Nursing Homes
  - Jails or Prisons
- B. The commencement of, or any construction of, a new manufactured/mobile home park or a manufactured/mobile home subdivision or substantial improvement to any existing manufactured/mobile home park or manufactured home subdivision.
- C. No variance shall be granted for the obstructions and activities prohibited by this Section.

## § 715. Floodplain Variances

- A. General: If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer, or landowner, the applicant may request a zoning variance from the Township Zoning Hearing Board.
- B. Variance Procedures and Conditions: In addition to meeting the standard requirements for a zoning variance under State law, a request for a variance to the regulations of this Article 7 shall also comply with the following:
  - 1. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the Base Flood Elevation.
  - 2. Except for a possible modification of the 1.5 foot freeboard requirement under Section 716.B., no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 713).
  - 3. No variance shall be granted for “Activities Specifically Prohibited” (Section 714).
  - 3. If granted, a variance shall involve only the least modification necessary to provide relief.
  - 4. In granting any variance, the Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
  - 5. Whenever a variance is granted, the Township shall notify the applicant in writing that:
    - (a) The granting of the variance may result in increased premium rates for flood insurance.
    - (b) Such variances may increase the risks of life and property.



6. In reviewing any request for a variance, the Township Zoning Hearing Board shall consider, at a minimum, the following additional standards:
  - (a) There is good and sufficient cause.
  - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (c) That the granting of the variance will: (i) not result in an increase in flood heights, (ii) not result in additional threats to public safety, (iii) not create nuisances, and (iv) not conflict with any other applicable state or local ordinances and regulations.
7. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
8. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% Annual Chance Flood.

## **§ 716. Elevation and Flood Proofing Requirements**

### **A. Residential Structures:**

1. In AE, A1, and AH Zones; any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated at least one and a half (1.5) feet above the Base Flood Elevation (BFE).
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM; any new construction or substantial improvement shall have the lowest floor (including basement) elevated, at least one and a half (1.5) feet above the Base Flood Elevation (BFE) as determined in accordance with Section 708.B.4 of this ordinance.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA CODE (Chapters 401-405 as amended) shall be utilized.

### **B. Non-residential Structures:**

1. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up at least one and a half (1.5) feet above the Base Flood Elevation (BFE) or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least 1.5 feet above the Base Flood Elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-

Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard acceptable to the Township. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA CODE (Chapters 401-405 as amended) shall be utilized

C. Space below the lowest floor:

1. Fully or partially enclosed space below the lowest floor (excluding basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “fully enclosed space” also includes crawl spaces
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
  - (b) The bottom of all openings shall be no higher than one foot above grade.
  - (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Accessory Structures: Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
5. Power lines, wiring, and outlets will be at least 1.5 feet above the Base Flood Elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. The building shall not have a toilet, shower or bathing facilities.

8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
  - (b) The bottom of all openings shall be no higher than one foot above grade.
  - (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **§ 717. Floodplain Design and Construction Standards**

The following minimum standards shall apply for all activity proposed within any identified floodplain area, in addition to the requirements of the UCC and other building codes:

- A. If fill is used, it shall:
  1. extend laterally at least 15 feet beyond the building line from all points;
  2. consist of soil or rock materials only – Sanitary landfills shall not be permitted;
  3. be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
  4. be no steeper than one (1) vertical foot to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Floodplain Administrator; and
  5. be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. Conform to the Township Stormwater Management requirements.
- C. Water and Sanitary Sewer Facilities and Systems:
  1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
  2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  3. No part of any on-site sewage system shall be located within any identified floodplain area.
  4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and the International Private Sewage Disposal Code shall be utilized.

- D. Other Utilities: All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets: The finished elevation of all new streets shall be no less than one foot above the Regulatory Flood Elevation.
- F. Storage: See Section 713.A. and 712.E.3.
- G. Placement of Buildings and Structures: All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring:
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  2. All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings:
1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  2. Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
  3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are “water –resistant” and will withstand inundation.
  4. Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other “water resistant” material.
- J. Paints and Adhesives:
1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of “marine” or “water-resistant” quality.
  2. Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” paint or other finishing material.
  3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.
- K. Electrical Components:
1. Electrical distribution panels shall be at least 3 feet above the Base Flood Elevation.
  2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

- L. Equipment: Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- M. Fuel Supply Systems: All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- N. Uniform Construction Code Coordination: The standards and specifications contained 34 PA CODE (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance:
  - International Building Code (IBC) 2009 or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix E & J
  - International Residential Building Code (IRC) 2009 or the latest edition thereof:  
Secs. R104, R105, R109, R323, Appendix AE101, E, and J

**§ 718. Special Requirements for Manufactured Homes**

- A. Within any Identified Floodplain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from top-of-bank of any watercourse.
- B. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  - 1. placed on a permanent foundation.
  - 2. elevated so that the lowest floor is at least one and a half (1.5) feet above Base Flood Elevation.
  - 3. anchored to resist flotation, collapse or lateral movement
- C. Installation shall be done in accordance with the manufacturer’s installation instructions, as provided by the manufacturer.
- D. Where the manufacturer’s standards for anchoring cannot be provided or were not established and/or applicable for the unit’s proposed installation, consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended and/or appropriate to the manufacturer’s unit.

## § 719. Definitions

- A. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.
- B. For the sole purposes of this Article 7, the following terms shall have the following meanings:
1. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
  2. Base Flood: A flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” or one-percent (1%) annual chance flood).
  3. Base Flood Discharge: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
  4. Base Flood Elevation (BFE): The elevation shown on a Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
  5. Basement: any area of the building having its floor below ground level on all sides.
  6. Building: A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
  7. Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
  8. Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials and the subdivision of land.
  9. Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable to the passage of water.
  10. Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

11. Existing Structure: A structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRM’s effective before that date. “Existing structure” may also be referred to as “existing construction”.
12. Expansion of an Existing Manufactures Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. Flood: A temporary inundation of normally dry land areas.
14. Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency management Agency has delineated the special areas of flood hazards and the risk premium zones applicable to the community.
15. Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
16. Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
17. Flood Proofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
18. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
19. Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
20. Historic structure: Any structure that is:
  - (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
  - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.
- 21. Identified Floodplain Area: The floodplain area specifically identified in this Ordinance as being within the 100 year floodplain.
- 22. Land Development: The definition in the Subdivision and Land Development Ordinance shall apply.
- 23. Lowest Floor: The lowest floor of the lowest fully enclosed area (including the basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.
- 24. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
- 25. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 26. Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cuffing away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
- 27. New Construction: structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after August 15, 1978 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- 28. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the



installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

29. One Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e. that has one percent chance of occurring each year, although the flood may occur in any year).
30. Person: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
31. Post-FIRM Structure: is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated August 15, 1978, whichever is later, and as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
32. Pre-FIRM Structure: A structure for which construction or substantial improvement on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated August 15, 1978, whichever is later, and as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
33. Recreational Vehicle: A vehicle which is:
  - a. built on a single chassis;
  - b. not more than 400 square feet, measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light-duty truck;
  - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
34. Regulatory Flood Elevation: The Base Flood Elevation (BFE) plus a freeboard safety factor of 1.5 feet.
35. Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
36. Special Flood Hazard Area (SFHA): means an area in the floodplain subject to a 1-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99, or AH.
37. Start of Construction: Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement,

or other improvement within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

38. Structure: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
39. Subdivision: The definition in the Township Subdivision and Land Development Ordinance shall apply.
40. Substantial damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceeds 50 percent or more of the market value of the structure before the damage occurred.
41. Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss”, regardless of the actual repair work performed. The term does not, however, include either:
  - (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - (b) Any alteration of a “historic structure” provided that the alteration would not preclude the structure’s continued designation as a “historic structure”.
42. Uniform Construction Code (UCC): The statewide building code adopted by The PA General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor & Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes,

references to the above are made specifically to various sections of the IRC and IBC.

43. Variance – a grant of relief by a community from the terms of a floodplain management regulation.
44. Violation: means the failure of a structure or other development to be fully compliant with all of the flood plain management regulations. A structure or other development without an elevation certificate, other certifications, , or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**----- End of Article 7 -----**

## **ARTICLE 8 CONDITIONAL USES**

### **§ 800. General**

1. The Board of Supervisors may allow or deny conditional uses pursuant to public notice, in accordance with the requirements of the Municipalities Planning Code and after receiving recommendation from the Township Planning Commission pursuant to the standards set forth in this Ordinance. The Township staff shall forward the application to the Township Planning Commission prior to the hearing for its recommendation. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.
2. Applicants for conditional uses shall submit a Conditional Use Permit Application.

### **§ 801. Conditional Use Standards**

1. The Board of Supervisors shall determine that access to the site is safe and may refuse to permit a conditional use where insufficient distance between a curb cut and a street intersection is provided, or require combining of access with an adjoining land use. The Board of Supervisors may require off-site traffic improvements where a hazardous condition would otherwise be created, if authorized by State law.
2. The Board shall require that the proposed use be developed in a manner that is compatible with the surrounding existing uses. Conditions controlling planting of shade trees, evergreen buffers, and planted berms may be imposed to create a buffer beyond the normal requirements of this Ordinance.
3. The Board shall impose conditions on lighting and signs to insure that glare does not disrupt residential areas, distract motorists, or intrude in the background near traffic lights.
4. The application shall not be approved unless the Board shall make favorable findings on all of the following:
  - (a) That the proposal is appropriate to the tract in question and will not disrupt or destroy the character of stable residential neighborhoods;
  - (b) That the proposal provides for adequate access to public roads, without creating hazardous conditions at intersections or areas of poor road alignment, and without creating undue congestion. Where a Traffic Impact Analysis is required by the Subdivision and Land Development Ordinance, it shall be submitted with the conditional use application.
  - (c) That the applicant has provided credible evidence that the proposal conforms to all applicable requirements of this Ordinance.
  - (d) That the proposed water supply and sewage systems will be adequate and meet applicable requirements. Where applicable, a certificate of adequacy of sewage and water facilities shall be provided. Where a

utility or stormwater matter will be required to be addressed under the Township Subdivision and Land Development Ordinance, Stormwater Ordinance or another Township Ordinance, the Board of Supervisors may defer detailed consideration of such matters and instead place a condition on the conditional use approval to require evidence of compliance with such ordinances to be provided when such matters will be before the Township.

