MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 864

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA, CHAPTER 275, ZONING, BY DELETING ALL OF THE LANGUAGE OF THE PRESENT CHAPTER AND REPLACING IT WITH NEW LANGUAGE; AND BY REPLACING THE EXISTING ZONING MAP WITH A NEW ZONING MAP.

The Council of the Township of Middletown hereby ENACTS AND ORDAINS the following amendments to the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania:

Section 1. The Middletown Township Code of Ordinances, Chapter 275, Zoning, is hereby deleted and replaced with the following:

Section 2. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any courts of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provisions, and such holding shall not render this Ordinance invalid.

Section3. This Ordinance shall become effective thirty-one (31) days after its enactment.

ENACTED AND ORDAINED by the Council of Middletown Township, Delaware County, Pennsylvania, this 22nd day of January 2025, at a regularly scheduled public meeting.

ATTEST:

John McMullan
Township Manager

TOWNSHIP OF MIDDLETOWN COUNCIL

By: _____
Bibianna Bussling
Council Chair

Zoning Code

of

Middletown Township,

Delaware County,

Pennsylvania

27 N. Pennell Road
Media, PA 19063

Adopted January 22, 2025

Chapter 275 Zoning

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ARTICLE I: PREAMBLE

§ 275-1. Short title.

This chapter shall be known as and may be cited as the "Middletown Township Zoning Ordinance of 2025," as amended.

§ 275-2. Authority and Purpose

A. This Chapter is enacted under and pursuant to the PA Municipalities Planning Code, Act 247 of 1968, as amended, to maintain and enhance the character of the Township and the suitability of its various parts for particular uses, buildings, and structures in order:

(1) To promote, protect and facilitate public health, safety, and general welfare, coordinated and practical community development, appropriate population densities, emergency management preparedness and operations, airports and national defense facilities, provision of adequate light and air, access to incident solar energy, police protection, adequate vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements, preservation of natural, scenic, historic features, forests, wetlands, aquifers, and floodplains.

(2) To prevent blight, danger and congestion in travel and transportation, threats to health, life or property from fire, flood or other dangers.

(3) To require that development and land use reflect appropriate use of the topography, soils and other natural features.

(4) To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing.

(5) To respect the carrying capacity of land and site constraints and accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses.

(6) To prevent inappropriate use and development of scenic and natural resources such as floodplains, wetlands, aquifers, steep slopes and forests.

(7) To encourage the preservation of historic and cultural resources.

(8) To encourage the preservation of prime agricultural and farmland and open spaces.

§ 275-3. Establishment and Scope of Controls

Act 247 grants local municipalities the power to enact, amend, and repeal zoning chapters. Middletown Township has enacted this Chapter in accordance with the provisions of Act 247, establishing the following controls:

A. Land shall be developed, used, or occupied, and structures shall be constructed, altered, used, or occupied in accordance with the provisions of this Chapter.

B. Uniform regulations. The provisions established by this Chapter within each zoning district shall apply

uniformly to each class or type of structure or land.

C. New uses and structures. Following the effective date of this Chapter, any new building or other structure or any tract of land shall be developed, constructed, occupied, and used in accordance with the provisions of this Chapter and other Chapters, as applicable.

D. Existing uses, structures, lots, or signs. Following the effective date of this Chapter, any existing use, structure, lot, or sign that is not in conformity with the provisions of this Chapter shall be deemed nonconforming and subject to Section 275-129. Nonconformities.

§ 275-4. Community Development Objectives

A. This Chapter is enacted to implement the purposes of § 275-2, Middletown Township Comprehensive Plan policies, and other applicable codes, Chapters, plans, or studies of the Township.

(1) Retain and enhance the traditional suburban community identity and quality of life. Maintain a balance between the accommodation of change and development with the ability of the land to sustain new uses and the conservation of resources to preserve the suburban character and protect the health, safety, and welfare of current and future residents.

(2) Plan for the present and future housing needs of residents that reflects the existing community character. Maintain and promote attractive, safe, healthy and stable residential areas and to enhance and encourage rehabilitation of existing neighborhoods.

(3) Provide for appropriate and adequate community services and facilities with respect to the natural constraints of the land and within practical fiscal limitations to meet the needs of current and future Township residents and businesses.

(4) Plan for safe, effective, and diversified transportation, circulation, screening, parking and related needs while protecting community-defining characteristics.

(5) Promote complementary land uses to maintain a unified character, direct growth to appropriate areas, and minimize traffic, noise and visual conflicts.

(6) Protect natural and cultural resources to sustain ecosystems and protect public health and quality of life.

(7) Encourage the provision and preservation of usable and functional open spaces areas: to aid in natural and cultural resource protection; to provide increased opportunities for recreational use and activities; to create visual buffers and to promote high-quality design and land development.

(8) Encourage safe and convenient access throughout the Township: to help ensure the compatibility of major roads, residential streets, parking areas and driveways for existing and planned uses; and to promote the safe and efficient movement of people and goods.

(9) To require that all development and uses have the necessary utility systems and infrastructure such as public water, public sewer, storm sewers, permanent erosion and sedimentation control structures and other facilities.

(10) Continue to maintain, enhance, and expand parks and recreational facilities to meet the needs of current and future residents of the Township.

(11) Encourage energy conservation and the effective utilization of renewable energy resources to

reduce environmental impacts and reduce energy costs.

(12) Encourage cooperation with surrounding municipalities and regional planning to achieve mutually beneficial goals for the Township and Region.

§ 275-5. Conflict.

It is not intended by this Chapter to repeal, abrogate, annul, or interfere with any existing ordinance, or any statue, rule, regulation, or permit adopted or issued thereunder, provided the same is not inconsistent or in conflict with any provision of this Chapter. Where this Chapter imposes greater restrictions on the use of structures or land, height or bulk of structures and of lots, prescribes larger open spaces or parklands, or other applicable provisions, the provisions of this Chapter shall control.

§ 275-6. Interpretation and Effective Date.

A. Chapter provisions shall be interpreted, applied, and administered in such a manner as to facilitate attainment of the purpose of this Chapter in Section 275-2 and objectives of this Chapter in Section 275-4.

B. This Chapter shall become effective upon the 31st day following enactment.

§ 275-7. Validity and Severability.

Should any section of provisions of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or in part.

§ 275-8. Repealer

The "Middletown Township Ordinance of 1986, as amended" is hereby repealed and replaced by the provisions of the "Middletown Township Zoning Ordinance of 2025, as amended."

ARTICLE II: TERMINOLOGY

§ 275-9. Interpretation.

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout this chapter so that:

A. If the zoning ordinance explicitly says that a word or phrase has a specific meaning to be used in a specified part of the zoning ordinance, then the word or phrase has that specific meaning throughout the specified part regardless of capitalization.

B. The present tense includes the future. The singular includes the plural and plural the singular. The masculine gender includes the feminine.

C. The words "person," "party," and "entity" are interchangeable and include any individual, partnership, association, organization, limited liability company, corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity.

D. The words "shall" or "must" indicate a mandatory requirement. The word "may" is optional.

E. The word "used" includes the words "designed," "arranged," and "intended to be used."

F. The word "built" includes the words "erected," "constructed," or "altered."

G. The word "including" is not limited to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.

H. The word "Township" means Middletown Township, Delaware County, Pennsylvania.

I. The terms "Township Council" or "Council" mean Township Council of Middletown Township.

J. The term "Planning Commission" means the Middletown Township Planning Commission, as established under the provisions of the Pennsylvania Municipalities Planning Code and as described in Chapter 46, Planning Commission.

K. The term "Zoning Hearing Board" means Middletown Township Zoning Hearing Board.

L. The word "herein" shall refer to the regulations of the full chapter.

M. The word "Chapter" shall refer to Middletown Township Zoning Ordinance, as amended, unless otherwise specified.

When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or as stated in §275-10.B.

§ 275-10. Definitions.

A. In this chapter, words, terms and phrases shall have the following meanings:

ABANDONMENT — The cessation of a use of a property (land and/or structures) by the owner, with the intention of neither resuming the use or transferring rights to the property to another who will so use the property.

ABUTTING OWNER — The owner of record of a parcel of land which is contiguous at any point to the parcel in question or which is contiguous to a section of road or street (public or private) on which the subject parcel has frontage, i.e., a lot across from the subject parcel.

ACCESSORY BUILDING or ACCESSORY STRUCTURE — Any building or other structure subordinate to and separate from the principal permitted building or other structure on the lot and designed and used for purposes which are accessory to the principal permitted use of the lot, including but not limited to buildings, sheds, garages, stables, swimming pools and tennis courts. "Accessory buildings or accessory structures" shall be divided into three classes or classifications, as follows:

(1) Class A accessory building or accessory structure: an "accessory building or accessory structure" which has a floor area of 240 square feet or less and a height of 14 feet or less, and which does not exceed one story.

(2) Class B accessory building or accessory structure: an "accessory building or accessory structure" which has a floor area of more than 240 square feet and/or a height of more than 14 feet and/or which exceeds one story.

(3) Class C accessory building or accessory structure: an "accessory building or accessory structure" which is not a Class A or Class B accessory building or accessory structure, including but not limited to hot tubs, spas, swimming pools, fences, ground mounted solar arrays, walls, and communication structures such as ham radio antennas.

ACCESSORY USE — A use which is clearly incidental to and customarily conducted in connection with the particular use of the parcel and on the same lot as a principal use.

ACCESSWAY — A strip of land which provides access, such as a street, an easement or a driveway. In the context of an interior lot, that narrow portion of the lot, the width of which is regulated by Section 275-122, on which the driveway is situated to provide a means of ingress and egress for the dwelling located on the balance of the lot to the street or road. An accessway may, but need not, contain a shared drive to provide ingress and egress for adjacent interior lots.

ADEQUATELY SHIELDED – The attribute of a light source from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors as needed.

ADULT ENTERTAINMENT— An establishment offering sexually oriented live entertainment.

ADVERSE EFFECTS — Results contributing to a harmful or degraded condition and/or producing an unfavorable result, such as environmental harm or degradation. Adverse effects may include: a negative impact on surrounding land uses; negative impacts which are contrary to the Comprehensive Plan and the intent of this chapter; and negative impacts which may create a threat to the public health, safety and general welfare.

AGRICULTURAL USE; AGRICULTURE — A principal use involving the cultivating of the soil, the raising and keeping of livestock and poultry and the harvesting of the products of the soil, including horticulture and forestry, but excluding commercial greenhouses, garden centers, garden marts or nurseries.

ALLEY — An improved right-of-way or easement providing secondary vehicular access to the side or rear of two or more lots. It may be public or private and is not intended for through traffic use. Its primary function is to provide access to the side or rear of the abutting lots.

ALTERATION OF BUILDING OR STRUCTURE — See "structural alteration."

ALTERNATIVES — Choices between or among two or more plans, layouts, approaches, solutions and/or results.

APPLICANT — A landowner or developer, including heirs, successors, assigns and grantees, who has filed an application for subdivision and/or land development, as hereinafter defined, or an application for a special exception, variance or conditional use.

AUTOMOTIVE SALES AND SERVICE- The use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreation vehicles, and including any warranty automotive repair work and other repair service conducted as an accessory use.

AUTOMOTIVE USES - The use of a building or land for the purpose of fueling, lubricating, cleaning, caring for, maintaining or repairing motor vehicles or of offering for sale and installing automotive accessories or parts, including the use of an automotive workshop, a shop selling automotive spare parts, tires or car batteries, a tire retreading workshop and any other establishment performing similar functions including a car repair station, but does not include the use of a panel beating workshop (other than a place used for minor panel beating ancillary to a motor showroom) or a service station.

BANK/FINANCIAL INSTITUTION - A company engaged in the business of dealing with financial and monetary transactions such as deposits, loans, investments, and currency exchange.

BASEMENT — For Pennsylvania Uniform Construction Code (PA UCC) purposes, "basement" shall be held to mean that portion of a building partly or completely below grade; for Zoning Code purposes, "basement" shall be considered a story for the purpose of height measurement if the basement ceiling is five feet or more above the average ground level around the building.

BED-AND-BREAKFAST- A group of lodging units not to exceed five units within the residence of the proprietor living on site wherein services limited to lodging and meal(s) are provided by the proprietor to transient tenants.

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 chapter and the goals of the Comprehensive Plan and promoting the public health, safety and general welfare.

BERM- A mound of earth which serves purposes such as directing the flow of surface water runoff, preventing soil erosion or supporting plant materials and to aid in screening and buffering.

BILLBOARD — A structure erected, operated and maintained as the principal commercial use on a lot for the purpose of advertising a product, activity or business not conducted on the lot, which may be static or digital.

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 tree, woodland or forest stands and related understory and ground cover growth; and aquatic and terrestrial wildlife and/or their habitats.

BREWPUB/MICROBREWERY- A premises that manufactures and produces malt or brewed beverages as defined by the Pennsylvania Liquor Code and that is licensed as a manufacturer or limited brewery by the Pennsylvania Liquor Control Board.

BUG - An IES rating system of the Backlight, Uplight and Glare light distribution of a luminaire.

BUFFER AREA — A pervious area with natural ground cover which does not contain any structures, except for those permitted by § 275-132 of this chapter, and which is landscaped and maintained as required by Article XX of this chapter. The width of the buffer area shall be as provided in the applicable zoning district regulations. The buffer area shall be measured from the street line for that portion of a lot abutting a street and from the lot line for those portions of a lot which do not abut a street.

BUFFER PLANTING STRIP — A strip of land within the required buffer area which is landscaped with trees and shrubs and maintained as required by this chapter and in a manner as required in Article XX, General Provisions, and the applicable district regulations.

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA — The net lot area after subtracting the area of the accessway.

BUILDING COVERAGE — The coverage of the lot area by buildings.

BUILDING LINE — The line parallel to the street line at a distance therefrom equal to the depth of the required front yard.

BUILDING SETBACK LINE, FRONT YARD — The line normally parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the required front yard. All yards adjacent to a public or private street right-of-way normally shall be considered front yards. However, in the case of an Interior Lot, such setback line shall coincide with the Front Lot Line, and in the case of a Flag Lot, such setback line shall coincide with the Flag Lot Front Line.

BUILDING SETBACK LINE, REAR YARD — The line normally parallel to the front lot line and equal to the required minimum depth of the rear yard.

BUILDING SETBACK LINE, SIDE YARD — The line normally parallel to the side lot line and equal to the required minimum depth of the side yard.

BULK — The term used to describe the size of buildings or other structures and their relationship to each other, to open areas, such as yards, and to lot lines. The term may include the size, height and floor area of buildings or other structures and all open areas in yard space relating to buildings and other structures.

BUSINESS, TRADE OR PRIVATE SCHOOL - A type of educational institution, which, may refer to either secondary or post-secondary education designed to provide vocational education or technical skills required to complete the tasks of a particular and specific job.

CALIPER — The diameter of a tree trunk measured at a point 4 1/2 feet from the ground surface at the center of the base of the tree for all existing trees; and at a point six inches from the ground surface at the center of the base of the tree for all trees to be planted.

CAMPUS MIXED USE DEVELOPMENT — A combination of single-family attached dwellings and related community-related business uses built and maintained according to regulations of § 275-37.

CAMPUS MIXED USE DEVELOPMENT TRACT — One or more contiguous lots assembled for the purpose of development in accordance with the regulations of a campus mixed use development.

CAMPUS-TYPE SETTING — A unified development whereby buildings are grouped together around open space areas in the form of greens, parks, quadrangles, plazas, squares and other public/ pedestrian gathering areas, and complies with the design and development standards of § 275-37.

CANOPY STRUCTURE — A structure or portion thereof with a roof, but no outer walls, providing cover for that portion of a lot upon which there are motor vehicle fueling positions for the dispensing of motor vehicle fuel.

CAR WASH - A building or portion thereof which contains self-service or automated facilities for washing and cleaning motor vehicles, including enclosed automatic car washes using production line methods with a conveyor, blower, and other mechanical devices, such as self-service vacuums

outside of the building.

CARTWAY — The minimum paved area of a public or private street within which vehicles are permitted, including travel lanes, but not including shoulders, curbs, gutters, sidewalks or drainage swales.

CCT - Correlated Color Temperature - A rating of the warmth or coolness of the color of the light output, expressed in degrees Kelvin or degrees K, e.g. 3000K.

CEMETERY – A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium, or other like-type receptacle.

CENTER LINE, STREET — A line in the center of a street which is equidistant from and parallel to the street lines.

CHARITABLE USE — A use conducted by a nonprofit organization, as a service to the general public or to a significant portion of the public, for no fee or at a fee which is less than would be charged by a profit-making organization.

CHURCH — A building or group of buildings including customary accessory buildings, designed or intended for organized religious services. The word "church" includes chapels, cathedrals and temples.

CLEAR CUTTING — The felling of all trees on a tract of land or any portion thereof at one time.

CLUB— A facility owned, operated, and maintained by social, professional or philanthropic non-profit organization characterized by the payment of dues, regular meetings and a constitution and bylaws. A building is used for club purposes when it serves as a meeting place for such organization and is not an adjunct to or operated by or in connection with a public tavern, cafe or other public commercial place, although it may be used for recreational and/or dining facilities for the membership and their guests.