- (e) That the effects of the proposed change will result in the most appropriate use of land, the conservation of the value of buildings, safety from fire, panic and other dangers; adequacy of light and air, the prevention of overcrowding of land and congestion of population, and the adequacy of public and community services.
- (f) That the proposed use will be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, lake, pond, watercourse or wetland buffers, springs, seeps, vernal pools, and other important natural features, and considering measures that the applicant proposes to conserve such features as a condition of approval.
- (g) That the proposed use shall not result in a change in water quality designation or special protection status of any water body in the township.

5. Special Conditions; Historic areas of the VC- Village Center:

The board shall require plans and illustrative material showing the relationship of the proposed structure to the adjoining structures. The board shall approve a Conditional Use when:

- (a) The structure is located with respect to setback as are other surrounding structures, even if this means altering the setback regulations. If it is not so located, planting and other design factors shall insure that the new structure does not detract from its neighbors; and
- (b) The structure is designed in an appropriate historical style certified by a registered architect; or if the structure is modern or contemporary, said architect shall certify that it is compatible in massing, materials, colors and details.
- (c) In considering structures in the historical Village Center, the question of use shall not be considered relevant to design suitability, but shall be considered under Section 801.2. (Reference Sec. 513 for further details).

## § 802. Environmental Impact Assessment for Solid Waste Facilities

No conditional use permit requesting permission to use a property for the establishment of a solid waste facility shall be approved without the preparation and filing of an Environmental Impact Assessment in accordance with the guidelines below.

- A. The impact on the environment generated by solid waste facilities requires a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. In order to effectively evaluate the environmental consequences or effects of such projects proposed in the township, an Environmental Impact Assessment (EIA) report shall be submitted with applications for conditional use approval requesting establishment of a solid waste facility and an updated environmental impact assessment report shall be submitted with any application for preliminary and/or final plan approval for land development or subdivision requesting authority to establish a solid waste facility.

In order to encourage the preparation of a thorough EIA report, the applicant may use the components of the EIA report to satisfy the reporting requirements of the Township subdivision and land development ordinance, provided however, that a list of the sections of the subdivision and land development ordinance that are proposed to be satisfied by the EIA report shall be submitted with the EIA report.

- B. Definitions: For the purpose of an EIA the following definitions shall apply:

1. Adverse Environmental Impacts: An impact which contributes to a harmful or degraded condition and/or produces an environmental harm or degradation. Adverse environmental impacts may include, but are not limited to: a negative impact on surrounding land uses, negative impacts which are contrary to the Comprehensive Plan for the Township and the intent of this Ordinance, negative impacts which may create a threat to the public health, safety and general welfare, and negative impacts on physical and biological resources.
2. Alternatives: Choices between or among 2 or more plans, layouts, approaches, solutions or results.
3. Beneficial Effects: Results contributing to an improvement in condition and/or producing a favorable result such as making a use more compatible with the intent of this ordinance and the goals of the Comprehensive Plan and promoting the public health, safety and general welfare.
4. Biological Resources: Characteristics of the natural environment manifest in its flora and fauna. The disposition of these characteristics is typically expressed in vegetation and/or wildlife units such as: field and meadow, tree, woodland or forest stands and related understory and ground cover growth, water quality, and aquatic and terrestrial wildlife and/or their habitats.
5. Community Facilities: The services which provide for various community health, education, safety, leisure, and like needs and the

locations at which these services are provided. Typical community facilities include: schools, parks and recreation areas, libraries, hospitals and other health-care facilities, fire protection, police, ambulance and rescue services, and postal services.

6. Cultural Environment: A representation of man's influence on land and/or water through the use, organization, adornment and maintenance of property and structures.
7. Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction or alteration to buildings or other structures, the placement of mobile homes, streets or other paving, utilities, filling, grading, re-grading, excavation, mining, dredging or drilling operations, provided, however, the following shall not be considered as development: routine maintenance; incidental grading related to gardening, cultivation and the like. and minor structure alterations to a building.
8. Economic and Fiscal Characteristics: Characteristics related to the expenditure and revenues in conjunction with the management of income of a household, private business, community, association and/or government.
9. Environment: The conditions, resources and/or characteristics which exist within and surround the area to be affected by a proposed project including, but not limited to: natural elements such as land, water, air, minerals, natural flora and natural fauna; and manmade components such as objects of historic or aesthetic significance, infrastructure, and man-related attributes of a social and economic nature.
10. Environmental Impact Assessment Report: An assessment which objectively describes, analyzes, and documents both the beneficial and adverse environmental and cultural effects of a proposed project and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in this Ordinance and the Subdivision and Land Development Ordinance.
11. Historic Resources: Sites and structures which are valued due to their significance as examples and/or locations of events, architecture, skills, and/or arts of the past.
12. Impact: The power of an event or condition to produce changes in other conditions. In the context of impact exerted on the environment, changes which affect existing conditions and/or quality are of greatest concern.
13. Infrastructure: The basic installations and facilities on which the continuance and growth of a community depend such as roads, schools, electrical transmission facilities, transportation and communication systems, and sewer and water systems.
14. Long-Term Effects: Results which are manifest for, or extending over a period of greater than 2 years.
15. Mitigation: The act of precluding a potentially adverse effect and/or making a potentially adverse effect less severe through measures which will improve a condition and/or lessen the impact.

16. Natural Environment: A composition of land, water, and/or air represented by its inherent physical, water and biological resources.
  17. Physical Resources: Characteristics of the natural environment manifest in its land forms, soils, geological structure of surface and/or subsurface rock, minerals, natural bodies of water and/or man-made impoundments, watercourses, groundwater and the like. The disposition of these characteristics is typically expressed in physiographic, topographic and/or hydrologic units such as rock formations, slope elevations, soil types, watersheds, surface water types, wetlands, floodplains, aquifers or aquifer recharge areas and the like.
  18. Primary Effects: Results of a direct nature which have a principal influence on a particular condition.
  19. Project: A subdivision, land development, or other development involving the construction or alteration of buildings or other structures, or the grading of land to accommodate use of property as a solid waste facility.
  20. Secondary Effects: Results of an indirect nature which have an influence on a particular condition or state derived from a primary effect.
  21. Short-Term Effects: Results which are manifest for, or extending over a period of 2 years or less.
  22. Visual Resources: Characteristics of the natural and/or cultural environment which are visible. The visual resources of a particular area are typically expressed in terms of their visibility, character, and/or attractiveness relative to their amenity value and/or quality.
- C. An updated EIA report shall accompany and form a part of a final land development or subdivision plan as required herein.
- D. 10 copies of the EIA report shall be submitted with the Conditional Use Permit Application, and applications for Preliminary or Final Plan approval. Within the EIA report, specific emphasis shall be directed toward the proposed project's effects on and relationship to applicable site, neighborhood (including areas in adjacent municipalities where applicable) and Township-wide resources, conditions, or characteristics. The EIA report shall include text, tables, maps and analyses for the purpose of describing the project site, proposed use(s), environmental characteristics and the environmental effects of the proposal as follows:
1. Overview - Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be constructed and the uses intended. The resident population, working population, and visitor population shall be projected. The basis of the projections shall be clearly stated in the report.



2. Compatibility - The compatibility or incompatibility of the proposed project shall be described in relation to the following:
  - (a) Township Comprehensive Plan, especially the land use and open space elements
  - (b) Comprehensive Plan of adjacent municipalities whenever a project is located along or within 2,000 feet of the municipal boundaries
  - (c) Bucks County Comprehensive Plan
3. Location - An identification of the site location and area through the use of a location map drawn at a scale of not more than 2000 feet to the inch. The location map shall depict all street, adjoining properties, zoning district boundaries and municipal boundaries within 2,500 feet of any part of the tract. In the case of development of only a portion of the entire tract, the location map shall also show the relationship of the section to the entire tract.
4. Photographs - An identification of the character and appearance of the site through the presentation of black and white photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from ground level. Photographs should be properly identified or captioned and shall be keyed to a map of the site.
5. Description of the Project - An identification of the nature of the proposal through the presentation of the following:
  - (a) A site development plan including notes pertaining to the type of solid waste proposed to be handled, processed, stored, or disposed of at the facility including the quantities to be handled on an average daily, monthly and yearly basis.
  - (b) A statement indicating the existing and proposed ownership of the tract.
  - (c) A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
6. Physical Resources Inventory - An identification of physical resources associated with the natural environment of the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than 100 feet to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.
  - (a) A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures.