COMMERCIAL SECTION — The area within a campus mixed use development designated for community-related business uses.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water within a land development or subdivision, designed and intended for the use or enjoyment of residents or occupants thereof, not including streets, off-street parking areas and areas set aside for public facilities. (See Article XXVI and "designated open space.")

COMMUNICATIONS ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including, without limitation, ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING — An unmanned building or cabinet containing communications equipment required for the operation of communications antennas or wireless communications facilities and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER — A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMMUNITY CENTER — A facility operated principally by a nonprofit entity and used as a community center and for community-based activities, that includes, but is not limited to, facilities

for community meetings, gatherings and conferences, child-care facilities, gymnasiums, exercise facilities, swimming pool, locker rooms, tracks, playing fields for various sports, recreational facilities and such other accessory facilities and uses as are normal and customary for a community center.

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 service and postal services.

COMMUNITY-RELATED BUSINESS USES — Commercial uses enumerated in § 275-37 that are part of a campus mixed use development in the R-4 District.

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

CONDITIONAL USE — A use which may be approved or denied by the Township Council after recommendation by the Planning Commission, when in compliance with all applicable standards and criteria set forth in this chapter.

CONFERENCE CENTER — A facility with or without overnight lodging, at which meetings, seminars, expositions, trade shows and/or conferences are conducted. Conference facilities may also include ancillary entertainment facilities, a fitness and health center and retail stores and services primarily for conference center guests.

CONSTRUCTION OPERATION OR ACTIVITY — The erection, repair, renovation, demolition, removal, rehabilitation or other work performed for, to, on or with regard to any building or structure; including the excavation, filling and grading of lots in connection therewith or in preparation thereof.

CONTINUING CARE RETIREMENT COMMUNITY — A development that provides a continuum of accommodations and care for senior persons, including a combination of independent living units, personal care units, a skilled nursing facility and accessory uses.

CONTINUOUS VISUAL BUFFER — A visually impenetrable screen created with plant materials, fencing, walls and/or earthen berms.

CONVENIENCE STORE — A retail store of not less than 3,000 square feet or more than 8,000 square feet of gross floor area for the sale of food and beverages for off-premises consumption, personal care items and other similar items and which may include an ATM banking machine.

CONVENIENCE STORE WITH FUEL PUMPS— A retail store of not less than 3,000 square feet or more than 8,000 square feet of building area exclusive of canopy and fuel pump areas, for the sale of food and beverages, personal care items, self-service gasoline and other similar items, which may include ATM banking machines. A convenience store with fuel pumps shall not include the provision of automobile service or repair and shall not allow tractor-trailer fueling.

CUL-DE-SAC — A street having vehicular access to and from the public street system at one end and terminating in a circular vehicular turnaround at the other end. Such street provides access to abutting properties but is not or may not be intended to provide traffic circulation through a tract.

CULTURAL, RELIGIOUS OR CHARITABLE USE — See "cultural use, religious use and/or charitable use."

CULTURAL USE — A use which promotes art, music, science and history in the form of a museum, botanical garden or like facility.

DAIRY - A place or premise where one or more cows or other lactating hooved mammals are kept, and a part or all the milk from which is sold or delivered.

DAY-CARE CENTER — Any premises in which child day care is provided for children who are not relatives of the operator, including nursery schools.

DENSITY — Unless otherwise provided, the term "density" means gross density, which is determined by dividing the total number of dwelling units by the total amount of land in the tract minus all land within the rights-of-way or easements of streets or utilities.

DESIGNATED OPEN SPACE — Areas, identified on an applicant's plan, which will be limited to open space use in perpetuity.

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.

DEVELOPMENT — Any man-made change to improved or unimproved land, 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.

DEVELOPMENT PLAN — The documents and maps and other graphics outlining a proposal for development of a planned residential development, prepared in accordance with this chapter, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space, public facilities and the like.

DIAMETER AT BREAST HEIGHT (DBH) – The diameter of a tree trunk measured at a point four and one-half (4 ½) feet from the ground surface at the center of the base of the tree.

DOG DAYCARE FACILITY- The indoor use of a building where six or more dogs are kept for the purpose of providing shelter, housing, boarding, grooming and feeding during the day.

DRIVEWAY- A private accessway for vehicles which connects a street to an alley or another street, or to a parking space, garage, dwelling or other building.

DWELLING- A building designed or modified for and occupied exclusively for residential purposes, excluding a hotel, rooming house, club or lodge, but including a mobile home.

DWELLING, MULTIFAMILY — A building designed for and occupied exclusively as a residence for two or more households living independently of each another.

(1) APARTMENTS — A multifamily dwelling, where individual dwelling units share a common outside access and share a common yard area. Apartments or garden apartments contain three or more dwelling units in a single structure, and each individual apartment, i.e., having a minimum total floor area of 600 square feet.

(2) RETIREMENT RESIDENCE — A dwelling or group of dwellings specifically designed for retired or elderly persons. Retirement dwellings may be of any dwelling type defined, but are only allowed in accordance with the specific terms and conditions of this chapter.

DWELLING, SINGLE-FAMILY ATTACHED — A dwelling with party walls separating two or more single-family dwelling units including duplex, quadruplex, multiplex and townhouse buildings.

(l) DUPLEX OR TWIN HOUSE — A single-family, semidetached dwelling having two individual

dwelling units separated by one common party wall from ground to roof with no communicating openings.

(2) MULTIPLEX — An attached dwelling in a building with more than two dwelling units where each dwelling unit has independent outside access. Such dwelling units may be arranged in a variety of configurations such as side-by-side, back-to-back or vertically and may involve a quadruplex configuration, where four dwelling units are attached in a structure or group.

(3) TOWNHOUSE — A single-family, attached dwelling within a building with more than two other single-family attached dwelling separated by any portion of the one or two unpierced party walls from ground to roof.

DWELLING, SINGLE-FAMILY DETACHED — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent dwelling unit. Where a garage is structurally attached to such building, it shall be considered a part of the dwelling.

(1) MOBILE HOME — A transportable, single-family detached dwelling unit 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 is constructed as permitted in Article XX, so that it may be used without a permanent foundation, but with the same, or equivalent, electrical, plumbing and sanitary facility as for a conventional single-family detached dwelling. A mobile home shall include any addition or accessory structure such as porches, sheds, decks or additional rooms, which is attached to it. For the purpose of floodplain management, the words "mobile home" shall be replaced with the words "manufactured home" within any delineated floodplain area.

DWELLING UNIT — A dwelling or portion thereof, forming a single habitable unit with a private access and facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one family.

EASEMENT — The right to use or prevent use of land for a particular purpose.

EDUCATIONAL USE - Land or buildings used for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for academic, moral or spiritual pursuits or the development of physical or manipulative skills, which is organized and existing under the laws of and, if required, licensed by the Commonwealth of Pennsylvania, excluding spas or similar commercial activities.

ELECTRICAL CHANGEABLE COPY DISPLAY — The portion of a sign whose message copy or content can be changed by means of remote through an electrically energized, on-off switching combination of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices from an internal light source.

ELECTRIC VEHICLE (EV)- Overall term for vehicles that derive all or part of their power from electricity supplied by the electric grid. They include AEVs, HEVs and PHEVs.

ELECTRIC VEHICLE CHARGING LEVELS

A. LEVEL 1: A method that provides charging for an EV battery using a 120V single-phase electric service with a 15A or 20A circuit breaker. This method is considered slow-speed charging and does not require any special EV charging equipment.

B. LEVEL 2: A method that provides charging for an EV battery using a 240V/208V single-phase or three-phase electric service with a 40A to 100A circuit breaker. This method is considered medium-speed charging and requires the installation of specialized EV charging equipment at the EVCS.

C. LEVEL 3: A method also known as "direct current fast charging (DCFC)" that provides charging for an EV battery using a 480V three-phase electric service. This method is considered high-speed and requires the installation of highly specialized, high-powered EV charging equipment as the EVCS and in the EV.

ELECTRIC VEHICLE CHARGING STATION (EVCS) - A public or private parking space that is served by battery-charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an EV.

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical or mental trauma to persons or significant property damage, typically unforeseen and sudden in nature.

EMERGENCY WORK — Any work performed for the purpose of preventing or mitigating the physical/mental trauma or property damage threatened or caused by an emergency.

ENLARGEMENT — An addition to the floor area or increase in size of an existing structure, an increase in the area of a parcel which is occupied by an existing use, or an increase in the intensity of a use as a result of increased parking, traffic generation or alternate sewage disposal system or other impacts on surrounding land uses, existing or zoned.

ENVIRONMENT — The conditions, resources and/or characteristics which exist within and surround the area to be affected by a proposed subdivision and/or land development, including natural elements such as land, water, air, minerals, natural flora and natural fauna; and man-made components such as objects of historic or aesthetic significance, infrastructure and man-related attributes of a social and economic nature.

ENVIRONMENTAL CONTROLS — The performance standards set forth in Article XXI pertaining to environmental quality and environmental degradation.

ENVIRONMENTAL IMPACT ASSESSMENT REPORT — An assessment which objectively describes, analyzes and documents both the beneficial and adverse environmental effects of a proposed subdivision and/or land development and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in this chapter.

FAMILY — One or more individual living together in a dwelling unit as a single, nonprofit housekeeping unit, i.e., a household; excluding occupants of a club, fraternity house, , or rooming house, or group quarters not owned or leased by the individuals.

FELLING – The act of cutting a standing tree so that it falls to the ground.

FILL — Material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

FITNESS CENTER - A place that houses exercise equipment and facilities for the purpose of physical exercise.

FLAG LOT FRONT LINE — A lot line which is parallel to the public street from which a flag lot gains access, and extends the full width of such flag lot.

FLOOD — Stormwater that temporarily inundates land areas not normally covered by water.

FLOOR AREA — See "gross floor area" and "net floor area."

FLOOR AREA RATIO — The total floor area divided by the net area of that lot.

FOOD SERVICE - The preparation, delivery, and serving, of ready-to-eat foods.

FOOTCANDLE – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

FORESTRY/TIMBER HARVESTING- The management of forests and timberlands for the purpose of encouraging maintenance and management of forested or wooded open space, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONT PROPERTY LINE — That line which, in the case of a normal lot, is the front street line; in the case of a corner lot, is the street line of both abutting streets; and, in the case of an interior lot, the property line toward which the building faces or is to face. (See the definitions for "normal lot," "lot, interior," and "lot, corner.")

FRONT YARD — The required open space extending along the street line of any street on which the lot abuts; or, in the case of an interior lot, along the front property line. In the case of a corner lot, there shall be two front yards and two side yards.

FULL CUTOFF – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the highest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10º below that horizontal plane, at all lateral angles around the luminaire.

FULLY SHIELDED – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire.

FUNERAL HOME/MORTUARY — A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE — An accessory use or part of a permitted principal building used for the storage of motor vehicles owned and used by the owner, residents, employees or visitors to such permitted principal building.

GASOLINE SERVICE STATION – A building and land area used for the retail dispensing and sales of vehicular fuels, servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle items.

GLARE – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, so as to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare

GOVERNMENTAL USES — Buildings, facilities or activities used or conducted for a governmental, as opposed to a proprietary, purpose.

GREENHOUSE/NURSERY/GARDEN CENTER - A retail facility where plants are propagated, grown, and sold, as well as the sale of other related products and supplies for gardens.

GROSS DENSITY — See "density."

GROSS FLOOR AREA — The sum of the gross horizontal areas of all floors of a building, measured from the exterior face of exterior walls or from the center line of a common wall separating two buildings, including interior parking spaces, interior loading space for motor vehicles and any space where the floor-to-ceiling height is more than six feet.

HEALTH CARE FACILITY – An establishment other than a hospital, nursing home or convalescent home, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury or physical conditions, which establishment is licensed by the Commonwealth of Pennsylvania to provide the services it offers.

HEIGHT OF BUILDING— The height of a structure shall be the distance between the mean level of the ground surrounding the structure and a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers or antennas; roof structures for housing stairways; air-conditioning, ventilating or elevator equipment; tanks; and similar projections shall not be included
in calculating the height.

HEIGHT OF A COMMUNICATIONS TOWER — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HISTORIC RESOURCES — Sites, areas, structures, trails and/or routes which are valued due to their significance as locations of events and/or examples of architecture, customs, skills or arts of the past.

HISTORIC STRUCTURE — Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) 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;

(3) Individually listed on a state inventory of historic places, which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior.

HOME OCCUPATION - An accessory use of a dwelling or a dwelling unit for any lawful activity normally conducted for pecuniary gain by a resident within a residential dwelling unit, located and conducted so as not to interfere with the quiet enjoyment of neighboring residential properties and which complies with the standards for home occupations set forth in this chapter.

HOME PROFESSIONAL OFFICE — An office for the personal use of a physician, dentist, lawyer, engineer, architect or other learned professional practitioner, provided that such office is located within the residence of such professional.

HORTICULTURE — The art and practice of propagating and cultivating plants for their produce or for ornament.

HOSPITAL — An institution providing primary health services and medical and/or surgical care to persons, some of whom are inpatients, suffering from illness, disease, injury, deformity and other physical or mental problems. When conducted as an integral part of the hospital, related accessory facilities, such as laboratories, outpatient or training facilities or offices for doctors and other medical personnel affiliated with the hospital may be an accessory use to the hospital.

HOTEL, MOTEL, or INN — A facility offering for compensation temporary overnight lodging accommodations to the general public, in which such lodging accommodations are accessed from

common entrances to an interior lobby, corridor or hallway, and which may include additional accessory use facilities and services, such as restaurants, meeting rooms, personal services, and recreational facilities. Such establishments shall provide guests with customary hotel services such as maid service and the furnishing and laundering of linen. A hotel may include an accessory conference center.

HOUSEHOLD PETS — Domestic animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasure of the resident family, such as dogs, cats, small birds, gerbils and other similar pets normally sold by retail pet stores.

HUMAN SERVICES ORGANIZATION – An entity providing educational, behavioral health, psychological treatment, drug and alcohol rehabilitation, and intellectual and developmental disabilities services in a campus setting, consisting of both day programs and residential living.

ILLUMINANCE – Quantity of incident light, measured in footcandles

ILLUMINATED or ILLUMINATION — To be lightened up or to give light to, by means of either an internal or external light source other than by natural light.

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.

IMPERVIOUS SURFACE COVERAGE — The coverage of the lot area by materials that normally shed most rainfall, e.g., buildings, paved areas, including streets, parking lots and similar surfaces, and other improvements that generate significant stormwater runoff.

IMPROVEMENTS — Physical additions and changes to land, such as grading, paving, streets, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, streetlights, street trees and other plantings and other structures that may be necessary to produce usable and desirable land development.

INDEPENDENT LIVING UNIT — An apartment dwelling unit in a multifamily dwelling apartment building used exclusively for occupancy by one or more senior persons in a continuing care retirement community.

INDOOR OR OUTDOOR PLACE OF AMUSEMENT - A use that provides commercial amusement indoors or outdoors, and offers facilities for the playing of any game for the amusement of the public such as billiard or pool rooms, bowling alleys, playgrounds, miniature golf courses, roller skating rinks, and the like.

INFRASTRUCTURE — The basic installations and facilities on which the continuance and growth of a community depend, such as roads, schools, electrical transmission facilities and transportation, communication, sewer and water systems.

IN-LAW SUITE - A self-contained attached residential dwelling unit resulting from the conversion of or addition to an existing single-family detached dwelling into two dwelling units and inhabited by at least one but no more than two persons related by blood, marriage or adoption to the owners who live in the primary dwelling unit. The accessory unit shall contain a kitchen and bath facilities, have direct access to the outdoors or to a hall from which there is direct access to the outdoors and be physically subordinate to the primary unit that exists in the dwelling.

INTERIOR LOT — See "lot, interior."

JUNKYARD or SALVAGE YARD - An area of land, with or without buildings, used for the storage,

outside a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of not more than one (1) unlicensed, wrecked, or disabled vehicles, or the major part thereof, which are visible from the property lines or in plain sight shall constitute a junkyard, except as otherwise provided in this Chapter.

KENNEL — An establishment where six or more dogs, cats or like domesticated animals, more than one-year old, are kept, boarded, groomed, trained, raised or bred for compensation.

LAND DEVELOPMENT — Any of the following activities described in Subsections (1) and (2) below, but excluding any activities described in Subsection (3) below:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or

   (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) The addition of a single accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building if, and only if, all of the following criteria are met:

   (a) The use of the proposed accessory building will be other than residential; and

   (b) The lot area of the lot on which the accessory building is to be placed is 10 acres or larger; and

   (c) The proposed accessory building does not exceed 1,000 square feet in gross floor area and the total cumulative gross floor area of the proposed accessory building and all other accessory buildings previously exempted from the definition of land development pursuant to this section does not exceed 2,500 square feet; and

   (d) The height of the proposed accessory building does not exceed 35 feet.

LANDING – A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

LANDOWNER — The legal or beneficial owner or owners of land; the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the rights of the owner.

LANDSCAPED AREA — That portion of a tract or lot in which plantings have been installed in accordance with the special provisions for landscaping in Article XXI. The "landscaped area" includes the buffer planting strip and those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like.

LANDSCAPING PLAN — A plan for the installation and maintenance of plantings, prepared

according to the provisions of Article XXI.

LAUNDROMAT - A self-service facility where clothes are washed and dried.

LIFE CARE COMMUNITY — A land development which includes residential units within a planned retirement community and accessory uses for the continuing care of the residents.

LIGHT INDUSTRIAL/MANUFACTURING - the manufacture, service, repair or testing of products taking place in a totally enclosed building and predominantly using previously prepared materials in the manufacturing process and where noise, odor, glare or emissions from the industrial activity are not detectable off of the property and there is limited storage of materials.

LIGHT TRESPASS – Light emitted by a luminaire or lighting installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

LIVESTOCK — Animals of any kind raised for sale, resale or agricultural field production. For the purposes of this chapter, the keeping of common household pets such as dogs, cats and the like shall not be considered as keeping of livestock.

LOADING SPACE, OFF-STREET — A space in a building or on a lot which is accessible from the public street system for the temporary use of vehicles while loading or unloading merchandise, materials or passengers.

LONG-TERM EFFECTS — Results which are manifest for or extended over a long period of time.

LOP – To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA — For purposes of determining compliance with the minimum lot area requirements of this chapter, the area of a lot shall be measured to the street line only; and areas subject to driveway, drainage and permanent utility easements and areas separated from the proposed principal use by a street right-of-way shall not be counted unless this chapter expressly provides otherwise.

LOT, CORNER — A lot abutting upon two or more streets or upon two parts of the same street, including shared driveways, forming an interior angle of less than 135°. A corner lot has two front yards and two side yards.

LOT COVERAGE — The percentage of the lot area that is occupied by the building area.

LOT DEPTH — The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, EXISTING INTERIOR — A lot existing as of the date of this amendment with an existing separate tax folio number, which meets all of the R-1 or R-1A Residential District zoning regulations except the minimum lot width at the street line.

LOT, FLAG — A lot which has a minimum access strip with an elongated, more narrow, and straight extension connecting the bulk of the lot area with a street and meets the required minimum width at the street line per the applicable zoning district. The determination of the flag lot's front building setback shall be as defined by Flag Front Line. Minimum lot area and other dimensional requirements shall be met on that portion of the lot exclusive of the minimum access strip. (Also see Building Setback Line, Front Yard)

LOT, INTERIOR — A lot created through the subdivision process, which does not front on a street and has access to a street only by way of an easement or right-of- way.

LOT LINE — A property boundary line shown on a recorded plan or described in a recorded deed.

LOT LINE, FRONT — The lot line abutting a street and coinciding with the street line. In the case of a corner lot, the street abutting the lot line identified on the approved subdivision and/or land development plan as the front line; or, in the case of an existing lot, the lot line designated on an approved Subdivision and/or Land Development Plan; or, in the case of an interior lot, the "front lot line" shall be that property line generally parallel to the street line providing access to the lot; or, in the case of any other lot, the "front lot line" shall be construed to be the lot line on the side of the main entrance.

LOT LINE, REAR — The lot line which is opposite to the street line or, in the case of an interior lot, the front yard.

LOT LINE, SIDE — Any lot line which is not a street line or a rear lot line.

LOT WIDTH — The horizontal distance measured between the side lot lines at the required or proposed front yard building setback line.

LUMEN – As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

LUMINAIRE - A complete lighting fixture assembly consisting of lamp(s) or LED light cluster, lamp holders, electrical components, light directing devices, shielding devices and lenses or diffusers.

MANUAL CHANGEABLE COPY DISPLAY — The portion of a sign whose message copy or content is changed manually through placement of letters or symbols on a panel mounted in or on a track system.

MANUFACTURED/MOBILE HOME — A transportable, single-family detached dwelling unit 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 is constructed as permitted in Article XX, so that it may be used without a permanent foundation, but with the same, or equivalent, electrical, plumbing and sanitary facility as for a conventional single-family detached dwelling. A mobile home shall include any addition or accessory structure such as porches, sheds, decks or additional rooms, which is attached to it.

MEDICAL CLINIC- A medical establishment offering outpatient medical or dental services operated by a physician or dentist who is licensed to practice in the Commonwealth of Pennsylvania.

MEDICAL LABORATORIES - A laboratory where tests are conducted on clinical specimens to obtain information about the health of a patient to aid in diagnosis, treatment, and prevention of disease.

MEDICAL MARIJUANA- Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania pursuant to Act 16.

MEDICAL MARIJUANA ACT- The Act of April 17, 2016, P.L. 84, No. 16, as amended from time to time (53 P.S. § 10231.101 et seq.).

MEDICAL MARIJUANA DISPENSARY- A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana. The term includes the facility from which medical marijuana is dispensed.

MEDICAL MARIJUANA GROWER/PROCESSOR- A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

MEDICAL MARIJUANA REGISTRY - The registry established by the Pennsylvania Department of Health for all medical marijuana organizations and practitioners.

MEDICAL OFFICE- A facility involving the treatment and examination of patients and the furnishing of medical, surgical or other services to individuals, excluding in-patient services.

MEMORY CARE FACILITY – A type of long-term specialized residential care for people living with Alzheimer's disease and other forms of dementia.

MENU BOARD OR MENU SIGN — A freestanding sign which depicts the menu of food for sale at the drive-through section of a fast-food restaurant. Such sign shall not exceed 25 square feet.

MINI-WAREHOUSE/SELF STORAGE FACILITY – A building or group of buildings containing separate, individual, private storage spaces of varying sizes available for sale, lease or rent for varying periods of time.

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.

MOBILE 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 HOME PARK — A parcel 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.

MOTEL — See "hotel, motel or inn."

MOTOR VEHICLE REPAIR FACILITIES- Establishments engaged in furnishing automotive repair services to the general public.

MOTOR VEHICLE SERVICE STATION — A building or place of business where gasoline and automobile accessories are dispensed directly to the motor vehicle trade and/or where automotive repair services may be rendered.

MOVIE THEATERS - A building in which films are shown.

MUFFLER or SOUND-DISSIPATIVE DEVICE — A device designed or used for decreasing or abating the level of sound escaping from an engine, machinery or like system.

MULTITENANT OFFICE BUILDING — A building containing general and/or professional office uses but which may also contain meeting facilities, seminar facilities and/or accessory dining, fitness and retail facilities, health and fitness centers, cultural, religious or charitable uses, conference centers (without either overnight lodging or ancillary entertainment uses), governmental uses, medical laboratories, research and testing facilities and parking structures.

MUNICIPAL SERVICE -Any use conducted by the Township, or any local agency of the Township, including administrative offices, equipment or material storage, public parks, community centers, public sewage and/or water collection, treatment, storage, transmission and/or distribution facilities, stormwater management facilities, public parking facilities, public libraries, or any similar civic use owned or operated by the Township, or a local agency of the Township. The definition of "municipal

service" expressly excludes any use conducted by a school district.

MUNICIPAL USE — A use conducted on a lot and/or in a building or structure by Middletown Township, the Middletown Township Sewer Authority or a fire company or library supported by Township tax revenues.

NATURAL ENVIRONMENT — A composition of land, water and/or air represented by its inherent physical and biological resources.

NATURE TRAIL — An unpaved path through wooded areas and meadows that is marked and maintained for walking or hiking, and which is connected at both ends to other such paths, or sidewalks, or common open space.

NEIGHBORHOOD SHOPPING CENTER - A group of more than one (1) retail store and/or personal service establishment and/or offices, intended to serve the local shopping needs of residential areas near to where they are located.

NET FLOOR AREA — The total of all horizontal floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

NIT - A unit of measure of the luminance or brightness of the light emitted or reflected from a surface, e.g., sign face. Also referred to as candelas per square meter (cd/m^2).

NO-IMPACT HOME-BASED BUSINESS — 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, and is conducted in accordance with the Pennsylvania Municipalities Planning Code.

NOISE — Any sound which annoys or disturbs humans or animals or which causes or tends to cause an adverse psychological or physiological effect on humans or animals.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure which does not comply with the provisions of this chapter, as amended, where such building or structure lawfully existed prior to the enactment of this chapter or amendment.

NONCONFORMING LOT — A lot of record lawfully existing at the passage of this chapter or amendment hereto, which does not have the minimum width or other requirements set forth in this chapter, as amended.

NONCONFORMING SIGN — A sign which does not conform to the sign regulations in this chapter, as amended, but which was in existence lawfully before the regulation creating the nonconformity was enacted.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions of this chapter, as amended, where such use was in existence lawfully prior to the enactment of the regulation(s) creating the nonconformity.

NORMAL LOT — A lot which abuts on only one street and when developed will have a front yard along the street.

OPEN SPACE — Natural, cultivated or landscaped areas restricted in perpetuity to natural resource conservation, recreation, buffer or other uses as authorized in the open space provisions, Article XXVI. To determine the areas which may be counted as required open space, see Article XXVI.

OPEN SPACE OPTION — The choice which may be exercised in the R-1 and R-2 Residence Districts, on tracts greater than 15 acres, to arrange lots with particular consideration of a sensitivity toward environmental resources in exchange for allocating open space for various conservation and recreational purposes. Under this approach, the minimum net lot size requirement could be less than otherwise would be required and the relative density could be greater than otherwise permitted.

OUTDOOR DINING - The use of an outdoor area adjacent to an eating establishment for the service and composition of food and/or beverages by customers seated at tables.

OUTDOOR STORAGE - The storage of merchandise, goods, inventory, materials or equipment or other items, which are not intended for immediate sale, by locating them on a lot exterior to a building.

PAD LOT — A fee simple parcel created for financing and/or conveyancing purposes within a tract qualifying for a mall conversion.

PARCEL – An area of land described and record by metes and bound to identify its dimensions and boundaries.

PARENT TRACT — The area of land from which parcels are subdivided.

PARK — A tract of land designated and used by the public primarily for recreation of an active or passive nature.

PARKING SPACE — A reasonably level space, available for the temporary parking of one motor vehicle, exclusive of passageways, driveways or other means of circulation or access. A parking space shall include either covered garage spaces or uncovered parking lot space located off the street right-of-way and in back of the front yard building setback line. The size of parking spaces shall be as required in Article XXIV and in the PRD and SU districts.

PARKING STRUCTURE - A wholly or partly enclosed structure for temporary parking and protection, at or above grade, for one or more motor vehicles.

PERSON — Any individual, association, trust, partnership or corporation, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, "person" includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other form of entity.

PERSONAL-CARE FACILITY/ASSISTED LIVING FACILITY — A premises operated by a legal entity holding a certificate of compliance document issued by the Pennsylvania Department of Health (license) permitting the operation of a personal-care home (PCH), at the location of said premises, according to appropriate Pennsylvania Department of Health program licensure or approval regulations, in which food, shelter and personal assistance or supervision are provided for a period of at least 14 days for four or more aged adults who do not require the services in or of a Pennsylvania Department of Health licensed long-term care facility, but who do, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL-CARE UNIT — A dwelling unit in a building of multiple dwelling units for occupancy by one or more senior persons in a personal care facility in a continuing care retirement community.

PERSONAL SERVICE ESTABLISHMENT- Businesses in the commercial and special use districts which offer personal services, such as barber, beautician, shoe repair, dry cleaner, tailor, seamstress, dressmaker, photographer, caterer, travel agent and massage therapist licensed by the Commonwealth

pursuant to the Massage Therapy Law.

PHARMACY - A store or part of a store in which medicines are prepared and sold, and may include drive-through service.

PHASE — An area or tract which is part of a proposed development which will be constructed according to a timetable for development over a period of years included by the applicant in the development plan.

PHYSICAL RESOURCES — Characteristics of the natural environment manifest in its landforms, 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, slopes, elevations, soil types, watersheds, surface water types, wetlands, floodplains, aquifers or aquifer recharge areas and the like.

PLANNED REGIONAL SHOPPING CENTER - An integrated planned major shopping complex, typically with two (2) or more anchor tenants and other retailers and services, and serving a broader geographical region.

PLANNED RESIDENTIAL DEVELOPMENT — A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units the development plan complying with the provisions of Article IX.

PLANNED RETIREMENT COMMUNITY – An age qualified development which may include attached and detached dwelling units, and multifamily dwellings, that is developed in accordance with an overall plan for buildings, vehicular and pedestrian accessways, parking, and open space and recreational areas.

PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247, of 1968, 53 P.S. §§ 10101 to 11202.

PLANTINGS — Trees, shrubs and ground cover which are installed and maintained in accordance with a landscaping plan approved by the Township Council.

POST OFFICE – A public facility and retailer that provides mail services, such as accepting letters and parcels, providing post office boxes, and selling postage stamps, packing, and related items.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT – A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PRIMARY EFFECTS — Results of a direct nature which have a principal influence on a particular condition.

PRINCIPAL OCCUPANT — A tenant space within the C-3 Regional Commercial Zoning District with a gross floor area of 20,000 square feet or greater gross floor area within a multi-occupancy

PRIVATE ALLEY LINE — The dividing line between a lot and a privately owned alley easement line.

PRIVATE GARAGE — See "garage, private."

PRIVATE STREET LINE — The dividing line between a lot and a privately owned street easement line.

PRIVATE SWIMMING POOL — Any body of water, tank, pond or other receptacle for water containment, whether indoors or outdoors, in or above ground, even if portable or temporary, having a

depth at any point of 24 inches or more or containing over 750 gallons of water, which is used or intended to be used for swimming or bathing by the owner, resident or occupant and their guests. A private swimming pool is considered an accessory use to a residence under this chapter.

PROFESSIONAL OFFICE - An establishment in which administrative, clerical, service, professional, government or other business is conducted. This excludes medical office, and any manufacturing activities.

PROFESSIONAL PRACTITIONER -A trained and certified or licensed individual, such as a medical practitioner, lawyer, accountant, architect, or other design professional.

PUBLIC GARAGE — A building, not a private garage, used for the storage or repair of motor vehicles.

PUBLIC IMPROVEMENT ENHANCEMENTS — Functional and aesthetic improvements pertaining to vehicular and pedestrian circulation; pedestrian gathering areas; and the positioning of open spaces and pedestrian amenities in a campus-type setting as part of a campus mixed use development as specified in § 275-38.1F.

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. When such notice is for a public hearing, it shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SEWER and PUBLIC SANITARY SEWER SYSTEM — Sewers owned and/or operated by the Township, a municipality, a municipal authority or a public utility company.

PUBLIC TRANSIT - A system of transport for passengers by group travel systems available for use by the general public in the form of buses and trains.

PUBLIC UTILITY TRANSMISSION TOWER — A structure, owned and operated by a public utility company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead transmission lines.

RESEARCH OR TESTING FACILITY — A facility for product investigation, development, engineering, or testing laboratories , including food products, prototype store development.

RECORDED — Properly recorded at the office of the Delaware County Recorder of Deeds.

RECREATION, ACTIVE — Leisure-time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed sites or fields. Active recreational uses include but are not limited to: badminton, baseball (hard and soft), basketball, croquet, fishing, football, golf, handball, hockey (field or ice), horseback riding, ice skating, lacrosse, picnicking, pitch and putt, quoits and horseshoes, seesaw, skiing, sledding, sliding boards, soccer, swimming and diving, swimming meets (regulation controlled), swings, tennis (all types), tetherball, volleyball, pickleball and wading.

RECREATIONAL AREA/USE — A place designated and equipped for the conduct of leisure-time activities, such as games, sports and other customary and usual active recreational activities.

RECREATION, PASSIVE — Any leisure time activity not considered active.

REFORESTATION — The restocking of an area with forest trees, including natural regeneration as well as tree planting.

REGIONAL RAIL FACILITY — A passenger railroad transit operation including, but not limited to, a railroad station, passenger platform, parking facilities within a parking garage or parking deck or surface parking lot, passenger pickup and drop-off areas, railroad tracks, bridges, tunnels, accessory retail (including the sale of transportation tickets/passes, parking permits, newspapers, periodicals and any miscellaneous items related to public transportation operations) administrative and operational control buildings, crew facilities and maintenance buildings owned by a regional transportation authority and erected within the authority's right-of-way.

REGISTERED DESIGN PROFESSIONAL -An individual who is registered or licensed to practice their respective design profession (such as an architect, engineer, landscape architect, surveyor or certified planner) in accordance with the statutory requirements of the professional registration laws of the Commonwealth of Pennsylvania.

REHABILITATION CENTER - A facility devoted to restoring individuals with mental or physical disorders or impairments, including those with multiple problems, to an adequate level of functioning. Rehabilitation centers provide services such as vocational training, occupational and physical therapy, educational therapy, recreational therapy, and psychological therapy and counseling, but do not include drug and alcohol rehabilitation.

RELIGIOUS USE — A use involving a structure or place at which religious worship and ceremonies are held regularly by a group which practices the religion.