- (b) A map depicting the topographical characteristics of the tract. Such map shall contain contours with at least 2 foot intervals and shall depict slopes ranging from zero to 15 percent, 15 to 25 percent, and greater than 25 percent.
  - (c) A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed project such as prime agricultural soils, depth to bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields. List and describe each soil type located on the site. If applicable, provide percolation data. Where the proposed area of land disturbance will involve soils with moderate or severe limitations (as per the Soil Survey of Bucks and Philadelphia Counties or later more detailed soil mapping) relative to the type of project proposed, a complete mapping of all soil types on the site shall be required indicating where those moderate and severe limitations exist.
  - (d) A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watershed and floodplains, and ground water resources. Surface water resources include features such as creeks, runs and other streams, ponds, lakes, and other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.
7. Biological Resources Inventory - An identification of biological resources associated with the natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than one hundred (100) feet to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.
- (a) A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the woodland and forest areas of the tract and shall note the types of vegetation associations which exist in terms of their species and sizes. In addition, all trees 12 inches in caliper or greater shall be accurately located and identified on the map whether they are free-standing trees or tree masses.
  - (b) A map depicting characteristics associated with wildlife habitats. Such map may draw upon vegetation, hydrology, and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s).

- (c) This analysis shall also investigate impacts on groundwater and surface water quality.
8. Land Use Inventory - An identification of the land use conditions and characteristics associated with the tract such as: current and past use, land cover, and encumbrances and the relationship of these two adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale not smaller than 100 feet to the inch shall be incorporated into the EIA report or submitted as attachments to it.
- (a) A map depicting the land cover characteristics of the tract. Such map shall define existing features including paved or other impervious surfaces, woodland and forest areas, cultivated areas, pasture, old fields, lawns and landscaped areas, and the like.
  - (b) A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.
  - (c) A map depicting the land uses within 500 feet of the proposed tract. Such map may be at the same scale as the location map.
9. Surface Water Inventory - Describe existing watercourses and water bodies that are partially or totally on the site and their relationship to the area of land disturbance. Calculate existing surface runoff from the site and the associated watershed, including the potential development of the remainder of the watershed. When the natural drainage pattern will be significantly altered, an analysis shall be conducted which will investigate flow, depth, capacity, and water quality of the receiving waters. Any floodplain areas shall be accurately mapped. Where doubt exists regarding the exact border of a 100 year floodplain, the Township may require an applicant to provide a more detailed study. Existing drainage structures shall be mapped and the capacity of the drainage network shall be determined. Additionally, wetland areas as defined by State and Federal regulations, whichever are more inclusive, shall be delineated.
10. Subsurface Water Inventory - Describe the subsurface water conditions on the site both in terms of depth to groundwater and water supply capabilities of the site. Where existing conditions warrant, provide detailed information regarding existing wells within 1000 feet of the site relative to depth, capacity and water quality. Discuss the water supply capabilities of the adjacent areas and the recharge capabilities of the site.
11. Existing Features Inventory - Describe any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to, roads, housing units, accessory structures, utility lines, etc.
12. Historic Resources Inventory - An identification of the man-made resources associated with or within 500 feet of the tract which are older than 50 years. Areas and structures included on any of the following lists

shall be identified: the National Register of Historic Places, the Pennsylvania Inventory of Historic Places, the Historic American Building Survey, the Bucks County Conservancy survey of historic buildings and the Durham Township historic resources list. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than 100 feet to the inch depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.

13. Visual Resources Inventory - An identification of the visual resources associated with the tract such as areas which have a particular amenity value and areas which offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than 100 feet to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.
14. Community Need Inventory - An identification of the community facility needs associated with the users of the proposed project. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, parks and recreation areas, libraries, hospitals, and other health care facilities, fire protection, police protection, ambulance, and rescue service and postal service) shall be discussed in terms of the ability of the existing facilities and services to accommodate the demands of future users and/or residents of the lots and/or tract and the need for additional or expanded community facilities.
15. Utility Needs Inventory - An identification of the utility needs associated with the users of the proposed project. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities shall be discussed in terms of the ability of existing utility installations to accommodate the demands of the future users; the needs for additional or expanded utility installations; the ability to achieve an adequate potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed; and, the ability to achieve an adequate system for storm drainage and stormwater management. Certificates from the utilities confirming that adequate capacity exists to serve the proposed development shall be included.
16. Transportation System Inventory - An identification of the relationship of the transportation needs of the proposed project to the existing street/road network. A discussion of this relationship shall be in narrative and graphic form and shall indicate factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and, expected traffic volumes generated from the project including their relationship to existing traffic volumes on existing streets for both peak hour and non-peak hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets

which will service the proposed project and what improvements are proposed to remedy any physical deficiencies.

17. Fiscal Impact - An identification of the economic and fiscal characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the township, county and school district revenues which the proposed use may generate and the township, county and school district costs it will create. Such information shall be related to initial and completed project conditions.
18. Existing Conditions - An identification of characteristics and conditions associated with existing, construction related, and future air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
19. Licenses and Permits - An identification of all licenses, permits, or other approvals required by law for the development and the status of each.
20. Environmental Regulations - Evidence shall be provided regarding how the application will comply with Township floodplain regulations and other natural resource and environmental regulations of the Township.
21. Impacts Inventory - The implications of the proposed project in terms of the type of beneficial or adverse effects which may result from it; and, the duration of these effects in terms of their short-term or long-term nature. To indicate such effects, there shall be a discussion of the implications of the proposed project to the resources, conditions and characteristics described in subsections 5 through 20 above. In addition to a narrative presentation of implications, the applicant shall display where the project adversely affects the tract's resources, conditions or characteristics through the use of a map drawn at a scale of not smaller than 100 feet to the inch, wherein the area adversely affected from proposed development are highlighted. Such map may be either incorporated into the EIA report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EIA report how and where the findings in the EIA report and its attachments are reflected in the project.
22. Alternative Analysis - Alternatives within the project which would preclude, reduce or lessen potential adverse impact or produce beneficial effects. To indicate such alternatives the applicant shall submit exhibits or diagrams which will depict the type or alternatives described in narrative forms. The applicant shall comment on how alternatives such as: revised location, redesign, layout or siting of buildings, roads, and other structures and the reduction in the size of the proposed structures or number of structures, would affect the impacts or effects of the project.
23. Adverse Impacts - The report shall describe probable adverse impacts which cannot be precluded, including impacts upon:
  - (a) water quality and quantity
  - (b) air quality

- (c) noise
- (d) undesirable land use patterns
- (e) damage or destruction of significant plant or wildlife systems
- (f) aesthetic values
- (g) destruction of natural resources, such as productive agricultural soils
- (h) displacement of people and business
- (i) displacement of viable farms
- (j) employment and property tax
- (k) destruction of man-made resources
- (l) disruption of desirable community and regional growth
- (m) health, safety and well-being of the public.

In indicating such effects a discussion shall be presented regarding whether they will have primary or secondary implications, that is, whether the adverse effects will have direct or indirect influence on a particular resources, condition, or characteristic.

24. Mitigation Measures - Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These measures shall include those required through existing procedures and standards and those unique to a specific project, as follows:
- (a) Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county, and/or township for remedial or protective actions such as: sedimentation and erosion control, stormwater runoff control, water quality control and air quality control.
  - (b) Mitigation measures related to impacts which may be unique to a specific project are those related to efforts such as: re-vegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses and land acquisition.
25. Irreversible Impacts - Any irreversible environmental changes which would occur due to the proposed project, should it be implemented. To indicate such changes, the use of non-renewable resources during the initial and continued phases of the project shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.
26. In making its evaluation, the Zoning Officer, Board of Supervisors and/or the Planning Commission may request any additional information it deems necessary to adequately assess potential environmental impacts. Whenever any information required in this section is assumed not directly applicable to the proposed project, the applicant shall indicate such assumed inapplicability in the narrative of the EIA report, and state why such information is considered to be inapplicable in the case of the particular project in question.

27. The EIA report shall be prepared by a licensed professional or other professional with expertise in planning, engineering, or environmental studies. All persons who participate in preparing the report shall be identified and their qualifications stated. All sources of information shall be identified when presented and a bibliography shall be attached to the report. All work in the report shall be in conformity with recognized engineering, architectural, and planning practices and principles. The township may retain its own expert to evaluate the EIA report. The cost of the expert shall be the cost of the review of the project which shall be borne by the applicant.

### **§ 803. Additional Requirements for Approval of Applications for Conditional Uses for Solid Waste Facilities**

- A. Application Fee - All applications for conditional use approval for any solid waste facility shall be accompanied by a non-refundable fee and such escrow as may be required pursuant to a Fee Resolution duly adopted by the Board of Supervisors.
- B. Host Municipality Benefit Fee - There shall be a host municipality benefit fee charged in accordance with the provisions of Act 101, Section 1301, to be set annually by the Board of Supervisors, to be paid quarterly by the 20th of the month, with a one percent discount for early payments and interest at the prime bank rate plus two percent plus a penalty of five percent per month for late payments up to a penalty of twenty-five percent for late payment.
- C. Indication of Acceptability - All applications for conditional use approval for any solid waste facility shall be accompanied by plans, reports and other documents as herein described to indicate that the proposed use will be acceptable to the Township as follows:
1. Consistent with the Township Comprehensive Plan.
  2. Conform to all requirements of the Township Subdivision and Land Development Ordinance and all other ordinances, codes, permit conditions and regulations.
  3. Will not adversely affect the health, safety and general welfare of the residents of the Township and of surrounding municipalities.
  4. Promotes the harmonious and orderly development of the zoning district involved.
  5. Compatible with the character and type of development existing in the area which surrounds the site in terms of size, scale, height and bulk of the proposed uses, and the size, shape and placement of the buildings and other structures.
  6. Will not detract from or cause harm to neighboring properties.
  7. Compatible with the uses permitted in the surrounding area in terms of the density and/or intensity of land use.
  8. Reflects effective site planning and design in terms of energy efficiency and environmental protection.