RESERVE PARKING — A parking space or spaces which the Township Council, in its sole discretion, permits a landowner or developer or any other person to defer the construction, installation, paving or completion of until such time as the Township Council requires the construction, installation, paving or completion thereof or until such time as the parking space or spaces are otherwise satisfactorily constructed, installed, paved and completed.

RESIDENTIAL GROUP HOME – A dwelling unit operated by a responsible individual, family, entity or organization with a program to provide a supportive living arrangement for persons and attendant staff, living together in a dwelling unit and functioning as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability. The resident of a residential group home shall be limited to persons who need specialized housing because of age, disability or illness, and may include, but not necessarily be limited to, children, the mentally or physically handicapped and elderly, but shall not include drug and alcohol rehabilitation facilities, or adult prerelease correctional facilities such as work release, halfway houses or similar uses. 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. Residency shall be on a non -transient basis. This definition shall not apply to a club, lodge, fraternity house, nursing or day- care facility or similar use.

RESIDENTIAL SECTION — The area within a campus mixed use development designated for single-family attached dwellings.

RESTAURANT — A building used for the purpose of furnishing food to the public to be consumed within the building and in outdoor dining space adjoining the building.

RESTAURANT, DRIVE-THROUGH FACILITY — A fast-food restaurant or section of such a restaurant which is designed to allow for the serving and pickup of food, without leaving the vehicle, for off-premises consumption.

RESTAURANT, FAST-FOOD — A building used for the purpose of furnishing food to the public for consumption on the premises and within the building. Such a restaurant may include drive-

through service.

RETAIL SERVICE AND REPAIR - A commercial establishment that provides retail sales, rental, service, processing or repair of items primary intended for consumer household use. repairs new or used products.

RETAIL STORE — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods including, but not limited to, pharmacy, bookstore, florist shop, gift shop, jewelry store, or picture framing shop, home improvement store. Retail stores may include a supermarket component.

RIGHT-OF-WAY — Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned by a governmental entity and/or the general public.

SANITARY SEWAGE — 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.

SANITARY SEWER — A pipe that conveys sanitary sewage.

SCIENTIFIC RESEARCH LABORATORY - A facility equipped for scientific investigation or experimentation aimed at the discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, for practical application of new or revised theories or laws.

SCREEN PLANTING- The plantings which are used in a buffer planting strip or other landscaping arrangement to create a continuous visual buffer.

SECONDARY EFFECTS — Results of an indirect nature which have an influence on a particular condition or state derived from a primary effect.

SELECTIVE CUTTING — The felling of certain, but not all, trees in an area for the purposes of: removing dead, diseased, damaged, mature or marketable timber; improving the quality of a tree stand or species; or meeting personal domestic needs.

SEWAGE — The total of organic waste and wastewater generated by residential, industrial, commercial, institutional or other establishments.

SEWER — Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants and to a receiving stream or other drainageway.

SEWERAGE — All effluent carried by sewers whether it is sanitary sewage, residential, commercial or industrial wastes or stormwater runoff.

SEWER AUTHORITY — The Sewer Authority of the Township.

SHOPPING CENTER - A complex of stores (retail and/or restaurant) either contained within one building or a combination of buildings on a single lot with adjacent parking.

SHORT-TERM EFFECTS — Results which are manifest for, or extended over, a short period of time.

SIGN — Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or which includes any letter, work, insignia, flag or representation 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. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property and cornerstones built into or attached to a wall of a building are excluded.

SIGN, ACCESSORY — Any sign which specifically relates to the permitted use of the premises on which said sign is erected and which serves as a further description of products available to or services provided for the general public.

SIGN AREA — The area of a sign shall be construed to include all lettering, working 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. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape, including the sign background which encompasses all of the letters and symbols.

SIGN, CHANGEABLE — A freestanding sign containing a portion of display with the capability of content change by means of manual or remote input, including manual changeable copy display and electrical changeable copy display.

SIGN, FLASHING — A sign, the illumination of which, when in use, is not kept constant in intensity at all times, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature or date information shall not be considered a flashing sign.

SIGN, FREESTANDING — A sign supported by, or suspended from, one or more columns, poles, footing, pedestals or other supports located in or upon the ground surface. A ground sign and a pole sign shall be considered freestanding signs.

SIGN, GROUND — A freestanding monument-type sign supported by footings, pedestal, uprights or braces.. A ground sign shall be considered a freestanding sign.

SIGN, ILLUMINATED — A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign or a sign with illumination derived from an external artificial source so arranged that no direct rays of light are projected from such artificial source to areas other than the sign being illuminated.

SIGN, MANUAL CHANGEABLE COPY — A sign or portion thereof on which the copy or symbols are changed manually through placement of letters or symbols on a panel mounted in or on a track system.

SIGN, MENU — See "menu board or menu sign."

SIGN, MULTI-PURPOSE VISUAL DISPLAY — A sign that uses digital light-emitting diodes (LEDs), or similar technology, to create a visual display area composed of images, characters, and/ or messages for advertising and communication purposes, which sign is capable of frequent display area changes.

SIGN, OFF-PREMISES — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES — A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities available on the premises.

SIGN, PARALLEL — A sign which is mounted parallel to a wall or other vertical building surface not extending beyond the edge of any wall or other surface to which it is mounted and not projecting more than 15 inches from the wall surface.

SIGN, POLE — A freestanding sign mounted on a pole, column or other support(s) so that the bottom edge of the sign area is a minimum of eight feet from the ground, and the tope edge of the sign is no more than fifteen feet above the ground.

SIGN, PROJECTING — A sign which is attached directly to the wall of a building or other structure which extends more than 15 inches from the face of such wall.

SIGN, PREVIEW BOARD- A freestanding sign which depicts a preview of food for sale at the drive-through section of a fast-food restaurant. Such sign shall not exceed 8 square feet.

SIGN, PYLON- A freestanding sign permitted in the C-3 Major Shopping Center District which advertises and identifies the occupants of the major shopping center.

SIGN, REAL ESTATE — A sign pertaining to the sale or lease of the premises on which the sign is located.

SIGN, TEMPORARY — Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for 30 days or less.

SIGN, WALL — See "sign, parallel."

SIGN, WINDOW — A sign which is oriented to the public right-of-way, is legible to persons in vehicles and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

SINGLE AND SEPARATE OWNERSHIP -The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this chapter and have continued since the date to be so separately described in all subsequent recorded deeds of conveyance. Where two or more lots are used as one lot as determined based upon the character of usage, the lots cease to exist under single and separate ownership.

SITE RESTORATION — Measures taken following completion of land disturbance activities which will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

SKIDDING – Dragging trees on the ground from the stump to the landing by any means.

SKILLED NURSING FACILITY — A facility which provides for personal health care in a continuing care retirement community and is licensed to provide skilled nursing care by the Commonwealth of Pennsylvania.

SLASH – Wood debris left in the woods after logging, including lots, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.

SLOPE, STEEP- The area of land which is characterized by a change in elevation of 15% or more but not exceeding 25%.

SLOPE, VERY STEEP- The area of land which is characterized by a change in elevation of 25% or more.

SLOPE, MANMADE STEEP AND VERY STEEP — Topographic conditions characterized by a change in elevation equal to or greater than 15%,which are the artifact of human land use and earthmoving activity, including, but not limited to, the construction and/or maintenance of transportation infrastructure; agricultural or industrial operations; mineral extraction; building construction; stormwater and floodwater management; sewage control; energy production; military operations; refuse deposit (landfill); and the like. Proof of whether a slope is man-made may be provided through comparisons of historic aerial photographs, soil borings, USGS maps, development plans, field survey, and the review of other maps and documentation.

SOIL SURVEY — The soil survey of Chester and Delaware Counties, prepared by the United States

Natural Resources Conservation Service.

SOLAR ENERGY- Energy derived from sunlight which has been converted, through the use of a solar energy system, into usable electricity or to heat air, water, or other fluids for use in hot water or space heating, or other applications.

SOLAR ENERGY SYSTEM: An energy collection and conversion system, including appurtenances, which accepts and converts solar energy to a usable thermal, mechanical, chemical, or electrical energy. Particular types of solar energy systems include, but are not limited to:

A. Photovoltaic (PV) system, which produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV System may be roof-mounted or ground-mounted; and

B. Solar thermal system, which uses solar energy to heat air, water, or other fluids for use in hot water or space heating, or other applications.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED SYSTEM- A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mounted systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED SYSTEM- A solar energy system consisting of solar panels installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mounted systems can be mounted flush with the roof or tilted toward the sun at an angle.

SPECIAL EXCEPTION — A use which may be authorized by the Zoning Hearing Board, in accordance with Article XXVII of this chapter, when the applicant establishes that the ordinance allows the proposed use by special exception and that the use complies with all applicable specific standards and criteria.

STABLE — Any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses or cattle, either permanently or transiently.

STAND – Any are of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

STORY — That part of a structure included between the floor and the floor or roof next above. When applied to the permissible height of buildings, the term "story" shall not include a basement if the floor thereof is more than five feet below the average ground level around the structure.

STREAM – Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

STREET — A publicly or privately owned right-of-way serving as a means of vehicular travel furnishing access.

STREETSCAPE — The cartway, and the space adjacent to the cartway that may be embellished with curbs, grass strips, sidewalks, street trees, streetlights, and amenities such as benches, waste receptacles and the like.

STREET LINE — The dividing line between a lot and the right-of-way line of an opened or officially platted public street or between a lot and a privately owned street easement line.

STRUCTURAL ALTERATION — Any change in or addition to the supporting or structural members of a building or other structure such as the bearing walls, partitions, columns, beams or girders or any change to adapt a structure to a different use.

STRUCTURE — Any man-made object or improvement having an ascertainable stationary location on land or in the water, whether or not affixed to the land. This term includes anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, gas or liquid storage tanks that are principally above ground, manufactured homes, signs and other similar items.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, conveyance or other transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBDIVISION PLAN — A sketch or preliminary or final plan which complies with Chapter 210, Subdivision and Land Development. See also "land development plan."

SUPERMARKET — A retail establishment, typically in the range of 50,000 to 180,000 square feet of gross floor area, selling food, including alcoholic beverage sales, prepared foods for on premises or off premises consumption, and also selling other convenience and household goods, clothing, electronics and other products sold in general merchandise stores, and providing ancillary services, including but not limited to pharmacy and banking services, and restaurants. Supermarkets shall not include wholesale membership clubs and/or discount department stores.

TAVERN - An establishment for the sale of beer and other drinks to be consumed on the premises, typically also serving food.

TIMBER HARVESTING/TREE HARVESTING/LOGGING – The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Clear cutting or selective cutting of forest lands for a land use change are excluded from this definition.

TOP – The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

TRACT — One (1) or more contiguous or noncontiguous lots, assembled for the purpose of unified development in accordance with the regulations of the SU-1-A Mixed Use District.

USE — An activity or the specific purpose for which land or a building is designed, arranged, intended or improved or for which it is or may be occupied or used.

UTILITIES – A service (such as electric, gas, or water) provided by a public utility company.

VARIANCE — Permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the provisions of this chapter, as applied to a specific property, in accordance with the provisions of Article XXVIII and Pennsylvania Municipalities Planning Code Section 910.2.

VETERINARY CLINIC - An animal hospital or clinic that provides medical care for small animals or pets.

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.

WATERCOURSE — A stream with year-round or substantially year-round flow such as a creek, run or other body of running water.

WAREHOUSE- A building used primarily for the storage of goods and materials, distinct from ordinary on-site storage connected with retail enterprise and from mini storage.

WETLAND – Areas that are unundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar area.

WHOLESALE MEMBERSHIP CLUB - A retail store format which limits access to businesses and individuals who become members of the club.

WILDLIFE AND NATURE PRESERVE – A protected natural area of land or water focused on the conservancy and scientific study of wild animals, plants or geological features.

WIRELESS COMMUNICATIONS FACILITIES – A Federal Communications Commission (PCC) licensed facility on a parcel of land containing a tower, sending and receiving antennas attached to the tower, and a cabinet or tother modular structure containing electronic equipment.

WOODLAND— Areas comprised of largely mature trees in which the largest trees measure at least six inches dbh (diameter at breast height or 4 1/2 feet above the ground). The woodlands shall be measured from the dripline of the outer trees. Woodlands are also 10 or more individual trees which measure at least 10 inches dbh and form a contiguous canopy.

WOODLAND MANAGEMENT PLAN — A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken to protect water quality; to minimize impacts from skid trails and logging roads, landing areas and the tree-removal process; and to assure site restoration.

YARD (REQUIRED YARD) — An open area with no buildings that lies between the permitted principal or accessory building or buildings and the nearest lot line. Such yard shall be unoccupied and unobstructed from the ground upward, except as provided otherwise in in this Chapter.

YARD, FRONT — A yard extending the full width of the lot along the front lot line and extending in depth from where a building is permitted. In the case of corner lots or reverse frontage lots, front yards of the required depth shall be provided along all streets. In the case of an interior lot, the front yard shall extend along the front lot line the entire width of the lot and shall not include any portion of the right-of-way or accessway connecting the lot with the street.

YARD, REAR — A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point on the lot where a building is permitted.

YARD, SIDE — A yard extending the full depth of the lot along the side lot line and extending in width from such side lot the nearest point on the lot where a building is permitted.

B. Words not defined above shall have the meaning given in Section 107. Definitions of the Municipalities Planning Code, Chapter 210, Subdivision and Land Development or other Township codes and ordinances and, if not defined in the aforementioned documents, the most recent edition of Webster's Unabridged Dictionary.

ARTICLE III: ZONING DISTRICTS

§ 275-11. Establishment of districts.

A. The Township is divided into different districts, each with a specified purpose and intent to implement the purpose and intent to implement the purpose of this Chapter and the goals and objectives of the Comprehensive Plan.

B. Whenever federal or state-owned property is included in one or more zoning districts, it shall be subject to the provision of this Chapter to the maximum extent permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

C. Every parcel of land and every building or other structure in the Township, except as otherwise provided by law or by the ordinance, shall be subject to the provisions specified for the district in which it is located.

D. Buildings or structures may be constructed or used, and lots, tracts, or land may be developed, used, or occupied only for land uses, as primary or accessory uses-by-right, conditional uses when approved by Township Council, or uses by special exception or variances when approved by the Zoning Hearing Board, which adhere to standards and which are permitted in the zoning district where the same are located.

§ 275-12. Classes of districts.

For the purposes of this chapter, the Township of Middletown is hereby divided into classes of districts which shall be designated as follows:

R-1A	Residence District
R-1	Residence District
R-2	Residence District
R-3	Residence District
R-4	Residence District
PRD	Planned Residential Development District
MS	Municipal Service District
I-1	Institutional District
I-2	Institutional District
OR	Outdoor Recreation District
M	Manufacturing and Industrial District
C-1	Neighborhood Commercial District
C-2	General Commercial District
C-3	Regional Commercial District
SU-1	Special Use District
SU-1-A	Mixed Use District
SU-2	Mixed Use District

§ 275-13. Zoning Map.

A. The names and boundaries of zoning districts shall be as shown on the maps attached to and made a part of this chapter, which shall be designated "Middletown Township Zoning Map". Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.

B. Applicable maps for other areas shall be as found in the Township Comprehensive Plan, unless otherwise specified.

§ 275-14. Rules for interpreting district boundaries.

A. For all districts, the boundaries shall be property, tract, or lot lines; either the center lines of streets, lanes, railroads, watercourses, ponds, or rights-of-way of power lines or other public utilities or such lines projected or lines parallel thereto as existing at the effective date of this Chapter. Where there is uncertainty as to the location of boundaries, the following rules shall apply:

(1) Where a district boundary is indicated as approximately following the center line of a street, lane, railroad, right-of-way or watercourse, such center line shall be construed to be such boundary.

(2) Where a district boundary is indicated as approximately following a property, tract, or lot line as of the effective date of this chapter, such line shall be construed to be such boundary.

(3) Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.

(4) Where dimensions are shown on the Zoning Map, such dimensions shall be used even if scaled distances may not agree with the figures.

(5) Where physical features existing on the ground vary with those shown on the Zoning Map, or in other circumstances not covered by Subsection A(1) through (4), the Township Zoning Officer shall investigate and render a decision interpreting the district boundaries. Appeals of this decision shall be decided by the Zoning Hearing Board per provisions of Article XXVII.

§ 275-15. Indication of streets on Zoning Map.

The depiction of any street, road, lane or alley on the Zoning Map or any reference to a street, road, lane or alley shall not constitute any acceptance of dedication of any such street, road, lane or alley if said street, road, lane or alley has not been otherwise accepted in accordance with law, nor shall the depiction of a street on the map be construed as a commitment to construct such a street if one does not already exist.

§ 275-16. District Boundary Tolerances (include if any split zoning)

Where a district boundary divides a lot held in single and separate ownership at the effective date of this chapter and continuously to the date an application is made to use the lot in accordance with this provision, use regulations applicable to the less restrictive district may extend into that portion of said lot in the more restrictive district to either the nearest lot line or to a distance of 50 feet beyond the district boundary, whichever is less. Full usage shall first be made of the area of the lot in the less restrictive district before extension of a use into the portion of the lot in the more restrictive district. Any extension of a use into the more restrictive district must meet the area and bulk requirements of the more restrictive district. For the purpose of this chapter, the more restrictive district shall be the district with the greater minimum lot size

requirement. If the lot size requirements in both districts are equal, the district with the greater setback requirements shall be considered the more restrictive district.

ARTICLE IV: R-1A RESIDENCE DISTRICT

§ 275-17. Purpose.

It is the purpose of this district to preserve the agricultural and rural residential character of appropriate areas of the Township, provide housing opportunities for residential development at low densities consistent with such character, and to support the preservation of critical natural resources, such as streams, floodplains, wet soils, groundwater and encourage the use of public sewers where feasible.

§ 275-18. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Single-family detached dwelling.

(2) Municipal use.

(3) Agriculture, subject to § 275-138.

(4) Wildlife and nature preserve, or other conservation uses.

(5) Forestry/Timber harvesting, subject to § 275-151.

(6) Open space for recreation and conservation purposes.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses and structures to a residential use, subject to § 275-127.

(2) The sale of farm products, subject to § 275-127.

(3) Private parking and/ garage, subject to provisions of Article XXIV, off-street parking and loading.

(4) Private stable.

(5) Private (noncommercial) swimming pools, tennis courts or other private recreational facilities, subject to § 275-127.

(6) Renewable/solar energy systems subject to § 275-127.

(7) No- Impact Home-based business subject to § 275-127.

(8) In-law Suite subject to § 275-127.

(9) Agriculture, subject to all other regulations of the Township Code.

C. Conditional uses.

(1) Cultural, religious and charitable uses, subject to § 275-147.

(2) Cemeteries, subject to § 275-134.

(3) Home professional office and home occupation, subject to § 275-127.

(4) Bed-and-Breakfast, subject to § 275-140.

(5) Educational uses, subject to § 275-150.

(6) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

(7) Residential Group Homes, subject to §275-159.

§ 275-19. Area and bulk regulations.

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

A. Lots without public sewer (with on-lot sewage disposal systems) shall meet or exceed the following standards:

(1) Minimum lot area: two acres.

(2) Minimum lot width at building line: 200 feet.

(3) Minimum lot width at street line: 100 feet.

(4) Maximum impervious surface area: 35%

(5) Maximum building coverage: 20%

(6) Maximum building height: 35 feet.

(7) Minimum depth of each front and rear yard: 50 feet.

(8) Minimum width of side yards: Minimum 25 feet, aggregate 60.

(9) Corner lot: There shall be two front yards; the yards abutting the street shall have a width of not less than 50 feet; and the side yard not abutting the street shall have a width of not less than 25 feet.

B. Lots with public sewer shall meet or exceed the following standards:

(1) Minimum lot area: one acre.

(2) Minimum lot width at building line: 120 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum impervious surface area: 40%

(5) Maximum building coverage: 20%

(6) Maximum building height: 35 feet.

(7) Minimum depth of each front and rear yard: 50 feet.

(8) Minimum width of side yards: Minimum 25 feet, aggregate 60.

(9) Corner lot: There shall be two front yards; the yards abutting the street shall have a width of not

less than 50 feet; and the side yard not abutting the street shall have a width of not less than 25 feet.

§ 275-20. Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE V: R-1 RESIDENCE DISTRICT

§ 275-21. Purpose.

It is the purpose of this district to make provisions for low-density, suburban-type, single-family residential development and to encourage the preservation of open space, green space and natural resources through cluster development in areas planned for or accessible to public sewer and water systems.

§ 275-22. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Single-family detached dwelling.

(2) Municipal use.

(3) Agriculture, subject to § 275-138.

(4) Wildlife and nature preserve.

(5) Forestry/Timber harvesting, subject to § 275-151.

(6) Open space for recreation and conservation purposes.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses and structures to a residential use, subject to § 275-127.

(2) Sale of farm products, subject to § 275-127.

(3) Private parking space and / garages, subject to provisions of Article XXIV, off-street parking and loading.

(4) Private stables.

(5) Private (noncommercial) swimming pools, tennis courts or other private recreational, subject to § 275-127.

(6) Solar energy systems, subject to § 275-127.

(7) No-impact home-based business, subject to § 275-127.

(8) In-law Suite, subject to § 275-127.

(9) Agriculture, subject to all other regulations of the Township Code.

C. Conditional uses.

(1) Single-family detached dwellings where the cluster option is exercised, subject to Article XXVI.

(2) Cultural, religious and charitable uses, subject to § 275-147.

(3) Conversion of single-family detached dwellings to apartments, subject to § 275-128.

(4) Home professional office and home occupation, subject to § 275-127.

(5) Educational use subject to § 275-150.

(6) Communications Antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

(7) Residential Group Homes, subject to §275-159.

§ 275-23. Area and bulk regulations.

A. Unless specifically stated otherwise, the following area and bulk regulations shall apply:

(1) Minimum lot area: one acre for each principal permitted building.

(2) Minimum lot width at building line: 120 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum impervious surface area and building coverage: 40%.

(5) Maximum building coverage: 20%.

(6) Maximum building height: 35 feet.

(7) Minimum depth of each front and rear yard: 50 feet.

(8) Minimum width of side yards: minimum 25 feet, aggregate 60 feet.

(9) Corner lot: There shall be two front yards; the yard abutting the street shall have a width of not less than 50 feet and the side yard not abutting the street shall have width of not less than 25 feet.

§ 275-24. Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE VI: R-2 RESIDENCE DISTRICT

§ 275-25. Purpose.

It is the purpose of this district to make provisions for single-family residential development, allowing moderate suburban-type densities when public sewer service is used; to encourage the preservation of open space and natural resources through cluster development; to maintain the identity and character of existing suburban-type residential neighborhoods; and to allow for a logical transition from the low-density portions of the Township to existing higher intensity development.

§ 275-26. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Single-family detached dwelling.

(2) Municipal use.

(3) Agriculture, subject to § 275-138.

(4) Wildlife and nature preserve.

(5) Forestry/Timber harvesting, subject to § 275-151.

(6) Park or recreation area.

(7) Open space for recreation and conservation purposes.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses and structures to a residential use, subject to § 275-127.

(2) Sale of farm products, subject to § 275-127.

(3) Private parking space and private garage, subject to provisions of Article XXIV off street parking and loading.

(4) Private stables.

(5) Private (noncommercial) swimming pool, tennis court or other private recreational facility, subject to § 275-127.

(6) Solar energy systems, subject to § 275-127.

(7) No-impact home-based business, subject to § 275-127.

(8) In-law suite, subject to § 275-127.

(9) Agriculture, subject to all other regulations of the Township Code.

C. Conditional uses.

(1) Single-family detached dwellings where the cluster subdivision option is exercised, subject to Article XXVI.

(2) Cultural religious and charitable uses subject to § 275-147.

(3) Conversion of single-family detached dwellings for apartments, subject to § 275-128.

(4) Home professional offices and home occupations, subject to § 275-127.

(5) Educational use, subject to § 275-150.

(6) Personal care facility/Assisted Living facility, subject to § 275-157.

(7) Day-care center, subject to § 275-148.

(8) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

(9) Residential Group Homes, subject to §275-159.

§ 275-27. Area and bulk regulations.

A. Unless specifically stated otherwise, the following area and bulk regulations shall apply:

(1) Minimum lot area: 1/2 acre for each principal permitted building.

(2) Minimum lot width at building line: 100 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum impervious surface area: 45% of the area of the lot.

(5) Maximum building coverage: 20% of the area of the lot.

(6) Maximum building height: 35 feet.

(7) Minimum depth of each front and rear yard: 35 feet.

(8) Minimum aggregate width of side yards: 45 feet.

(9) Minimum width of each individual side yard: 20 feet.

(10) Minimum yard abutting the street on a corner: 35 feet.

§ 275-28. Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE VII: R-3 RESIDENCE DISTRICT

§ 275-29. Purpose.

It is the purpose of this district to make provisions for single-family residential development, allowing moderate suburban-type densities when public sewer or public water service is used; to encourage the preservation of open space and natural resources through cluster development; and to maintain the character of existing suburban-type residential neighborhoods.

§ 275-30. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Single-family detached dwelling.

(2) Park or recreation area.

(3) Wildlife and nature preserve.

(4) Forestry/Timber harvesting, subject to § 275-151.

(5) Open space for recreation and conservation purposes.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses and structures to a residential use, subject to § 275-127.

(2) Solar energy systems, subject to § 275-127.

(3) No-impact home-based business, subject to § 275-127.

(4) Private parking space and private garage, subject to provisions of Article XXIV, Off Street Parking and Loading.

(5) Private (noncommercial) swimming pool, tennis court or other private recreational facility, subject to § 275-127.

C. Conditional uses.

(1) Cultural, religious and charitable uses, subject to § 275-147.

(2) Conversion of single-family detached dwellings to apartments, subject to § 275-128.

(3) Home professional offices and home occupations, subject to § 275-127.

(4) Educational use, subject to § 275-150.

(5) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

(6) Residential Group Homes, subject to §275-159.

§ 275-31. Area and bulk regulations.

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

A. Lots with public sewer but no public water shall meet or exceed the following standards:

(1) Minimum lot area: 1/2 acre for each principal permitted building.

(2) Minimum lot width at building line: 100 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum height: 35 feet.

(5) Maximum impervious surface area: 45% of the area of the subdivision tract.

(6) Maximum building coverage area: 20% of the area of the subdivision tract.

(7) Minimum depth of each front and rear yard: 35 feet.

(8) Minimum aggregate width of side yards: 45 feet.

(9) Minimum width of each side yard: 20 feet.

(10) Minimum width for a yard abutting a street or a corner lot: 35 feet.

B. Lots with public sewer and public water shall meet or exceed the following standards:

(1) Minimum lot area: 1/4 acre for each principal permitted building.

(2) Minimum lot width at building line: 70 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum height: 35 feet.

(5) Maximum impervious surface area: 50% of the area of the subdivision tract.

(6) Maximum building coverage area: 25% of the area of the subdivision tract.

(7) Minimum depth of each front and rear yard: 30 feet.

(8) Minimum aggregate width of side yards: 30 feet.

(9) Minimum width of each side yard: 10 feet.

(10) Minimum width for yard abutting a street on a corner lot: 30 feet

§ 275-32. General Design Standards

A. General Provisions standards, subject to Article XXI.
B. Special Provisions standards, subject to Article XXII.
C. Off-Street Parking and Loading standards, subject to Article XXIV.
D. Signage, subject to Article XXV.
E. Landscaping, subject to Article XXI.
F. Lighting, subject to Article XXI.
G. Stormwater Management, subject to Chapter 198.

ARTICLE VIII: R-4 RESIDENCE DISTRICT

§ 275-33. Purpose.

It is the purpose of this district to make provisions for single-family detached and semidetached and multifamily residential development allowing moderate to high suburban-type densities when public sewer and water services are used; to make provision for townhouse development at moderate suburban-type densities and multifamily development at higher densities when the size of the tract is adequate to ensure that such development will result in adequate open space areas; and to preserve the identity and character of the existing residential development. This district is intended to provide economically feasible development alternatives for land which may be subject to natural constraints such as steep slopes, high water table or shallow bedrock.

§ 275-34. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII for any of the following uses and for no other:

(1) Single-family detached dwelling.

(2) Single-family semidetached dwellings (twin or duplex dwelling units).

(3) Park or recreation area.

(4) Open space for recreation and conservation purposes.

(5) Wildlife and nature preserve.

(6) Forestry/Timber harvesting, subject to § 275-151.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses and structures to a residential use, subject to § 275-127.

(2) Solar energy systems, subject to § 275-127.

(3) No-impact home-based business, subject to § 275-127.

(4) Private parking space and private garage, subject to provisions of Article XXIV, off street parking and loading.

(5) Private (noncommercial) swimming pool or other private recreational facility, subject to § 275-127.

C. Conditional uses.

(1) Conversion of single-family detached dwellings to apartments, subject to § 275-128.

(2) Home professional offices and home occupations, subject to § 275-127.

(3) Cultural, religious and charitable uses, subject to § 275-147.

(4) Educational use, subject to § 275-150.

(5) Single-family attached dwellings.

(6) Apartments.

(7) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

(8) Campus mixed use development, subject to the area and bulk regulations and design standards contained in § 275-37.

(9) Residential Group Homes, subject to §275-159.

§ 275-35. Area and bulk regulations.

A. Single-family detached residential dwelling units with on-lot water supply but using public sewer service shall meet or exceed the following standards:

(1) Minimum lot area: 1/2 acre.

(2) Minimum lot width at building line: 100 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum height: 35 feet.

(5) Maximum impervious surface: 45%.

(6) Maximum building coverage: 20%.

(7) Minimum depth of front and rear yards: 35 feet.

(8) Minimum aggregate width of side yards: 45 feet.

(9) Minimum individual side yard: 20 feet.

(10) Minimum yard abutting the street on a corner lot: 35 feet.

B. Single-family detached residential dwelling units using public sewer and water service shall meet or exceed the following standards:

(1) Minimum lot area: 7,500 square feet.

(2) Minimum lot width at building line: 70 feet.

(3) Minimum lot width at street line: 50 feet.

(4) Maximum building height: 35 feet.

(5) Maximum impervious surface: 50%.

(6) Maximum building coverage: 35%.

(7) Minimum depth of front: 20 feet.

(8) Minimum depth of rear yard: 25 feet

(9) Minimum aggregate width of side yards: 30 feet.

(10) Minimum individual side yard: 10 feet.

(11) Minimum yard abutting the street on a corner lot: 30 feet.

C. Single-family semidetached dwelling units using public sewer and water service shall meet or exceed the following standards:

(1) All area and bulk regulations as provided in Subsection B above shall apply for each individual dwelling unit, except that the side yard requirements shall be a minimum of 15 feet for the applicable side.

D. Single-family attached dwelling units shall meet or exceed the following standards:

(1) The maximum gross density for all such units shall be six dwelling units per acre, provided that such units are served by public sewer and public water and the overall tract size is at least 15 acres.

(2) Minimum Street frontage: 150 feet

(3) Maximum Building Coverage: 20 %

(4) Maximum Impervious surface coverage: 40%

(5) Maximum height: 35 feet.

(6) The design standards of § 275-36 shall be met for single-family attached dwelling units.

E. Multifamily dwelling units (apartments) shall meet or exceed the following standards:

(1) The maximum gross density for all such units shall be eight dwelling units per acre.

(2) All such units must be served by public sewer and water service.

(3) The tract shall be a minimum of 15 acres in size.

(4) Maximum height: 45 feet.

(5) The design standards of § 275-36 shall be met for all such dwelling units.

F. Single-family attached dwelling units within a campus mixed use development shall be in conformity with the area and bulk regulations and design standards contained in § 275-37, Campus Mixed Use development.

§ 275-36. Design standards for single-family attached dwelling units and multifamily dwelling units.

A. General design standards. All single-family attached dwelling units shall meet or exceed the following standards:

(1) All performance standards in the open space provisions in Article XXVI shall be followed.

(2) The topography features of the site and the direction of prevailing winds and solar orientation shall be considered inn planning, designing, locating, orienting and constructing all residential buildings and other structures to improve the aesthetic design and energy efficiency of the development. The development plans shall show and supplemental notes shall explain how these factors are incorporated into the design.

(3) Residential buildings and other structures shall be located, oriented and designed to create architectural interest and to preserve areas of environmental concern and further the amenities of light and air, recreation and visual enjoyment.

(4) Residential buildings and other structures shall be located and situated to promote pedestrian and visual access to open space, in accordance with the provisions of Article XXVI.

(5) Single-family attached dwellings shall be designed and constructed in staggered groups and not in long rows parallel to street or property lines. The arrangement of such units shall create a physical and visual distinctions in the lines of the facades and the roofs. Such distinction shall be achieved through the use of varied floor plans for adjoining units and alternating the projections and angles of exterior walls and roofs, exterior fencing and other diversified space articulating techniques.

(6) All housing shall be sited so as to enhance privacy.

(7) Development near the perimeter of the property shall be designed to be harmonious with neighboring land uses and shall be screened from such other uses by landscaped buffer areas.

(8) All utilities shall be placed and/or installed underground.

(9) Refuse stations to serve residential and recreational areas shall be designed with suitable screening, located so as to be convenient for trash removal and not offensive to nearby residential areas.

B. Dimensional standards.

(1) The length of any townhouse building shall not exceed six dwelling units in any single direction. The length of any multifamily building shall not exceed 175 feet in any single direction.

(2) The distance at the closest point between any two buildings, parts of buildings or groups of buildings shall be at least 20 feet, in the case of townhouses and, in the case of apartment buildings, at least as great as the height of the taller of the two adjoining buildings and not less than 35 feet.

(3) No residential building shall be closer than 100 feet to the perimeter property line, and no other structure shall be less than 50 feet from such line, except for signs and those structures associated with ingress and egress, landscaping, lighting standards and benches.