9. Reflects sound engineering and land development design and construction principles, practices and techniques.
10. Consistent with the logical, efficient and cost-effective extension of public services and utilities and will not adversely affect the public services and utilities of surrounding properties and of the Township as a whole, in terms of public water supply, waste water treatment, police, fire protection and hospital and health services.
11. Includes proposals for the effective disposal of residues and untreatable solid waste.
12. Provides safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excess traffic volumes.
13. Limits the number of access points along major public streets and generally provides development of the frontage of buildings on access roads which are parallel or perpendicular to major public streets.
14. Provides improvements needed to guarantee compatibility with adjoining roads and properties.
15. Provides continuity of existing circulation systems including roads, sidewalks, trails, and other walkways.
16. Provides adequate off-street parking and loading areas which will be minimally visible and audible from adjoining public streets and neighboring properties.
17. Utilizes effective stormwater management techniques and soil erosion and sedimentation control techniques which are in character with and complimentary to the proposed site grading and landscaping.
18. Preserves, to the maximum extent possible, woodlands and other trees existing on the site.
19. Will not be disruptive to existing topography, surface water resources and groundwater resources.
20. Includes landscaping, in addition to that around the buildings and structures, in areas which are highly visible to the public such as entrances, along roads, trails and walkways, where the use of trees, shrubs, flowers and ground cover would be both functional and decorative.
21. Provides that all buildings shall be permanent and the buildings and grounds taxable if privately owned.
22. Will not result in appreciable harmful effects to the environment.
23. Has been designed and conceived with a view toward the protection of resources.
24. Will not, individually or collectively, place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.

**----- End of Article 8 -----**



## **ARTICLE 9 SIGNS**

### **§ 900. Purposes**

The purposes of the Sign Regulations are:

- A. To provide uniform standards for all signs within the township and specific standards for signs in each zoning district.
  - B. To regulate the location, size, appearance, construction, erection, alteration, use and maintenance of signs.
  - C. To promote the use of well-crafted signs in harmony with the architectural and rural residential character of the Township.
  - D. To promote public safety by regulation of signs that may distract vehicular operators.
1. Permit Required: Except for exempt signs under Section 903 hereof, a zoning permit must be obtained prior to the installation, moving, enlarging, changing or extension of any sign regulated hereunder. The procedures contained in Sections 1201, 1202 and 1203 shall be followed.
  2. Enforcement: The provisions of the sign regulations provided herein shall be enforced as provided in Section 1307 hereof.

### **§ 901. Definitions**

1. Electronic Message Center (EMC): A sign, or portion thereof, that displays animated images, moving video images, graphics or scrolling messages, electronic images, static images or pictures, with or without textual information, and is capable of change or alteration by electronic means, on a fixed display screen composed of a series of lights, including light-emitting diodes (LEDs), OLEDs, LCDs, DLPs, plasma, fiber-optics, light bulbs or other illumination devices within the area where the message is displayed. EMCs include computer programmable, microprocessor controlled electronic or digital displays. EMCs include signs that use technology not listed in this definition and shall include similar technology which may be developed in the future, or use of which may become widespread in the future.
2. Fascia Sign: A sign attached to, placed upon, or hung from any covered structure projecting from and supported by a building and which extends beyond the façade of the building, such as a canopy, awning, etc.
3. Freestanding Sign: A sign supported by upright or uprights that may be anchored to, or simply placed upon, the ground. A freestanding sign may have two sides.
4. Official Traffic or Highway Sign: Official highway route number signs, street name signs, directional signs, and other traffic signs erected and maintained by a governmental agency on public highways and roads in the interest of public safety or for the regulation of traffic.

5. Off-Lot Sign: A sign which directs attention to a person, business or profession, or home occupation not conducted on the same lot.
6. On-Lot Sign: A sign which directs attention to a person, business, profession or home occupation conducted on the same lot with the sign. A For Sale sign or For Rent sign relating to the lot on which it is displayed shall be deemed an on-lot sign.
7. Outdoor Advertising Sign: A type of free-standing sign which directs attention to a business, industry, profession, commodity, service, or entertainment not sold or offered on the premises where the sign is located.
8. Portable Sign: Any sign, including traffic signs, not permanently attached to the ground or building.
9. Roof Sign: A sign on or above the roof eaves of a building.
10. Sign: Shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure, or other surface, including windows, that shall display or include any letter, word, insignia, flag, or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public.
11. Tourist Oriented Directional Signing (TODS) Sign: A sign meeting the requirements of Section 1.7 of the PA Department of Transportation (PennDOT) Traffic Engineering & Operations Manual – TODS Policy and approved there under by PennDOT. A TODS Sign shall be located within the right-of-way of a street and provide the name and directional guidance to an attraction in which the traveling public would have a reasonable interest.
12. Wall Sign: A sign painted on or mounted, parallel to the face of a structure and not projecting above the eaves of the structure or more than twelve (12) inches from the plane or facade of the structure.
13. Window Sign: A sign mounted or painted on a window or inside a structure such that it can be seen through the window.

## **§ 902. Area of a Sign**

- A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- B. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, accompanying designs, or symbols together with any backing associated with the sign.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all the letters and symbols.

- D. In computing the size of a double-faced sign where the sides are parallel to each other, only one side shall be considered, provided both faces are identical.

### **§ 903. Exempt Signs**

A sign permit shall not be required prior to the erection, structural repair, alteration, moving, removal, or demolition of any of the following signs in any zoning district in the municipality. Exempt signs shall conform to the regulations of §908. No exempt sign shall be illuminated, either from an interior light source or by an exterior source focused on the sign, except for official governmental building signs and police station signs.

- A. Official highway route number signs, street name signs, and other official traffic signs which are in the interest of public safety or the regulation of traffic.
- B. Signs permitted under Sections 904. A., D., E., and F.
- C. Directional, informational, or public service signs, such as those advertising the availability of rest rooms, telephone, or similar public conveniences, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or services, except those of public utilities. Any sign covered by this paragraph shall not exceed two square feet.
- D. Governmental Signs, Flag or Insignia.
- E. Legal Notice
- F. Window Sign - A sign applied to a window pane giving store hours or the name or names of credit or charge institutions, when the total area if any such sign or all signs together does not exceed one square foot.
- G. Cornerstone; historical plaque or sign affixed to the surface of a building wall and not exceeding 200 square inches.
- H. Barber Pole - Revolving barber pole sign provided that it does not exceed 36 inches in height and that it is erected only in conjunction with a barber shop, where such use is permitted by this zoning ordinance.
- I. Bunting - Bunting, pennants, and similar materials to announce the opening of a new business or industry placed on the premises, are permitted provided the bunting is removed not later than 14 days after the opening day or the first day of business.
- J. Official and governmental signs including safety signs, signs indicating points of interest, signs identifying official township buildings or facilities. Signs identifying township buildings, police stations, or other township facilities may be illuminated by exterior lights focused on the sign.
- K. Temporary signs advertising a garage or yard sale conducted in accordance with this ordinance, provided that signs may be posted only on the property where such sale is taking place and only 48 hours prior to the sale and for the duration of the sale itself, this includes non-profit organization temporary event signs.
- L. Political signs advertising the candidacy of a person for elected office or an opinion on a political issue are permitted thirty (30) days prior to any election day provided that such signs shall be removed within 14 days after the election if they pertain to an election, and provided that the property owner on which the sign is placed has given his approval. No political signs shall be placed on trees, utility poles or Township property, except on Election Day at a polling place.

Such signs shall not exceed 12 square feet per candidate or issue and shall not be illuminated.

## **§ 904. On-Lot Signs**

Permitted only in the following zoning districts: AP-Agricultural Preservation, RP- Resource Protection, RR- Rural Residential and VC- Village Center Districts.

No sign or other on-lot advertising device shall be permitted except that the following signs are permitted on a lot:

- A. Signs displaying the street number or name of the occupant of the premises or both, provided that the area on any one side of any such sign shall not exceed four square feet. Such sign may include identification of permitted accessory uses including permitted home occupations.
- B. One (1) identification sign for a permitted nonresidential building or use, including Accessory Agricultural Sales, provided that the area on any one side of any such sign shall not exceed 20 square feet.
- C. One (1) sign in connection with a lawfully maintained nonconforming use, provided that the area on any one side of any such sign shall not exceed six square feet.
- D. Temporary “For Sale” or “For Rent” signs not exceeding six square feet in area.
- E. Temporary contractors, developers, architects, or builders sign provided that the area on any one side of such sign shall not exceed 12 square feet. Such signs shall be maintained on the premises to which they relate and shall be removed upon completion of the work.
- F. Signs announcing no trespassing, signs indicating the private nature of the road, driveway or premises; signs controlling fishing or hunting on the premises; signs necessary for the regulation and control of traffic; street name signs; legal notices; and other signs authorized or erected by a duly constituted governmental body; such signs shall not exceed two square feet.
- G. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization. Such signs shall not exceed eight square feet in area and shall be removed immediately upon completion of the campaign, drive or event.
- H. Illumination. No sign in these districts shall be internally illuminated. See also Section 908.K.
- I. The maximum height of all signs shall be 8 feet, unless a sign is attached to the wall of a principal building, in which case the sign may be placed anywhere below the roof.

## **§ 905. Signs in the VC-Village Center District**

No sign or other on-lot advertising device shall be permitted except that the following signs are permitted on a lot:

- A. All signs permitted in Section 904 at the standards prescribed in that Section.
- B. Signs that are not visible from outside of a building are not regulated. Signs advertising a lawful principal non-residential use(s) are allowed if they meet the following additional requirements:
  - 1. One freestanding sign up to 20 square feet plus one of the following:
    - (a) One wall sign mounted flush onto the front building wall and not exceeding eight square feet; or
    - (b) One wall sign which is part of the architectural design of the building which occupies an area not to exceed ten percent of the of the area of the front wall of the building; or
    - (c) One projecting sign mounted at right angles to the building front and not exceeding ten square feet.
  - 2. No more than one freestanding sign shall be permitted per lot, even if the lot is occupied by more than one tenant or other occupant. Such freestanding sign may include the names of all tenants occupying the property.
- C. Illumination of Signs - Signs in the VC District may be illuminated with external lights directed toward the sign. See also Section 908.K. which regulates lighting. In order to maintain the village architectural character of the VC district, no internally illuminated signs shall be permitted.
- D. Height. The maximum height of all signs shall be 8 feet, unless a sign is attached to the wall of a principal building, in which case the sign may be placed anywhere below the roof.