(4) A buffer planting strip shall be provided within the setback from property lines. Such buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township.

(5) No common parking area shall be closer than 25 feet to any single-family attached residential building and shall be screened from the building to prevent direct glare from headlights and the like. However, common parking areas assigned to a particular dwelling unit shall not be more than 100 feet away from such unit.

(6) No principal building shall be erected closer than 100 feet to another principal building in the R-4 District.

(7) A buffer planting strip shall be provided between any two principal buildings in accordance with the approved landscaping plan.

C. Open space standards.

(1) A minimum of 30% of the tract shall be designated as restricted to and used for open space uses, subject to the provisions of Article XXVI.

275-37. Campus Mixed use development.

A. Conditions of eligibility.

(1) Each campus mixed use development tract shall meet or exceed the following:

(a) Contain a minimum of 50 gross acres (excluding existing public road right-of-way).

(b) Shall be located not more than one mile from public transportation.

(c) Shall have two entrances with access to and from a main arterial roadway (e.g., U.S. Route 1 - Baltimore Pike) with not less than one signalized intersection.

(d) Shall be served by public sewer and public water.

B. Use regulations.

(1) Single-family attached dwellings (including duplexes, twins and townhouses) within the residential section of a campus mixed used development.

(2) Community-related business uses within the commercial section of a campus mixed use development consisting of:

(a) Bank or other financial institutions with or without drive-up window and/or accessory ATM facilities.

(b) Personal service shops.

(c) Health and fitness facility, including ancillary services such as wellness, physical rehabilitation facilities and prevention health activities.

(d) Pharmacy, with or without drive-up window.

(e) Restaurant.

(f) Retail store.

(g) General or professional office.

(h) Day-care center.

C. Area and bulk regulations.

(1) Residential section. Single-family attached dwelling units within the residential section of a campus mixed use development shall comply with the following area and bulk regulations:

(a) Minimum/maximum area of residential section: Not less than 88% nor more than 98% of a campus mixed use development tract shall consist of single-family attached units.

(b) Maximum gross density: Four dwelling units per acre of the gross acreage within the residential section of a campus mixed use development.

(c) Minimum lot area for a single-family attached unit:

[1] Dwelling units with front garage access: 2,100 square feet;

[2] Dwelling units with rear garage access: 1,100 square feet.

(d) Minimum depth of front yard:

[1] Dwelling units with front garage access: 23 feet from edge of private street line;

[2] Dwelling units with rear garage access: 10 feet from edge of private street line.

(e) Minimum depth of rear yard:

[1] Dwelling units with front garage access: 15 feet from rear lot line;

[2] Dwelling units with rear garage access: End dwelling units shall be a minimum of 10 feet from the edge of the private alley line. Interior dwelling units shall be a minimum of 23 feet from the edge of the private alley line. Interior dwelling units may be designed with recessed garages to satisfy the required minimum rear yard in which event the depth of the rear yard shall be measured from the foundation wall of such dwelling unit to the edge of the private alley line as depicted in the Alley Cross Section in Appendix B Design Guidelines. Notwithstanding § 275-122.I. of Article XX, decks, patios and uncovered spaces on all lots may encroach into the required rear yards by no more than eight feet.

(f) Minimum side yard of all end dwelling units: five feet except for end dwelling units which face a private street, which shall have a minimum setback of 10 feet from the private street line. Interior attached units shall have common boundary lines with zero side yard setbacks.

(g) Maximum number of attached units in a building: six units.

(h) Maximum length of a residential building: 160 feet.

(i) Minimum distance between buildings: 25 feet.

(j) Maximum building height: three stories or 40 feet, whichever is greater, except as provided in Article XXI, § 275-124.

(k) Required parking. A minimum overall parking ratio of 4.5 parking spaces per dwelling unit shall be provided within the residential section of a campus mixed use development. Each dwelling unit shall have a minimum of three on-lot parking spaces, which shall include garage parking spaces. Notwithstanding the requirements of of Article XXIV, for purposes of this section, an on-lot driveway parking area having a minimum width of 18 feet and a minimum length of 19 feet shall be deemed to constitute two on-lot parking spaces. The on-lot parking requirement with respect to an end dwelling unit with rear garage access may be satisfied by the permanent, exclusive assignment of one off-lot parking space to such end dwelling unit, so long as each assigned parking space is not more than 60 feet from the habitable ground floor area of the end dwelling unit to which such parking space is assigned. End dwelling units with rear garage access and with assigned off-lot parking spaces shall conform to the knee wall detail depicted in Appendix B Design Guidelines.[3] The remainder of the minimum number of required parking spaces shall be provided by overflow parking. For purposes of this section, the term "overflow parking" shall mean permitted on-street parking spaces and parking spaces provided in common, off-street parking areas conforming to the requirements of § 275-37.D.(3) below. Required overflow

parking shall be subject to the reserve parking provisions of Article XXIV. On-street parking on one side of the street shall be permitted.

(2) Commercial section. Community-related business uses within the commercial section of a campus mixed use development shall comply with the following area and bulk requirements:

(a) Minimum/maximum area: Not less than 2% nor more than 12% of a campus mixed use development tract shall consist of community-related business uses.

(b) Maximum building coverage: 30% of the gross acreage within the commercial section but not more than 60,000 square feet.

(c) Maximum impervious coverage area: 75% of the gross acreage contained within the commercial section.

(d) Maximum floor area within a single building: The gross floor area of a single building shall not exceed 25,000 square feet.

(e) Minimum depth of front yard: 100 feet from a public road right-of-way.

(f) Minimum setback of parking from public road right-of-way: 45 feet.

(g) Minimum depth of side yard: 20 feet.

(h) Minimum depth of rear yard: 20 feet.

(i) Minimum distance between buildings: 40 feet.

(j) Minimum distance of building from edge of private street cartway: 20 feet.

D. Design standards applicable to the residential section of a campus mixed use development.

(1) All single-family attached dwelling units shall meet or exceed the standards set forth in § 275-36.A.

(2) No dwelling units shall be less than 22 feet in width.

(3) Common off-street parking areas. Common off-street parking areas shall be provided in segregated areas of not more than 15 parking spaces. All common off-street parking stalls shall be a minimum size of 9 1/2 feet by 19 feet. Common, off-street parking areas shall not be closer than 12 feet to the garage of any single-family attached residential building or 15 feet to the habitable ground floor area of any dwelling unit. Segregated common, off-street parking areas containing 10 or fewer parking spaces shall not be subject to the provisions and requirements of § 275-174 (screening and landscaping requirements) of Article XXIV.

E. Design standards applicable to the commercial section of a campus mixed use development:

(1) Parking. Community-related business uses shall provide parking in conformity with Article XXIV.

(2) Signage. Signage for the community-related business uses shall be governed by the provisions of Article XXV of the Code, § 275-181.C.(2) relating to C-1 and C-2 Commercial Districts.

F. Special design standards applicable to campus mixed use development - public improvement enhancements.

(1) Common controls/subdivision of sections. The areas comprising the residential section and the

commercial section of a campus mixed use development shall be clearly designated on the applicant's land development plan. The private streets, private alleys, common areas and other common amenities of a campus mixed use development shall be owned, managed and maintained by a single entity. The commercial section of a campus mixed use development may be subdivided from the residential section and the private streets, private alleys, common areas and other common amenities in each such section may be separately owned, managed and maintained provided both subdivided sections are subject to a recorded declaration of covenants, easements and restrictions regarding private streets, private alleys, common areas and common amenities which shall be subject to the review and approval of Township Council.

(2) Separate ownership of individual buildings or individual pads within the commercial section. Where the Township Council has approved a land development plan for a campus mixed use development meeting the requirements of § 275-37, an individual building or pad shown on the approved land development plan for the commercial section may be separately owned, leased, purchased, sold, mortgaged and developed as a unit created in accordance with the Uniform Planned Community Act, 68 P.S. § 5105 et seq., as the same may be amended from time to time, or as a unit created in accordance with the Uniform Condominium Act, 68 P.S. § 3101 et seq., as the same may be amended from time to time, subject to the following conditions:

   (a) The development plan for the entire commercial section shall at all times remain compliant with the development standards applicable to the commercial section of the campus mixed use development; and

   (b) The entire commercial section and all units created therein (and all mortgagees thereof) shall be subject to the terms and provisions of the declaration of the planned community or the declaration of condominium, as applicable, which shall be subject to the review and approval of the Township Council with respect to matters relating to land use and zoning.

(3) Perimeter setback. No building or accessory structure shall be less than 100 feet from the perimeter boundary line of a campus mixed use development tract (except for signs and those structures associated with ingress and egress, lighting standards, stormwater management facilities, retaining walls, benches and the like) unless the proposed development abuts a nonresidential, commercial use, a perpetually preserved conservation area, parkland or open space, in which case the Township Council may, upon request of the applicant, decrease the perimeter setback applicable to building to a minimum setback of 25 feet. Required rear yards may encroach into a perimeter setback no more than 15 feet.

(4) Buffer planting strip. A buffer planting strip shall be provided within the setback from the perimeter boundary line of a campus mixed use development tract. The buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township Council. No buffer planting strip shall be required where the campus mixed use development tract abuts a nonresidential commercial use, a perpetually preserved conservation area, parkland or open space. Existing trees and foliage of a quality and density satisfactory to the Township shall be credited to satisfy any minimum buffer planting strip requirement.

(5) Open space. A minimum of 35% of the campus mixed use development tract shall be designated as, restricted to and used for open space uses, subject to the provisions of Article XXIV.

(6) Active recreational facilities. Notwithstanding § 275-187.E(1), not less than 1% of the required

open space area shall be set aside for active recreational facilities including, but not limited to, a community recreation building, gazebo, pavilion for sheltered outdoor activities, clubhouse, swimming pool, multipurpose sports court, swings, tennis courts, bocce ball courts, and basketball courts, as depicted on Appendix B Design Guidelines. The total cost of active recreational facilities, and the total cost of public improvement enhancements in the nature of active recreational facilities shall be applied as a credit against the recreational fee in lieu of active recreational facilities that would otherwise be payable by an applicant pursuant to § 275-187.E(1) and § 210-41 of the Subdivision and Land Development Ordinance.

(7) Pedestrian gathering areas. Not less than 1% of the required open space area shall be built and maintained in the form of greens, plazas, pocket parks, and green courts, as depicted on Appendix B Design Guidelines.

(8) Private streets/private alleys. All streets and alleys within a campus mixed use development shall be owned by the ownership entity or entities designated in accordance with § 275-37 F(1) above, shall conform to the street and alley cross sections depicted in Appendix B Design Guidelines and shall comply with the following standards:

(a) One-way boulevard streets shall have a minimum paved cartway of 16 feet to the inside face of curb.

(b) Two-way internal streets with no on-street parking shall have a minimum paved cartway of 24 feet to the inside face of curb.

(c) Two-way internal streets with on-street parallel parking on one side only shall have a minimum paved cartway width of 30 feet to the inside face of curb, including parallel parking spaces. Parallel parking spaces shall measure a minimum of seven feet by 22 feet.

(d) One-way internal alleys shall provide a minimum of 16 feet paved cartway with no parking.

(e) A two-way internal alley shall provide a minimum of 18 feet cartway with no parking.

(f) There shall be a minimum center-line curve radius ("curve radius") of 50 feet for internal streets, provided that a two-way main thoroughfare street shall have a minimum curve radius of 75 feet.

(g) There shall be a minimum sidewalk width of 4 1/2 feet. Curbs shall be vertical concrete curbs with reinforced concrete at driveway curb cuts or, in the alternative, vertical or splayed Belgium block.

(h) Cul-de-sac streets shall have a minimum radius of 50 feet and a maximum length of 750 feet and shall serve no more than 50 single-family attached dwelling units.

(9) Roadway improvements connecting abutting parcels. Shared driveways, service drives and accessways with appropriate easements shall be constructed, where feasible, to provide access to abutting parcels as a part of an overall Township traffic improvement benefit.

(10) Internal roadway improvements. Internal vehicular circulation connector(s) between the commercial and residential sections shall be installed, where feasible, in order to reduce external vehicle trips by residents of the residential sections who might otherwise use existing public roads.

(11) Landscaping. Except as otherwise provided in § 275-37.D.(3) above and § 275-37.F.(4) above, the provisions of Article XXI, § 275-133, with respect to landscaping shall apply to a campus

mixed use development.

(12) Public and private streetscape enhancements.

(a) Additional landscaping at least 10% above the minimum requirements of Article XXI, § 275-133, shall be provided in and along public and private streets;

(b) Two or more of the following streetscape amenities (as depicted in Appendix B Design Guidelines) shall be provided along public and private streets: decorative/ornamental lighting; street furniture (benches); unit-paver crosswalks; and Belgium block curbs.

(13) Public trails.

(a) An eight-foot-wide low-impact public pedestrian trail shall be constructed in a campus mixed use development tract which shall connect existing, contiguous Township-owned parkland to a public street or to the commercial section.

(b) The low-impact public pedestrian trails shall be maintained in a passable condition by either a recognized conservation organization (e.g., Natural Lands Trust) or the entity which is designated to own and control the private streets, private alleys, common areas and other common amenities of the residential section and/or the commercial section of a campus mixed use development.

(14) Design Guidelines. The details and design specifications depicted on Appendix B Design Guidelines are incorporated herein and shall be consulted and utilized in developing the land development plan for a campus mixed use development.

§ 275- 38. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE IX: PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

§ 275-39. Purpose.

A. The provisions of this article are enacted for the following purposes:

(1) To respond to increasing urbanization and the growing demands for housing of various types and designs.

(2) To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.

(3) To encourage more efficient allocation and maintenance of open space for conservation and active and passive recreation.

(4) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township.

(5) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may inure to the benefit of those who require housing.

(6) To encourage sensitive land development which will respect and conserve such natural features and resources of the land as floodplain and flood-prone areas, important farmlands, steep and very steep slopes, watercourses and water bodies, groundwater and aquifer recharge areas, forested areas, terrestrial and aquatic wildlife habitats, historic and cultural sites, visual resources and other features of importance to the vitality of natural and cultural resources.

(7) To provide a procedure which can relate the type, design and layout of residential development to the particular site and to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

§ 275-40. Administration.

The administration of the procedures concerning the application for and approval of planned residential developments (PRD) shall be vested solely in the Township Council. However, all applications for tentative and final approval of plans for such developments first shall be referred to the Delaware County and Middletown Township Planning Commissions for their review and comment.

§ 275-41. Conditions of eligibility.

No application for planned residential development shall be submitted, considered or approved unless the following conditions are met:

A. Any tract of land proposed for development shall be in one ownership or in case of multiple ownership and/or several parcels, evidence shall be presented of a written agreement between the parties and owners involved that development will be in accordance with a single plan with common authority and common responsibility.

B. All ownership interests in any tract or in any adjacent tract shall be disclosed in the tentative and final plans.

C. The development will be served by public sewer and public water systems, which shall be constructed and operational, and having the assured capacity to serve the development at the time occupancy of the structures in the development begins; and the feasibility for such construction and operation shall be demonstrated to the satisfaction of the Township Council at the time of the application for tentative plan approval.

D. The tentative and final plans shall provide a time schedule within which the owner or owners agree to develop said land according to the plans submitted.

E. In order to qualify under this chapter as a planned residential development (PRD), said development shall provide for a minimum of 70 acres of land. To achieve a sound relationship among components of the development, all lands in the proposed development shall be reasonably compact. If any portion of such tract is divided by an existing street or other public way from the remainder of the tract, the density requirements of § 275-44 shall be applied to each of the segments of land so divided, provided that this requirement may be modified by the Township Council on recommendation by the Planning Commission in any case where such modification is determined to be in the best interests of the Township.

F. The land being used to qualify under this chapter shall be located in any area of the Township, with the following exceptions where planned residential development shall not be permitted:

   (1) Manufacturing and industrial district.

   (2) Outdoor recreation district.

   (3) The R-1A district.

§ 275-42. Use regulations.

A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Article XX1 and Special Provisions of Article XXII, for any of the following uses and for no other:

A. Principal permitted uses.

   (1) Single-family detached dwellings.

   (2) Single-family attached dwellings.

   (3) Common open space for recreation and conservation purposes, subject to the provisions in Article XXVI.

   (4) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.
   (1) Accessory uses and structures to a residential use, subject to § 275-127.

C. Conditional uses.

   (1) Cultural, religious or charitable uses, subject to § 275-147.

   (2) Private club for recreation, provided that the principal activity shall not be one which is customarily conducted as a business, subject to § 275-144.

   (3) Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings.

§ 275-43 . Height regulations.

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet.

§ 275-44. Density, open space and dwelling unit composition.

A. The gross density shall not exceed that of the underlying zoning district.

B. Not less than 50% of the total area of the property shall be designated as and devoted to common open space, subject to the provisions in Article XXVI.