## **§ 906. Signs permitted in the PC-I Planned Commercial/Industrial District**

No sign or other on-lot advertising device shall be permitted except that the following signs are permitted on a lot:

- A. All signs permitted in §904 at the standards prescribed for in that Section.
- B. Signs advertising a permitted principal non-residential use are allowed, provided that, for all signs viewable from outside a building, such signs shall be in accordance with the following:
  - 1. Mounted Signs - One mounted sign not exceeding 15 percent of the total front wall surface or other vertical building surface including windows and doors of the building. Signs (except for exempt signs) painted on or affixed to the inside of the windows and doors shall be included in the computation of permitted sign area. One such sign shall be permitted per establishment.
  - 2. Freestanding Signs - Not more than one free standing sign shall be placed on any lot. The area of any one side of any free-standing sign

shall be determined on the basis of the following: for each five feet of lot frontage, as measured at the street line, the property shall be entitled to one square foot of freestanding sign area. Height of a freestanding sign, measured from the mean elevation of the proposed finished grade at the foot of the sign to the highest point of the sign structure shall not exceed 20 feet.

- (a) Such sign shall not exceed 60 square feet per side, on a maximum of 2 sides.
  - (b) Such sign shall be erected only within the limits of the front yard of the property to which it pertains.
  - (c) In no case shall signs be erected less than 100 feet apart.
  - (d) Only one freestanding sign shall be permitted per lot; where there are multiple tenants or occupants within a lot, no more than one freestanding sign per lot.
- C. A row or series of adjoining signs to be placed upon a wall surface having a common roof line shall be of the same size, shape, general design, and material so as to create uniformity among the series of signs.
- D. Lighting of on-lot signs of businesses shall be turned off when the business is not open.

### **§ 907. Directional Signs Permitted in All Districts**

Signs not on the property to which they relate, and which are used for directing persons to principal permitted uses in the Township may be erected subject to the following additional requirements:

- A. A permit shall be obtained as provided in Section 900 hereof.
- B. A sign shall indicate only the name and direction of the principal use.
- C. Only one such sign shall be erected prior to each intersection turning movement necessary to reach such principal use.
- D. Such signs shall be located not more than 100 feet from intersecting street right-of-way lines.
- E. No more than two directional signs shall be erected in the Township for any one principal use.
- F. Signs shall not exceed three square feet in area.
- G. Signs shall be no closer than 20 feet to a side lot line and shall not be located within the street right-of-way line.
- H. Height of signs, measured from the mean elevation of the proposed finished grade at the foot of the sign to the highest point of the sign structure shall not exceed ten feet.
- I. Written permission from the owner of the property on which the sign is to placed must be obtained and provided as part of the permit application.

## **§ 908. Requirements Applicable to Signs in all Districts**

The following requirements shall apply to all signs and other advertising devices:

- A. No sign or other advertising device with visible moving or movable parts or with flashing, animated, or intermittent illumination shall be erected or maintained. Electronic Message Centers (EMCs) shall be prohibited in all zoning districts within the township.
- B. No roof signs (signs placed on top of roofs or above the roof line) shall be permitted.
- C. No sign or other advertising device shall be located within 20 feet of any side property line, except for signs permitted in Section 904 (A) and 904 (F).
- D. No sign or other advertising device shall be located within any street right-of-way line except for official traffic signs and signals.
- E. Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state and federal government relating thereto.
- F. No sign shall be placed in such a position as to endanger traffic by obscuring view or by confusing with official street signs or signals because of position, color, or reflective surface.
- G. Except in the case where a local right-of-way abuts a structure, no sign other than those of governmental authority shall erected or maintained nearer to a street line or lot line than a distance equaling the height of the top of the sign.
- H. No portion of any freestanding sign shall be located closer to any lot line than one-half the required yard for the district in which it is located.
- I. Except as otherwise permitted herein, [see Section 905.B.1 which is also incorporated into Section 906], only one sign of a type for which a permit is required shall be erected on any one lot except that a lot fronting on more than one street may have one permitted sign on each street frontage.
- J. Every permitted sign must be constructed with durable materials, must conform to the requirements of the Construction Codes, and must be kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed by the Township at the expense of the owner or lessee of the property on which it is located.
- K. Illuminated signs, when permitted, shall be so arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated. Any lighting of billboards or other externally illuminated signs of more than 20 square feet of sign area shall be placed at the top of the billboard or sign and be aimed downwards.
- L. No sign shall contain information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance in the zoning district on which the property to which the sign relates is located.
- M. No signs shall emit smoke, visible vapors or particles, sound or odor.
- N. No portable signs shall be permitted, unless a permit has been obtained from the zoning officer and such sign is removed within 14 days from the day the permit was issued. No such sign shall be illuminated. A portable sign permit shall be issued no more than twice during a twelve-month period to any one applicant.

- O. Novelty signs, including but not limited to objects (such as tires, automobiles, food products, etc.), pennants, banners, balloons, bulletin boards, animated signs, and flags, other than official flags, unless in conjunction with an official flag, shall be prohibited.
- P. Any sign which interferes with or imitates an official traffic sign, signal or device shall be prohibited.
- Q. No sign or any guy-wire, stay or attachment thereto shall be erected, placed, or maintained by any person on rocks, fences, or trees, nor in such a manner as to interfere with any electric light, power, telephone, or telegraph wires or supports thereof.
- R. No signs may be painted, placed, or in any way attached to any tree, telegraph, electrical, light, or other pole on any street in the township except for permitted legal notices and no trespassing signs.
- S. No sign shall include electronically changing or mechanically changing messages, unless they change less than once every hour, except for a time and temperature sign.

**§ 909. Off- Premises Advertising Signs**

- A. Off-premises advertising signs shall be permitted only within the PC-I Planned Commercial & Industrial Zoning District.
- B. An Off-premises advertising sign shall only be allowed if a lot does not contain more than one other freestanding sign of any nature.
- C. One off-premises sign may be erected on a property.
- D. Placement of off-premises advertising signs:
  - 1. Right-of-way - No such sign or any part thereof shall be erected or maintained within 50 feet of the future right-of-way of a public highway.
  - 2. Side or Rear Yards - No such sign or any part thereof shall be erected or maintained within 50 feet of any side or rear property line.
  - 3. No such sign shall be erected within 200 feet of any other such sign or freestanding sign or residential dwelling.
- E. Area of off-premises advertising signs - No off-premises advertising sign shall be permitted to exceed a maximum area of 200 square feet including border but excluding supports and decorative trim which is not part of the copy content of the display. A sign having two sides back to back or a “V” shaped sign with a horizontal angle not greater than 45 degrees is permitted one on each side for a total area of 400 square feet.
- F. Sign face area shall contain only one (1) advertisement per sign face
- G. Off-premises advertising signs shall not exceed a maximum height of 20 feet.
- H. Landscaping: The area immediately around and to the rear of any support structures shall be professionally landscaped at all times as to maintain a pleasurable view and to soften the visual impact of the signs location. The planting of appropriate sized evergreens, flowering trees, and/or shrubbery with non-invasive, native varieties, as approved by the township, shall be included in any plans.



- I. Maintenance: Regular maintenance of the sign, related structures, and landscaping of the area immediately surrounding the sign shall be accomplished on a routine schedule as required to maintain a pleasant view.
- J. The township reserves the right to require the owner to totally remove the sign including any supporting structures should the sign become abandoned or advertising ceases for a period of a minimum of three (3) consecutive months. If the owner fails to remove the structure after proper notification by the township; the township may remove the structure and bill the owner for its costs.

**§ 910. Identification Signs for Schools, Churches, Hospitals, or Similar Institutions and for Fraternal Clubs, Lodges, Farms, and Estates; provided that:**

- A. The size of any such sign shall not exceed 24 square feet for schools, hospitals and churches and 20 square feet for all others listed.
- B. Not more than one such sign is placed on any premises held in single and separate ownership unless such property fronts more than one (1) street, in which case one (1) sign may be erected on each frontage.
- C. Said signs may only be located on the premises that they identify.

**----- End of Article 9 -----**

## **ARTICLE 10**

### **ZONING HEARING BOARD**

#### **§ 1000. Establishment of the Board**

The existing Durham Township Zoning Hearing Board is hereby authorized and continued to carry out responsibilities provided in this Ordinance and in the State Municipalities Planning Code.

#### **§ 1001. Membership, Terms of Office**

The Zoning Hearing Board shall consist of three members appointed by resolution by the Board of Supervisors for a three year term, with one term expiring each year. All terms shall begin on the first day of January. Members of the Board shall be residents of the Township and shall hold no other office or employment with the Township. Any member of the Board may be removed for cause by the Board of Supervisors upon written notice and charges after a public hearing.

#### **§ 1002. Alternate Members**

The Board of Supervisors may appoint by resolution at least one but no more than three residents of the township to serve as alternate member of the Board. An alternate shall, when seated on the Board if a regular member is not able to serve, participate in all proceedings and discussions of the board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law and this Ordinance. At any time, an alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated unless seated as an alternate member. Alternates shall hold no other office in the township. The term of office of an alternate member shall be three years.