C. No less than 40% of the total number of dwelling units shall be single-family detached dwellings.

D. No less than 10% of the total number of dwelling units shall be single-family attached dwelling units.

E. In the case of a planned residential development (PRD) proposed to be developed over a period of time and in stages, a variation in the density of a stage to be developed may be permitted by the Township Council, subject to the condition that the density and uses as defined in this chapter and as shown on the final plan which is approved by the Township Council shall not be changed thereafter if the entire tract is not developed at one time and is developed in stages.

§ 275-45. Area and bulk regulations.

In addition to the setback requirements in § 275-46, the following shall apply:

A. Where single-family detached dwelling units are proposed, the area and bulk regulations of § 275-27 related to the R-2 District shall apply.

B. Where single-family attached dwelling units are proposed, the design standards of § 275-36 related to the R-4 District shall apply.

§ 275-46. Design standards.

In addition to the design standards in Chapter 210, Subdivision and Land Development, the performance standards in the open space provisions of Article XXVI, the following shall apply:

A. General standards.

(1) A buffer area of at least 100 feet shall be provided, in accordance with Article XXI.
(2) Fire hydrants shall be installed by the developer to meet the requirements of Appendix C of the International Fire Code, current edition, and the Township Emergency Management Coordinator.

B. Stormwater control.

(1) The storm drainage system for a PRD shall be designed and constructed so as to minimize erosion and flooding, using as necessary, drainage easements, swales, catchment basins, silt traps and the design of cartways so as to minimize runoff.

(2) Where existing storm sewers are deemed by the Township Council as being accessible, the Council may require that the proposed development connect therewith.

(3) All stormwater management design standards shall be in accordance with the provisions for design standards and required improvements embodied in Chapter 210, Subdivision and Land Development, as may be amended from time to time.

(4) Storm sewer systems for the development shall be designed, constructed and shall operate and be readily capable of being maintained to prevent concentration of stormwater runoff on adjacent developed or undeveloped properties and streets and other areas of impervious surface.

(5) The design and construction of all storm drainage facilities and storm sewer systems shall be subject to the approval of the Township Engineer.

C. Soil erosion and sedimentation control.

(1) Plans submitted for any PRD development shall conform to the guidelines for minimizing erosion and sedimentation as set forth in the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection prepared by the State Conservation Commission and Bureau of Water Quality Management and the USDA Natural Resources Conservation Service, as amended. In developing a plan for the control of erosion and sedimentation, the developer shall meet as a minimum the standards and specifications outlined in the aforementioned manual, as well as the standards set forth in Appendix C of the Erosion and Sediment Control handbook of the Delaware County Soil and Water Conservation District and those in Chapter 210, Subdivision and Land Development.

D. Other environmental controls.

(1) In addition to the controls presented in the above subsections herein, all development in a PRD shall be governed by the environmental controls set forth in Article XXI, § 275-130 pertaining to such matters as noise, vibration, storage, glare and heat, fire and explosion and traffic control; and all plans, documents and other submissions in regard to any approval sought shall demonstrate compliance herewith to the Township Council.

E. Streets and pathways.

(1) The street system of the planned residential development shall be designed so as to relate harmoniously with land uses within and adjacent to the development through the establishment of a hierarch of roadway functions which includes internal collector and local streets; to create a separation of automobile and pedestrian traffic through the coordinated design of streets,

dwelling units, common open space areas and pedestrian walkways; and to create efficient and safe connections with the existing road system of the municipality in order to insure proper ingress and egress to and from the PRD and to minimize through traffic in residential areas.

(2) In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways shall be provided unless the Township Council determines that they are not necessary.

(3) Curbs and sidewalks shall be required along streets in PRDs in accordance with Chapter 210, Subdivision and Land Development.

(4) The design and construction of streets must conform to the standards set forth in Chapter 210, Subdivision and Land Development, relative to paving specifications, cartway design, horizontal and vertical alignment, sight distances and the like.

F. Parking.

(1) All provisions in Article XXIV shall apply. However, in the case of apartments with three or more bedrooms, 2 1/2 parking spaces for each such unit shall be provided.

(2) Off-street parking spaces shall not be less than nine feet in width and 18 feet in depth. However, 5% of the spaces shall not be less than 12 feet in width and 20 feet in depth and shall be reserved for the handicapped and so marked with an appropriate symbol.

(3) Where parking spaces are grouped in lots, aisles at least 25 feet in width shall beprovided.

(4) Where parking spaces are grouped in lots, aisles at least 25 feet in width shall beprovided.

(5) No more than 40 parking spaces shall be accommodated in any single parking area.

(6) All off-street parking and/or loading areas shall be surfaced with an asphaltic or portland cement pavement.

G. Lighting.

(1) All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences and in accordance with Article XXI.

H. Buffer area.

(1) There shall be a buffer area between any building and the boundary line of such a planned residential development (PRD) or the right-of-way line of any abutting roadway. The buffer area shall be in accordance with Article XXI.

(2) No building shall be placed within 150 feet of any such line. Any such buffer area shall be in addition to the yard area of any building abutting any boundary or right-of-way; provided, however, that the dimensions of the buffer are may be reduced to less than 150 feet in any case in which the full width of such buffer is determined to be unnecessary because of existing vegetation, topography, man-made barriers or other natural screening, but in no case less than 100 feet.

I. Tree conservation and landscaping.

(1) Existing trees shall be preserved wherever possible. The protection of trees 8 inches or more in caliper (measured at a height 4 1/2 feet above the original grade) shall be a factor in determining the location of common open space, structures, underground utilities, walks and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.

(2) Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be regarded as an essential feature of the PRD. In these cases, extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of the dwelling units in accordance with Article XXI.

(3) Street trees shall be provided along all internal collector and local streets. No less than two four-inch-caliper trees shall be provided for each fifty-foot increment of street, wherein one tree shall be placed on each side of said street increment.

(4) A landscaped buffer planting strip of 20 feet in width shall be provided along all perimeter property lines, except at points of vehicular ingress and egress and on pedestrian access ways.

(5) Screening and landscaping requirements for parking areas are provided in Article XXIV.

§ 275-47. Development in stages.

An applicant may propose to develop the PRD District project in stages and the Township Council may approve same if the following criteria are met:

A. The application for tentative approval covers the entire planned residential development and shows the location and time of construction for each stage in addition to other information required by this chapter.

B. At least 35% of the dwelling units in the plan given tentative approval are included in the first stage.

C. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than 25% of the dwelling units receiving tentative approval.

D. In no case shall work on the current stage area include stripping or disturbance of woodland and forest or soils of any area set aside for later stages.

E. All improvements within the particular stage shall be completed contemporaneously with the completion of construction of the dwellings of the stage.

F. Any plans and other documents required by the Township Council to depict all of the foregoing and the limits thereof are submitted to, and approved by, the Township Council.

§ 275-48. Location, ownership and maintenance of common open space.

Refer to Article XXVI, Open Space Provisions.

§ 275- . Application for tentative approval.

The application for tentative approval shall be executed by or on behalf of the landowner and filed with

the Township Manager. If the applicant is not the landowner, the executed consent of the landowner or evidence of the applicant's legal authority to make such an application shall be so filed. Six copies of the application and a digital application shall be submitted to the Township Manager for various required reviews. The application for tentative approval shall include all plans, documents, papers and submissions proving compliance with all the standards of this article. The Township Council may require such additional documentation as needed to aid them in review of the application and accompanying papers.

A. Application for tentative approval shall include, but not be limited to, the following:

(1) A statement indicating the nature of the applicant's and the landowner's interest in the project.

(2) A written statement by the applicant setting forth the reasons why the project would be in the public interest and would be specifically consistent with the Comprehensive Plan's goals and objectives and its recommendations for land use, community facilities and utilities, circulation and other matters therein recommended.

(3) A map indicating the location and size of the property and its relationship to surrounding properties, such map to be drawn at a scale of one-inch equals 800 feet and showing all streets, roads, municipal boundaries, subdivisions, adjoining properties and designated open space within 2,500 feet of any part of the tract. In the case of development of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.

(4) A plan at a scale of one-inch equals 100 feet delineating the topography of the tract. Such plan shall contain contours with at least two-foot intervals; and shall accurately and conspicuously depict slopes from 0% to 8%, 8% to 15%, 15% to 25% and greater than 25%.

(5) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the vegetation of the tract. Such plan shall depict the location of all trees 12 inches in caliper and greater.

(6) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating the drainage characteristics of the tract. Such plan shall accurately and conspicuously depict, delineate and otherwise note in graphic fashion all perennial and intermittent streams and watercourses and their watersheds, as well as flood-prone and flood hazard areas.

(7) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the soils of the tract. Such plan shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed development and the tract.

(8) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion the proposed use areas by type, size, location and gross density.

(9) A site plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the location, use, height, bulk and location of streets, rights-of-way, cartways, parking areas and other improvements.

(10) A plan at a scale of one-inch equals 100 feet accurately conspicuously delineating, depicting and otherwise noting in graphic fashion common open space. Such plan shall depict the location, function and size of common open space areas and any existing natural and cultural

features comprised within the common open space. In addition, the plan shall include any facilities or structures proposed. Accompanying the plan shall be a statement indicating the proposed means for ownership and maintenance of the common open space.

(11) A detailed report indicating the feasibility and capability for operation and maintenance of water supply systems, sanitary sewage systems, stormwater systems and other utility systems. Such a report shall indicate the following:

(a) With regard to water supply, there shall be an objective description of the ability of achieving a safe and efficient water supply system. The description shall reference geologic and hydrogeologic data relative to groundwater conditions, realistic potential yields and quality. In addition, the description shall indicate the demand by type of use for water from the proposed development and its related uses and users.

(b) With regard to sanitary sewage disposal, there shall be an objective description of the ability of achieving a safe and efficient system for sewage disposal. The description shall indicate all proposed measures and methods for conveying and treating the sewerage and the sizes of all pipes and direction and quantities of flow anticipated from the development, as well as all connections which will be required to tie into existing sanitary sewers.

(c) Assurance of the availability of safe and efficient public water and public sewer facilities shall also be reported. Such assurance shall include letters signed by an officer of the company or authority concerned, indicating its ability and willingness to provide such service within the timetable proposed for the development, including a statement of maintenance responsibilities and rates and charges for service.

(d) With regard to stormwater systems, there shall be an objective description of the ability of achieving a safe and efficient stormwater management system. Such report shall be in complete conformance with Chapter 210, Subdivision and Land Development.

(12) A detailed plan illustrating all connections to existing public utilities, streets and rights-of-way, accompanied by documentation as to the impact of the proposed development on said public utilities, streets and rights-of-way.

(13) A site plan illustrating phasing, including a time schedule for all on-site and off-site improvements may be modified from time to time with approval of the Township Council.

(14) A fully detailed soil erosion and sedimentation control plan.

(15) A fully detailed grading plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating proposed contours at intervals of at least two feet.

(16) A fully detailed landscaping plan at a scale of one-inch equals 100 feet wherein existing and proposed plant materials are accurately and conspicuously differentiated, delineated, depicted or otherwise noted in a graphic fashion and a plant list with botanical and common names as well as notations for the quantities and sizes of all proposed plant materials.

(17) A written report indicating the proposed methods and measures to be undertaken for energy conservation and the effective utilization of renewable energy resources.

(18) The documents containing covenants, grants of easements or other restrictions to be imposed

upon the use of land, buildings and structures including proposed grants and/or easements for utilities and the like.

(19) An Environmental Impact Assessment Report in accordance with Article XXI.

(20) In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the project are intended to be filed and which shall be updated annually on the anniversary of submission for final approval. A report accompanying the application shall, insofar as possible, indicate compliance with the provisions set forth for documentation herein.

(21) All other requirements for a preliminary plan as set forth in Chapter 210, Subdivision and Land Development.

B. The Township Planning Commission and the Delaware County Planning Department shall review and report upon the application to the Township Council. One copy of the reports of the respective planning commissions shall be furnished to the applicant upon receipt by the Township Council.

C. The applicant, the Township Council, the Township Planning Commission and the Delaware County Planning Department may consult informally concerning the project for the proposed PRD District prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the official review agency or of the planning agencies be binding upon the Township.

§ 275-49. Public hearings.

A. Within 60 days after the filing of an application for tentative approval of a project pursuant to this article, a public hearing pursuant to the public notice on said application shall be held by the Township Council in the manner provided by this chapter for the enactment of an amendment. The Chairman or, in his absence, the Acting Chairman of the Township Council, may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

B. A verbatim record of the hearing shall be caused to be made by the Township Council. Whenever such records are requested by any party to the proceedings, the cost of transcribing such a record shall be borne by the party requesting it and the expenses of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

C. The Township Council may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

§ 275-50. Findings.

A. The Township Council may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

(1) Grant tentative approval of the development plan submitted;

(2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

(3) Deny tentative approval to the development plan. Failure to do so within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the applicant may, within 30 days after receiving a copy of the official written communication of the Township Council, notify the Township Council of his refusal to accept all said conditions, in which case the Township Council shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Township Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial; and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions of the following:

(1) Those respects in which the development is or is not consistent with the Comprehensive Plan for the development of the Township.

(2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.

(3) The purpose, location and amount of the common open space in the development, the reliability of the proposals for maintenance and conservation of the common open space and adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

(4) The proposed systems for sanitary sewers, water supply, stormwater control and soil erosion and sedimentation control and the manner in which said proposals adequately or inadequately address the construction, operation and maintenance of such systems.

(5) The physical design of the development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular and pedestrian traffic and further the amenities of light and air, recreation and visual enjoyment.

(6) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established.

(7) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the development in the integrity of the development plan.

C. In the event that a development plan is granted tentative approval, with or without conditions, the Township Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which

applications for final approval of each part thereof shall be filed. Except upon the consent of the Township Council, the time so established between the grant of tentative approval and the application for final approval shall be not less than three months nor more than one year, and, in the case of development over a period of years, the time between applications for final approval of each part of the plan shall be not less than 12 months nor more than 18 months.

§ 275-51. Status of plan after tentative approval.

A. The official written communication provided for in § 275-50 of this article shall be certified by the Secretary of the Township Council and shall be filed in his/her office, and a certified copy shall be mailed to the applicant. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and the same shall be noted on the Zoning Map.

B. Tentative approval of a development plan shall not qualify a plot for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted or which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval) shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval without the consent of the applicant, provided that an application for final approval is filed or, in the case of development over a period of years, provided that applications are filed within the periods of time specified in this Article or otherwise in the official written communication granting tentative approval.

C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall elect to abandon said development plan and shall so notify the Township Council, in writing, or in the event that the applicant shall fail to file an application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto, as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Township Manager.

§ 275-52. Application for final approval.

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Township Council and within the time or times specified by the official written communication granting tentative approval as in § 275-50 or as otherwise mutually agreed upon between the applicant and the Township Council and set forth, in writing, by the Township Council. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held. The application for final approval shall consist of a plan or plans and accompanying documents which shall show and shall include the following information:

A. The plan. The final plan shall be prepared in accordance with Chapter 210, Subdivision and Land Development. All plans shall be drawn at a scale not smaller than one-inch equals 50 feet. They shall be clear and legible blue-line or black-line prints and shall include at least the following information:

(1) The development name or identifying title.

(2) The municipality in which the development is located.

(3) North point, scale and date.

(4) The name of the record owner of the tract and developer.

(5) The name and seal of the registered professional engineer, landscape architect, land planner, architect or surveyor responsible for the plan.

(6) Boundaries of the tract determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot in 10,000.

(7) Property lines within the development.

(8) Lot areas to 1/1,000 of an acre.

(9) Street lines, lot lines, rights-of-way, easements and areas dedicated to or proposed to be dedicated to public use. Profiles for all streets and for proposed sanitary and storm sewer mains, inlets and manholes and the location of all utilities.

(10) The length of all straight lines, radii, lengths of curves and tangent bearings for each street.

(11) All dimensions and angles or bearings of the lines of each lot and of each area proposed to dedicated to public use.

(12) The designation of common open space including the area contained therein.

(13) Location, grades, length and width of all private driveways and all parking facilities and type of paving and other surface to be used therefore.

(14) Names proposed to be given to all streets.

(15) Location of all structures.

(16) Number of lots.

(17) Number of dwelling units by type and, where applicable, the number, location and square footage of areas to be devoted to nonresidential use.

(18) Architectural drawings, floor plans and elevations to scale of all buildings, said drawings to bear the seal of the architect who has prepared same.

(19) Total property area of the entire development tract and, in the case of development in sections, the size of the section for which plans are submitted.

(20) All permanent monuments.

(21) A final grading plan, including existing and proposed contours at vertical intervals of at least two feet, the lines thereof to be conspicuously distinguishable.

(22) All existing watercourses, tree masses and other significant natural features, including all trees 12 inches in caliper or greater to be retained and/or to be removed.

(23) A final soil erosion and sedimentation control plan.

(24) A final landscaping plan, wherein existing and proposed plant materials are differentiated, a final plant list indicating the types, quantities and sizes of the proposed plant materials and typical planting details for tree planting and staking, shrub planting and the like.

(25) A final environmental impact assessment report.