#### **§ 1003. Organization of the Zoning Hearing Board**

- A. The Board shall elect a Chairperson from its membership annually. A quorum shall be necessary for the conduct of any hearing and the taking of any action. A quorum shall be not less than a majority of all members of the Board, but the board may appoint a hearing officer from its membership to conduct any hearing on its behalf, in accordance with the State Municipalities Planning Code, as amended.
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as are available and as may be needed to result in a full board. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a

case-by-case basis in rotation according to declining seniority among all alternates.

- C. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and the State. Within the limits of funds provided by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The Board shall keep full public records of its business, which records shall be the property of the township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
- D. Members of the board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.
- E. Meetings shall be open to the public and shall be at the call of the Chairperson and at other such times as the Board may specify in its rules of procedure.

#### **§ 1004. Persons Entitled to Initiate Action before the Board and Jurisdiction**

Appeals under this section shall be filed with the Township Office in writing by the landowner affected, any officer or agency of the township, or any person aggrieved. Requests for a variance and for a special exception may be filed with the board by any landowner or any tenant with the permission of such landowner. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to this Ordinance;
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- C. Appeals from the determination of the zoning officer, including but not limited to, the granting or denial of any permit, or failure to act on the application thereof, the issuance of any enforcement order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the township engineer or the zoning officer with reference to the administration of any flood plain ordinance or such provisions of the zoning ordinance.
- E. Applications for variances from the terms of this Ordinance.
- F. Applications for special exceptions under this Ordinance.
- G. Appeals from the determination of any officer or agency charged with the administration of any performance standard provisions of this Ordinance.
- H. Appeals from the zoning officer's determination under section 916.2 of the Pennsylvania Municipalities Planning Code, as amended.

- I. Appeals from the determination of the zoning officer or township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management that is not part of the Subdivision and Land Development Ordinance.

### **§ 1005. Manner of Initiating Action before the Board**

All action before the Board shall be initiated by a written application for hearing which shall be filed with the Zoning Officer. All applications shall be made on forms specified by the Board, and no applications shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached.

### **§ 1006. Time Limitations**

All appeals from determination adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

### **§ 1007. Reserved**

### **§ 1008. Hearings**

The Board shall meet to hear and consider such matters which shall properly come before it. All such meetings shall be open to the public.

- A. Notice - Public notice in accordance with the requirements of the Pennsylvania Municipalities Planning Code shall be given and written notice shall be delivered, given or mailed to the applicant and the zoning officer, and should be given, delivered or mailed to the last known primary owner of record of property within 500 feet of any lot which is the subject of an application before the Board. Failure to provide notice to owners of other properties shall not be a reason for an appeal of a Zoning Hearing Board decision or a delay of a hearing. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. Fees and Expenses - The Board of Supervisors shall prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary, members of the zoning hearing board, notice and advertising costs, court reporter and other administrative overhead, and such other expenses as are authorized under State law. The costs to the applicant, however, shall not include expenses for township legal counsel, engineering or other technical consultants or expert witness costs engaged by the Township.
- C. Time Limit - The hearing shall be held within 60 days after the date of the applicant's submittal of a complete application to the Township, unless the applicant has agreed in writing to an extension of time, or unless a different time period is provided in State law. Any subsequent hearings before the board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the

presentation of their case-in-chief within 100 days of the first hearing. See *PA Municipalities Planning Code, Act of 1968, P.L. 805 No. 247 as amended* for further information.

- D. The hearings shall be conducted by the board or the board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board, however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decisions or findings by the board and accept the decision or findings of the hearing officer as final. The Board or hearing officer shall render a written decision, or written findings where no decision is called for, on the application within the time limit established under State law.
- E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairperson or acting chairperson shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the Board.
- I. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue currently before the Board except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless such material is part of the public file for the application and is available for review and contest by all parties, and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on specific provisions of the Zoning Ordinance shall reference at least one provision that is relied upon.
- K. A copy of the final decisions, or where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him/her within the time period established by State law.
- L. Appeals to the Court - Any person aggrieved by any decisions of the Board may, within thirty days after such decisions of the Board, file an appeal to the Court of Common Pleas of Bucks County. Such appeals shall be made in accordance with the Pennsylvania Municipalities Planning Code, as amended.

## § 1009. Powers and Duties

- A. Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship on the applicant. An ability to increase a financial return or reduce a financial liability shall not be a reason for a variance. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance provided the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
  2. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. That such unnecessary hardship has not been created by the appellant;
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
  5. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  6. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. The Zoning Hearing Board shall also have the authority to establish conditions that are necessary to minimize disturbance of and to conserve steep slopes, mature woodland, wetlands, floodplains, springs, waterways and other important natural features.
  7. A grant of a variance shall not be allowed simply for economic reasons if the applicant has not met the required standards for a variance that are provided in State law, which are restated in subsections 1 through 5 above. The reasons for granting a variance must be serious, substantial and compelling, unless the applicant is able to prove that a de minimus variance is being requested.
  8. A use variance shall not be allowed unless the applicant proves that the property is virtually unusable under the currently allowed uses, unless the applicant proves that a particular use is not addressed anywhere in the Township or unless the applicant proves that the proposed use is closely similar to a use allowed in that district.

9. Persons with Disabilities: After the Zoning Officer receives a complete written application, the Zoning Hearing Board may grant a variance allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

- (a) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- (b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- (c) Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

B. Special Exceptions: Where this Ordinance has provided for certain applications to be granted or denied by the Board as special exceptions, the Board shall hear and decide such requests. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

C. Additional Factors to be considered in Requests for Special Exceptions and Variances: In passing upon applications for special exceptions and variances the Board shall consider all relevant factors and procedures specified in other sections of this Ordinance, including Article 4, Use Regulations, as well as the following:

- 1. Consider the suitability of the property for the use desired and the extent to which the new or expanded use is regulated by appropriate conditions and safeguards.
- 2. Consider whether the use would create a hazard to the public health or safety or unreasonable nuisances to neighboring residents.
- 3. Consider the adequacy of the proposed water supply and sanitation systems. If water supply and sanitary sewage matters will be addressed under another Township ordinance or a separate Township, County or State approval, the Board may require compliance with such ordinance

- or approval as a condition of the Board's approval, without requiring that the details be provided before the Zoning Hearing Board.
4. Consider the effects of the proposed use with respect to the most appropriate use of land; safety from fire, panic and other dangers; adequacy of light and air; and whether undue burdens will be placed upon public and community services.
  5. Consider the compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  6. Give full consideration to the size, scope, intent, and character of the special exception or variance requested and assure the compatibility of the proposed use with the purposes of the comprehensive plan and with all applicable requirements of this Ordinance.
  7. Consider the safety of access to the property for motor vehicles and emergency vehicles and the probable effects of proposed development on highway congestion and safety, and insure that adequate access arrangements are provided in order to protect roadways from undue congestion and hazard.
  8. The applicant shall provide credible evidence that noise, fumes, vibration and excessive lighting will be properly controlled.
  9. The Board may request that the Township engage the Township Engineer or another professional to provide technical assistance to the Board in regards to an application. This includes, but is not limited to, matters involving compliance with the floodplain regulations, nuisances or hazards.
  10. Special exceptions and/or variances shall only be issued after the Board has determined that the granting of such will not result in additional threats to the public safety, extraordinary public expense, creation of unreasonable nuisances to neighbors, or conflict with local ordinances.
  11. The Zoning Hearing Board or Zoning Officer shall have the authority to require an applicant to present additional information if necessary to determine compliance with Ordinance.
  12. The applicant shall provide evidence that the proposed use will be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features, and considering measures that the applicant proposes to conserve such features as a condition of approval.

### **§ 1010. Validity of Ordinance; Substantive Questions**

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to the zoning hearing board in accordance with this Article or to the Board of Supervisors together with a request for a curative amendment in accordance with the provisions of this Ordinance.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provisions thereof, who desire to challenge the



validity on substantive grounds shall first submit their challenge to the zoning hearing board for a decision thereon.

- C. The submissions referred to in sections A. and B. above shall be governed by the criteria set forth in appropriate sections of the Pennsylvania Municipalities Planning Code, as amended.
- D. The initial hearing shall be commenced within the time limits of State law, unless the applicant requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. Stay of Proceedings - Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or any agency or body, and all official action there under, shall be stayed in accordance with appropriate sections of the Pennsylvania Municipalities Planning Code, as amended.

### **§ 1011. Expiration of Approvals**

Unless otherwise specified by the Zoning Hearing Board, a Special Exception or Variance shall expire if the applicant fails to obtain any and all permits within two years of the date of authorization. See also the provisions for time limits on permits.

**---- End of Article 10 ----**

# ARTICLE 11

## NONCONFORMITIES

### § 1100. Definitions

- A. Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereto or hereafter enacted, where such use was lawfully in existence prior to the application of such ordinance or amendment.
- B. Nonconforming Structure: A structure which does not comply with the area, setback, yard, building height, location, size, impervious surface, or other dimensional requirements of this Zoning Ordinance or amendments heretofore or hereafter enacted where such structure complied with such regulations at the time the structure was constructed or the lot created.
- C. Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

### § 1101. Continuation of Nonconformities

- A. The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this Ordinance, or in the case of an amendment to this Ordinance, then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this Ordinance or subsequent amendments.
- B. A nonconforming lot which lawfully existed prior to the enactment of this Ordinance, or in the case of an amendment to this ordinance, then at the time of such amendment, may be developed by special exception for uses permitted in the particular district and shall conform to all other requirements specified in this Ordinance other than lot size, provided that the nonconforming lot is in single and separate ownership from adjoining properties. For the purposes of this section, single and separate ownership shall be ownership of any property by any person or persons which owner(s) is separate and distinct from the owners of the adjoining properties.
- C. Where two or more adjacent lots, one or more of which is nonconforming, are owned by the same owner, and the ownership of the lots is concurrent, such lots shall be combined to create conforming lots, or to lessen the nonconformity if it is not possible to create all conforming lots.

### § 1102. Extension of Nonconforming Uses and Structures

- A. A structure which does not conform to the dimensional, area, parking, buffer, environmental and all other requirements of the district and this Ordinance may be extended only if the extension meets all the requirements of this ordinance. Such a structure may be extended by right along the building lines of the existing nonconformity in keeping with all applicable requirements of this Ordinance.

- B. A use that does not conform to the use regulations of the district in which it is located may be extended by special exception provided that:
1. The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. Permission to extend a nonconforming use as described in this Article shall not be construed to mean that a new use or uses may be established. A nonconforming use shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.
  2. The proposed extension shall conform to the setback, yard, dimensional, building height, parking, sign, environmental and other requirements of the District in which said extension is located.
  3. Any increase in building or floor area shall not exceed a maximum aggregate of more than 50 percent of the building floor area or land area occupied by the use, whichever is more restrictive, that existed as of the date the use became nonconforming under this or previous ordinances, during the life of the nonconformity. Any expansion by more than 5 percent in the building area or land area occupied by the nonconforming use shall be permitted only by special exception. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible under this Ordinance. A structure which is nonconforming in terms of height shall not be extended to increase the height.

### **§ 1103. Discontinued Nonconformity**

Whenever a nonconforming use has been discontinued for a continuous period of 12 months such use shall not thereafter be re-established, and any future use of such land or building shall be in conformity with the provisions of this ordinance. This 12 month period shall not apply while a building is actively under continuous renovation under permits issued by the Township.

### **§ 1104. Changes in Non-Conforming Uses**

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

- A. Such change shall be permitted only by special exception by the Zoning Hearing Board
- B. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
  1. Traffic generation and congestion including truck, passenger, car and pedestrian traffic
  2. Noise, smoke, dust, fumes, vapors, heat, odor, glare, or vibration
  3. Waste disposal
  4. Appearance
  5. Hours of operation
  6. Outdoor storage.

### **§ 1105. Destroyed Nonconformity**

A non-conforming building or any building containing a nonconforming use which has been damaged or destroyed by fire, explosion, accident, or calamity, (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the non-conforming use, provided that:

1. The reconstructed building shall not exceed in height, area and volume than the building destroyed except that extensions may be made as provided for herein
2. Building reconstruction shall be started within one year from the date the building was destroyed and shall be carried on without interruption; and
3. There is compliance with the Floodplain District regulations if applicable

### **§ 1106. Building Condemned**

A non-conforming building which has been legally condemned shall not be rebuilt or used for non-conforming purposes.

### **§ 1107. Signs**

Any sign, signboard or advertising device existing at the time of the passing of this Ordinance that does not conform in use, location, height or size, with the regulation of the District in which it is located shall be considered a non-conforming structure. If more than 60 percent of a nonconforming sign has been destroyed or removed, it may not be renewed or replaced except with a conforming sign.

### **§ 1108. Displacement by Nonconformity**

No non-conforming use shall be extended to displace a conforming use.

### **§ 1109. Registration of Nonconforming Uses**

The Zoning Officer may provide for the registration of all uses which are nonconforming under the terms of this Ordinance. The record of nonconforming uses shall certify, after inspection, the extent and kind of use and disposition of the buildings and land. It is the responsibility of the owner of the nonconformity to provide evidence of the legality of the nonconformity.

### **§ 1110. Ownership**

It is the intent of this section to ensure that the level of nonconformity is not increased when a non-conforming use is transferred or sold. Whenever a lot, which is non-conforming by virtue of use (except agricultural land or residential uses), is transferred or sold to a new owner, a previously non-conforming use may be continued by the new owner after review by the Planning Commission and Board of Supervisors. The landowner shall prove that the level of non-conformity will not be increased or changed. Should the new landowner propose any changes or alterations to the non-conforming use, the township may impose conditions regarding layout, circulation, and performance it deems necessary to insure that the change or alteration is in the best interest of the township, the convenience of the community and the public welfare. The landowner may appeal such conditions to the Zoning Hearing Board subject to the conditions set forth in this ordinance.

**---- End of Article 11 ----**

## **ARTICLE 12 ADMINISTRATION**

### **§ 1200. Enforcement**

The provisions of this Ordinance shall be administered and enforced by the Zoning/Code Enforcement Officer who shall be appointed by the Board of Supervisors. It shall be the duty of the Zoning/Code Enforcement Officer, and he/she is hereby given the power and authority to:

- A. Receive all applications for zoning permits and issue permits when there is compliance with provisions of this Ordinance, other Township ordinances and with the laws of the Commonwealth;
- B. Enforce the provisions of this Ordinance by the issuance of enforcement orders or by other means. Such written orders shall be served personally or by registered mail upon the persons, firms, or corporations deemed by the zoning officers to be violating the terms of this ordinance in accordance with the terms of this Ordinance.
- C. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board.
- D. Conduct investigations to determine compliance with the terms of this Ordinance. To obtain search warrants in the course of such investigations.
- E. The zoning officer, with permission of the Board of Supervisors, is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.
- F. Keep a permanent record of all plans and applications for permits and all permits issued with the notation as to special conditions attached thereto.
- G. Maintain a map or maps showing the current zoning classifications of all land in the township.
- H. Present such facts, records, and any similar information to the Planning Commission, Zoning Hearing Board, or Board of Supervisors upon their request.

### **§ 1201. Zoning Permit Requirements**

- A. A permit shall be required prior to the erection, construction, reconstruction, extension, moving, razing, or alteration of any building, structure, or portion thereof, and prior to the use or change in use of a building or land and prior to the change or extension of a non-conforming use.
- B. Any erection, construction, reconstruction, alteration, or moving of a building or other structure including a sign authorized by zoning permit shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within one year after the date of issuance of the permit. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without payment of additional fees for an aggregate period of not more than 3 years, provided that the construction pursuant to said permit has commenced within the first one year period.

## § 1202. Zoning Permit Application

- A. Applications for permits shall be made to the Zoning Officer on such forms as may be furnished by the Township. Each application shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use or change of use complies with the provisions of this Ordinance. The zoning officer may require any of the following information to be provided:
1. Statement as to the proposed use of the building or land
  2. A site layout (plot plan) showing the location, dimensions, and height of proposed buildings or uses and any existing buildings in relation to property and street lines.
  3. The location, size, arrangement, and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
  4. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required screening.
  5. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.
  6. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of dwelling units per acre.
  7. A description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, and other safety hazards.
  8. Wherever the topography and vegetation are to be disturbed, a plan for the control of erosion and sediment and grading is required. It shall be unlawful to pave, fill, strip or change the existing grade of any land; and it shall be unlawful to disturb, modify, divert, block, or affect the natural overland or subsurface flow of storm water within the township without first securing a zoning permit. No permits shall be required for normal agricultural operations or where the area to be stripped does not exceed 1,000 square feet and where the grade change does not exceed six inches in any one area and all bare earth is properly seeded, sodded or otherwise protected from erosion. The following data shall be provided:
    - (a) An area plan describing existing and proposed features of the area surrounding the site of work, including topography, existing vegetation, water courses, man-made features, the affected watersheds and other pertinent natural features. This may be in the form of a recent USGS map with the property and required features located thereon.
    - (b) A topographic survey of the site as a suitable scale of no less than 1" = 50' and contour intervals of no more than 2 feet, prepared by a registered surveyor or registered engineer,

including also a boundary line survey, the location and description of vegetative cover, including trees over 6 inches in diameter measured 4.5 feet above the ground, soil types, and any other pertinent existing natural or manmade features.

- (c) An improvements plan of the same size and scale as that provided in subsection b. showing and describing all changes to the site including cuts, fills, structures, paving, waste disposal systems, well, descriptions of all trees to be removed, and utilities. The natural resource protection standards contained in Article 5 shall be adhered to by all proposed development or improvements.
  - (d) A written description of all soil erosion and sediment control measures in accordance with Chapter 102, Title 25, Rules and Regulations, Part I, Pennsylvania Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, Erosion Control, which shall be in conformance with the standards and specifications of the Bucks County Conservation District, and Township ordinances.
  - (e) A grading plan showing and describing all changes to the site including cuts, fills, structures, paving, utilities, rights-of-way, easements, the exact location of on-site waste disposal systems, wells and reserve waste disposal system areas.
  - (f) Improvement Standards
    - (1) All grading and improvements shall be made in accordance with the natural resource protection standards contained in Article 5 of this Ordinance.
    - (2) All drainage facilities shall be designed to retard the rate of stormwater runoff to the same rate or a lesser rate as that existing prior to construction.
    - (3) All drainage provisions may be of such design as to efficiently disperse storm water evenly over the lot so as to best promote infiltration of stormwater into the ground within the boundaries of the subject lot.
- B. No permit for any new use or construction which will involve the on-site disposal of sewage and waste and no permit for a change in use as an alteration which will result in an increased volume of sewage or waste to be disposed of onsite shall be issued until a certificate of approval has been issued by the Bucks County Department of Health.
- C. No permit for any new use or construction which will involve the on-site water supply and no permit for a change in use as an alteration which will result in an increased water usage shall be issued until the requirements of the township Subdivision and Land Development Well requirements have been met and a certificate of approval has been issued by the Bucks County Department of Health.
- D. No permit for any use or construction which will involve earth disturbance in excess of 1,000 square feet shall be issued until a letter of adequacy for the proposed erosion and sedimentation control measures has been issued by the

Bucks County Conservation District. All construction activity shall be in compliance with the requirements of the approved erosion and sedimentation control plan and Chapter 102, Title 25, Rules and Regulations, Part 1, Commonwealth of Pennsylvania Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control."

- E. Mobile Home Park Permits - Applications for a mobile home park permit shall be made in writing by the owner, proprietor or operator of the mobile home park, signed by the applicant.

### **§ 1203. Issuance of Permits and Occupancy Certificates**

- A. Zoning permits shall be granted or refused after a complete written application has been filed with the Zoning Officer; provided, that nothing contained in this Ordinance shall be construed to require or empower the Zoning Officer to grant a permit approving construction on, or use of, land which has been subdivided into lots pursuant to a plan of subdivision, the plan and profile of which have not been approved by the Township Board of Supervisors, and duly recorded, as required by law.
- B. No Zoning Permit shall be granted for any commercial and/or industrial use within the township without the formal review and written approval of the Board of Supervisors, after a review by the Township Planning Commission.
- C. Upon completion of the erection or alteration of any building or portion thereof authorized by a Zoning Permit, and prior to occupancy and/or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this Ordinance and other applicable ordinances and regulations. All applications with accompanying plans and documents shall become and be preserved as a public record, subject to the disposition of the Board of Supervisors.

#### **Certificate of Occupancy Requirements**

1. No structure, building or any part thereof, nor any dwelling unit, shall be occupied or used until a Certificate of Occupancy has been issued by the Zoning Officer of the Township and in the case of new construction, also by the Township Building Inspector.
2. The Certificate of Occupancy shall state the use to which the structure, building, or dwelling unit is to be put. No change in the use or ownership of any structure, building, or dwelling unit shall be made until a Certificate of Occupancy has been issued. It shall be the duty of any person who shall sell or otherwise transfer ownership of any structure, building or dwelling unit to another person to apply for and obtain a Certificate of Occupancy required by this ordinance prior to such transfer of ownership and any use or occupancy of such premises; provided, however, that failure on the part of such seller or transferor to



obtain such Certificate shall not excuse the purchaser or transferee of such premises from the requirements of this section.

3. Any Certificates of Occupancy issued hereunder may be revoked in the event that the structure, building, or dwelling unit is determined to be unsafe or uninhabitable or that a condition exists that is in violation of any ordinance of the Township or that the actual use is in violation of any ordinances of the Township. In the event that such Certificate of Occupancy is issued subject to conditions, such certificate may be revoked if such conditions remain unsatisfied within the time limit provided for at the time of issuance of such conditional Certificate.

### **§ 1204. Fees**

Fees for permits shall be paid in accordance with a Fee Schedule to be adopted by resolution of the Board of Supervisors and all such fees shall be paid into the Township General Fund. Each applicant for an appeal, special exception, variance, conditional use, or other requested relief shall, at the time of making application, pay a fee, in accordance with the aforementioned Fee Schedule, for the cost of advertising, mailing notices, and cost of stenographic services, and other expenses as authorized under State law, as required by this Ordinance and any applicable rules of the Zoning Hearing Board. All building and zoning permit fees will be doubled in the event a permit is not first obtained. The Board of Supervisors may regulate, or totally abolish such additional fees, on an individual basis, upon an appeal from the applicant.

**----- End of Article 12 -----**

**ARTICLE 13**  
**AMENDMENTS, REMEDIES, PENALTIES, COMPLAINTS,**  
**AND EFFECTIVE DATE**

**§ 1300. Power of Amendment**

- A. The Board of Supervisors may from time to time amend this Ordinance, including the Zoning Map.
- B. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Board of Supervisors on its own motion, the Township Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the community development objectives of the Township Comprehensive Plan.

**§ 1301. Public Hearings Prior to Amendment**

- A. Before voting on the enactment of any amendment, the Board of Supervisors shall hold a public hearing pursuant to public notice. Public Notice shall be as defined by the State Municipalities Planning Code. (Note: As of the enactment date of this Ordinance, such provisions were in Section 610 of such act, and in the definition of Public Notice.)
- B. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall at least 10 days prior to enactment re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

**§ 1302. Private Petition for Amendment**

Every application for amendment of the Zoning Ordinance shall first be presented to the township secretary and shall contain the following:

- A. The applicant's name and address and his representative and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and photographs of the area to be rezoned and abutting areas.
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area.

- E. A site plan to scale indicating the location of structures, uses, areas for off-street parking and loading.
- F. Information about the market area to be served by the proposed development, if a commercial use, including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area as the zoning officer, planning commission, or Board of Supervisors may prescribe.
- G. A traffic impact study prepared in accordance with the guidelines found in the township subdivision and land development ordinance.

**§ 1303. Submission to the Township & County Planning Commission**

- A. In case of an amendment other than one prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. At least thirty days prior to the hearing on the proposed amendment the Township Planning Commission shall submit the proposed amendment to the Bucks County Planning Commission for recommendations.
- B. Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Commission.

**§ 1304. Proposals by Private Curative Amendment**

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Municipalities Planning Code as amended. The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Township Planning Commission and notice of the hearing thereon shall be given as provided by the Pennsylvania Municipalities Planning Code, as amended.
- B. Procedures for the public hearing as set forth on Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended, shall be followed.

**§ 1305. Municipal Curative Amendment**

If the Township determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

**§ 1306. Impact Statement**

A change of zoning generally means a deviation from the previously planned growth pattern of the township. Such changes invariably have an impact on the community, on the environment, or on taxes. When a change of zoning is initiated by a property owner or their authorized agent, a detailed statement of these impacts must be submitted pursuant to this Article. Such statement shall contain the following:

- A. Agricultural Impact: What effect will the proposed zoning change have on existing farm operations? The amount and classification of farm soils to be taken out of production and their percentage of those soils in the agricultural area. Methods of limiting public intrusion on neighboring farmland.
  
- B. Environmental Impact: Is there any change in existing environmental standards? If so, what is the impact on existing storm water runoff, aquifer recharge, erosion, wildlife habitats, scenic areas, and the general amenity of the community?
  
- C. Transportation Impact: Analysis of existing road capacities adjacent to site and from the site to boundaries of the township. Indication of projected destination of trips, and total trip general based upon the rates established in the most current edition of the Trip General Manual prepared by the Institute of Transportation Engineers.

Capacities for arterial and collector roads shall be considered to be PennDOT Level C. All hazardous or congested areas, existing or to be created, shall be identified. Recommended improvements and their costs shall be listed.

- D. Services & Fiscal Cost Impact: Define increased demand and the associated costs involved for public services, sewer, water, roads, police, and schools. Where standards of use are set by other agencies such as the Department of Environmental Resources, these shall be used. For schools the following school children yields shall be used:

	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedrooms
Single-Family	-----	.166	.705	1.328
Twin Family	.044	.258	.854	-----
Townhouse	.033	.168	.532	-----
Apartments	.023	.248	.847	-----

- E. Regional Impact: Regional housing needs shall be examined and township performance with respect to these identified.

**§ 1307. Enforcement**

- A. In addition to the right of the Township to enforce a zoning ordinance by an Action in Equity in the Court of Common Pleas of Bucks County, and any other rights the Township may have at law, for any and every violation of the provisions of this Ordinance:

1. The owner, general agent, or contractor of a building or premises where such a violation has been committed or shall exist;
  2. The owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violations have been committed or shall exist; and/or;
  3. The general agent, architect, builder, contractor, or any persons who knowingly commits, takes part, or assists in any such violation or who maintains any buildings or premises in which such violation shall exist; shall be held liable therefore in a civil enforcement proceeding commenced by township, for a judgment of not less nor more than \$500 plus all court costs, including reasonable attorney fees incurred as a result of the prosecution. Each day that a violation continues shall constitute a separate violation.
- B. Such judgment shall be entered after suit before any District Magistrate.
- C. Enforcement proceedings against violations of the Zoning Ordinance shall be commenced by sending an enforcement notice as provided in this section.
1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
  2. The enforcement notice shall state at least the following:
    - (a) The name of the owner of record and any other person against whom the Township intends to take action.
    - (b) The location of the property in violation.
    - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
    - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    - (e) That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
    - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation.

### **§ 1308. Complaints of Violations**

Whenever a violation of this Ordinance occurs, any person may file a written complaint with the zoning officer in regard thereto. The zoning officer shall promptly investigate all complaints.

**§ 1309. Appeals to Court**

The procedures set forth in Article X: "A" of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this ordinance or deemed to have been made under this Ordinance.

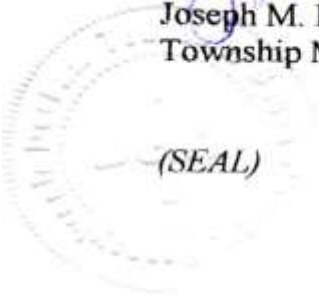
**§ 1310. Effective Date**

This Ordinance shall become effective five (5) days after enactment.

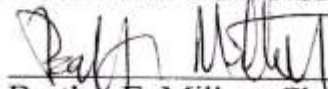
ORDAINED AND ENACTED into Ordinance this 16<sup>th</sup> day of March, 2015

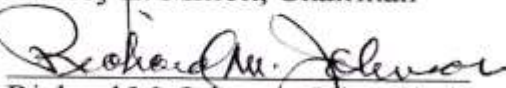
**ATTEST:**

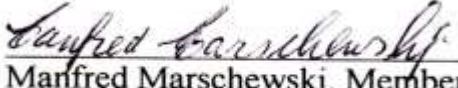
  
\_\_\_\_\_  
Joseph M. Kulick,  
Township Manager/Sec.



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DURHAM TOWNSHIP**

  
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