B. The documentation. The application for final approval shall also be accompanied by:

(1) Copies of deed restrictions and/or easements, if any and other documents relating to title, use or occupancy.

(2) Copies of permits obtained: under authority of statutes of the Commonwealth of Pennsylvania and/or the County of Delaware regarding the provision for construction, operation and maintenance of the proposed sanitary sewer system, water supply system, soil erosion and sedimentation control system; and highway occupancy system.

(3) An affidavit that the applicant is the owner of the land proposed to be developed, or has been authorized by the landowner to be the applicant, supported by a copy of the written authority therefor.

(4) Offers of dedication and covenants and other documents governing the reservation and maintenance of undedicated open space, provided that all such offers of dedication and covenants shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency and compliance herewith.

(5) Copies of the homeowner's agreements for common open space not to be offered for dedication to the Township.

(6) A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property to the effect that the development as shown on the application for final approval is made with his or their free consent and that it is desired to record the application and accompanying documents upon their approval.

(7) Whenever a developer proposes to establish a street which is not offered for dedication and not required to be offered for dedication, he shall submit a copy of statements cosigned by the Township Solicitor that he has made an agreement on behalf of his heirs and assigns with the Township. Said agreement shall be subject to the Township Solicitor's approval and shall be recorded with the plan. Said agreement shall establish the condition under which the streets may later be offered for dedication and stipulate among other things:

(a) That the street shall be in a good state of repair as certified by the Township Engineer, or that the owner or owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conform with Middletown Township design standards.

(b) That an offer to dedicate the street shall be made only on the street as a whole.

(c) That the method of assessing repair costs shall be stipulated.

(d) That, where applicable, agreement to offer the street for dedication by the owners of 60%

of the lots shall be binding on owners of the remaining lots.

(8) Such other related information as deemed necessary by the Township Council to make their determination.

C. In the event the application for final approval has been filed, together with all drawings, specifications, covenants, easements, performance bonds and other documents in support thereof and as required by this chapter and the official written communication for tentative approval, the Township shall within 45 days of such filing, grant such development plan final approval.

D. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Council shall refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the applicant in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the applicant may either:

(1) Refile his application for final approval without the variations objected to; or

(2) File a written request with the Township Council that it hold a public hearing on his application for final approval. If the applicant wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days of receipt of notice that the development plan was not in substantial compliance. In the event that the applicant shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this chapter for public hearings on applications for tentative approval. Within 45 days after the conclusion of the hearing, the Township Council shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article.

E. A development plan or any part thereof which has been given final approval shall be so certified without delay by the Township Council and shall be filed by the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of the final plan, the applicant shall record the plan in accordance with § 275-56 herein and post financial security in accordance with § 210-11 of Chapter 210, Subdivision and Land Development.

F. In the event that a development plan or a section thereof is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved and shall so notify the Township Council, in writing, or in the event that the applicant shall fail to commence and complete the development project or section thereof in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is re-subdivided and is reclassified by enactment of an amendment to this chapter.

§ 275-53. Legal remedies.

The Township may avail itself to any and all remedies provided by law, including but not limited to those specified in the Pennsylvania Municipalities Planning Code.

§ 275-54. Bonding/security for completion of improvements.

Security shall be provided which is acceptable to the Township in an amount to cover the costs of any improvements which may be required.

§ 275-55. Insurance and indemnity.

The Township shall require appropriate liability insurance and minimum limits of coverage in regard to any development in a PRD. The Township shall be a "named insured" under all such liability policies, without premium liability; therefore, said policies shall further be written to exclude the operation of any "other insurance" clause. The Township shall also require from the applicant a defense, indemnity and hold-harmless agreement in favor of the Township, which shall be insured by the applicant to at least the minimum limits required by the Township Council for liability insurance.

§ 275-56. Recording.

The final plot plan will be recorded by the landowner in the Office for the Recording of Deeds in and for Delaware County, Pennsylvania, within 90 days of the granting of final approval by the Township Council. The Recorder of Deeds of the county shall not accept any plan for recording unless such plan officially notes the approval of the Township Council and review by the Delaware County Planning Department.

§ 275-57. Fees.

Fees for review of the tentative and final plan shall be established by resolution of the Township Council, which fees shall not exceed costs incurred. Should any funds remain after the final plan is processed and reviewed, they will be returned to the applicant.

ARTICLE X: MS MUNICIPAL SERVICES DISTRICT

§ 275-58. Purpose.

The purpose of this district is to provide adequate areas and appropriate standards for municipal service facilities needed to accommodate the local government activities of the Township.

§ 275-59. Use Regulations.

A. Permitted Principal Uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Agriculture, subject to § 275-138.

(2) Active recreational use.

(3) Municipal Service use.

(4) Open space for recreation and conservation purposes.

(5) Passive recreation.

(6) Utilities.

(7) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

B. Permitted accessory uses on the same lot as the principal use, subject to theS General Provisions in Article XXI.

(1) Accessory uses and structures to any principally permitted use.

C. Conditional Uses.

(1) Wireless communications facilities, subject to § 275- 161.

§ 275-60. Design Standards.

A. General Provisions standards, subject to Article XXI.
B. Special Provisions standards, subject to Article XXII.
C. Off-Street Parking and Loading standards, subject to Article XXIV.
D. Signage, subject to Article XXV.
E. Landscaping, subject to Article XXI.
F. Lighting, subject to Article XXI.
G. Stormwater Management, subject to Chapter 198.

ARTICLE XI: I-1 INSTITUTIONAL DISTRICT

§ 275-61. Purpose.

The purpose of this district is to provide for the special needs of regionally oriented institutional uses, to ensure the compatibility of institutional uses with surrounding land use and to promote the planning for the location of or expansion of future institutional uses serving a regional population.

§ 275-62. Use regulations.

A. Permitted principal uses. A building may be erected or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) General medical or surgical hospitals (excluding institutions primarily for treatment of psychological disorders), skilled nursing facilities, or similar health care facilities.

(2) Medical Office and Medical Clinic.

(3) Public or private educational institutions, including:

(a) Postsecondary school and campus facilities and similar educational institutions or human services organizations with campus facilities, subject to § 275-63.C.

(b) Elementary and secondary schools, subject to § 275-150.

(c) Nursery schools or daycare center, subject to § 275-148.

(4) Cultural, religious or charitable uses, subject to § 275-147

(5) Governmental uses, subject to § 275-152.

(6) Continuing care retirement community consisting of a combination of independent living units, personal care facility/assisted living facility, and skilled nursing facility, subject to § 275-.63.F. §275-64, and §275-157.

(7) Community Center, either publicly or privately owned.

B. Conditional uses.

(1) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.

(2) Wireless communications facilities, subject to § 275-161

(3) Cemeteries, subject to § 275-143.

C. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Uses typically associated with a community center, including but not limited to: all-purpose

recreational and community facilities, child-care facilities, conference facilities, exercise and/or weight rooms, gymnasium, locker rooms, a natatorium that may include wading and physical rehabilitation pools, and physical rehabilitation facilities.

(2) Dormitories.

(3) Uses typically associated with a continuing care retirement community, include but not limited to: common dining facilities for residents, recreational and social facilities for residents, administrative office and operational facilities for management of the community, healthcare facilities and services for residents, snack shop and beauty shop.

§ 275-63. Area and bulk regulations.

A. Hospital and similar health care facilities.

(1) Minimum lot area: 35 acres.

(2) Minimum lot width at the building line: 200 feet.

(3) Minimum lot width at street line: 150 feet.

(4) Maximum building coverage. 30%.

(5) Maximum impervious surface area. 60%.

(6) Maximum building height: 80 feet.

(7) Minimum setback requirements: 50 feet from any internal street line or 50 feet from any internal side or rear property line.

(8) Minimum setback between buildings: 30 feet. Connecting corridors may be permitted at the discretion of the Emergency Management Coordinator.

(9) Buffer area. A buffer area of 190 feet shall be provided along U.S. Route 1 and PA Route 352, and a one-hundred-foot buffer shall be provided along other roads and property lines, provided that the setback from property lines that abut an office district shall be a minimum of 50 feet and the setback from property lines that abut another property in an I District shall be a minimum of 65 feet. The buffer area shall be measured from the street line, or other property line when the tract is not bounded by a street. At least 30 feet of the required buffer areas shall be landscaped and maintained in accordance with the provisions of Article XXI, § 275-132.

B. Medical office and medical clinic.

(1) Minimum lot area: 1 acre

(2) Minimum lot width at building line: 100 feet.

(3) Minimum lot width at street line: 100 feet.

(4) Maximum impervious surface coverage: 65%.

(5) Maximum building coverage: 25%.

(6) Maximum building height: 35 feet.

(7) Minimum depth of each front and rear yard: 60 feet.

(8) Minimum aggregate width of side yards: 60 feet.

(9) Minimum width of each individual side yard: 25 feet.

(10) Minimum side yard abutting the street on a corner lot: 60 feet.

C. Postsecondary school and campus facilities.

(1) Minimum lot area: 100 acres.

(2) Minimum lot width at the building line: 200 feet

(3) Minimum lot width at street line: 150 feet

(4) Maximum impervious surface area: 35%

(5) Maximum building coverage: 20%

(6) Maximum building height: 45 feet within any area that is set back at least 300 feet from perimeter property lines, and 55 feet within any area that is set back at least 500 feet from perimeter property lines.

(7) Minimum setback requirements: 50 feet from any internal street line or 50 feet from any internal side or rear property line.

(8) Minimum setback between buildings: 30 feet. Connecting corridors may be permitted at the discretion of the Fire Marshal.

(9) Buffer area. A buffer area of 200 feet shall be provided along New Baltimore Pike, United States Route 1 and Pennsylvania Route 352, and a one-hundred-foot buffer shall be provided along other roads and property lines. The buffer area shall be measured from the street line or other property line when the tract is not bounded by a street. At least 30 feet of the required buffer areas shall be landscaped and maintained in accordance with the provisions of Article XXI, § 275-132.

D. Community center.

(1) Minimum lot area: 4 acres.

(2) Minimum lot width at the building line: 100 feet.

(3) Minimum front yard setback: 150 feet.

(4) Minimum side yard setback: 50 feet.

(5) Minimum aggregate of the side yards: 125 feet.

(6) Minimum rear yard setback: 100 feet.

(7) Maximum impervious surface area: 35%.

(8) Maximum building coverage: 20%.

(9) Maximum building height: 35 feet.

(10) Minimum setback between buildings: 30 feet. Connecting corridors may be permitted at

the discretion of the Fire Marshal.

(11) Buffer area. A buffer area of 200 feet shall be provided along New Baltimore Pike, United States Route 1 and Pennsylvania Route 352, and a one-hundred-foot buffer shall be provided along other roads and property lines. The buffer area shall be measured from the street line or other property line when the tract is not bounded by a street. At least 30 feet of the required buffer areas shall be landscaped and maintained in accordance with the provisions of Article XXI, § 275-132.

E. Health Care Facility.

(1) Minimum lot area: 100 acres.

(2) Minimum lot width at the building line: 200 feet

(3) Minimum lot width at street line: 150 feet

(4) Maximum impervious surface area: 35%

(5) Maximum building coverage: 20%

(6) Maximum building height: 45 feet.

(7) Minimum setback requirements: 25 feet from any internal street line or 50 feet from any internal side or rear property line.

(8) Minimum setback between buildings: 30 feet. Connecting corridors may be permitted at the discretion of the Fire Marshal.

(9) Buffer area. A buffer area of 300 feet shall be provided along Pennsylvania Route 352, and a one-hundred-foot buffer shall be provided along other roads and property lines. The buffer area shall be measured from the street line or other property line when the tract is not bounded by a street. At least 50 feet of the required buffer areas shall be landscaped and maintained in accordance with the provisions of Article XXI, § 275-133.

F. Continuing Care Retirement Community.

(1) Residential single-family dwelling units.

(a) Minimum lot area: one acre for each principal permitted building.

(b) Minimum lot width at building line: 120 feet.

(c) Minimum lot width at street: 50 feet.

(d) Maximum impervious surface area and building coverage: not more than 40% of the area of any lot shall be covered by impervious surfaces and not more than 20% of any lot area shall be occupied by buildings.

(e) Minimum depth of each front and rear yard: 50 feet.

(f) Minimum width of side yards: each lot shall have at least two side yards having an minimum average width of 30 feet; and neither side yard shall have a width of less than 25 feet. On each corner lot there shall be two side yards; the side yard abutting the street shall have a width of not less than 50 feet; and, the side yard not abutting the street shall have a width of not less than

25 feet.

(g) Maximum height of building: 35 feet.

(2) Planned retirement communities with residential dwelling units in multiunit buildings.

(a) Minimum tract size: 25 acres.

(b) Maximum building height: four stories, provided that elevator cores shall not be considered when calculating building height.

(c) Gross density: 17 dwelling units per acre. Each apartment dwelling unit in a multiunit residential building and each residential personal care unit shall constitute a dwelling unit for purposes of calculating the density of a planned retirement community.

(d) Maximum building coverage: 20%.

(e) Total impervious coverage area: 50%.

(f) No building shall be less than 100 feet from the perimeter property line, and no accessory structure shall be less than 50 feet from such line, except for signs and those structures associated with ingress and egress, internal circulation and lighting standards.

(g) Antennas. The antennae permitted hereunder shall be designed such that the equipment is aesthetically and architecturally compatible with the surrounding environment and should maximize the use of like-facades to blend with existing surroundings and neighboring buildings to the greatest extent possible.

§ 275-64. Design Standards for Continuing Care Retirement Community

A. Use regulations. A building may be erected, altered or used and land may be used for any of the following purposes and no other:

(1) Permitted principal uses.

(a) Single-family detached dwellings.

(b) Agricultural uses and buildings.

(c) Silvaculture, wildlife and nature preserve or other conservation uses.

(2) Conditional uses permitted only after Township Council has authorized the specific use proposed pursuant to § 275-62.A.(6).

(a) Multifamily unit building designed for resident senior citizens and located in a planned retirement community.

(b) A planned retirement community.

(c) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXIII and all other standards and criteria for approval of conditional uses in this chapter.

(3) Accessory uses for authorized conditional uses:

(a) Common dining facilities for residents.

(b) Recreational and social facilities for residents.

(c) Administrative office and operational facilities for management of the community.

(d) Health care facilities and services for residents, provided that, with respect to nursing care beds which shall not exceed 78 beds, nonresidents may be provided with services; however, after seven years from the initiation of such services, not more than 50% on an average annual basis, of such nursing care beds shall be used to provide services to nonresidents.

(e) Snack shop and beauty shops.

(f) Personal care units, facilities and services to assist residents with their daily living activities, provided that there shall be no more than 56 personal care units in a planned retirement community; these personal care units may be used to provide services for nonresidents of the retirement community; however, after seven years from the initiation of such services, not more than 50%, on average annual basis, of such personal care units shall be used to provide services to nonresidents.

B. Public water and public sewer service is required.

C. All utility lines shall be placed underground.

D. Parking. 1.15 parking spaces for each independent dwelling unit, one parking space for each four personal care units and one parking space for each four beds in a skilled nursing facility.

E. Lighting. Adequate lighting shall be provided for all buildings, private roads and parking areas. Such lighting shall provide sufficient light for the safety of residents and other persons; and be arranged and of such character so as to protect all dwelling units on the property from glare or direct light and all adjoining properties or streets from any direct glare or hazardous interference of any kind. No such lighting shall exceed 15 feet in height.

F. Landscaping.

(1) A landscaping plan shall be submitted at the time when all other required plans are submitted. The applicant will make every effort to preserve existing trees greater than 10 inches in caliper.

(2) The landscaping plan shall be based on the following:

(a) The functional and aesthetic factors which relate to the site to the principal and accessory buildings and other structures.

(b) The desirability of concealing and/or enhancing the views to, from and/or within the site.

(c) The desirability of screening and complementing proposed buildings or other structures.

(d) The desirability of creating visual interest for the residents of the continuing care retirement community.

(3) The landscaping plan shall reflect the following:

(a) An analysis of the site in terms of: existing views to and from the areas which are proposed for development; existing topography and vegetation conditions; and other existing conditions which

are relevant to the site.

(b) An analysis of proposed planting and other landscaping needs as related to: screening buildings and sections of buildings; screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and other appropriate types of screening.

(c) The consideration of locations where plantings and other landscaping is needed to: provide visual interest; define outdoor spaces; complement the proposed architectural style; and achieve other functional and aesthetic goals.

(4) The preliminary and final landscaping plans shall reflect the following detailed criteria. However, depending on the ways in which Subsection E(1), (2), and (3) above are analyzed relative to the particular site in question, the specific numerical requirements may be satisfied by the applicant by the proposed installation of an equivalent number and/or size of trees and shrubs on the site in the locations where plants are most needed and functional (as used here, "equivalent" means equal in terms of the total costs of the plants and their installation); and by the grouping of trees and shrubs, rather than the placement of them at specific intervals.

(a) Shade trees shall be provided along all streets where there are no existing shade trees. When planted, shade trees shall be no closer than two feet from the edge of the right-of- way line. No less than one tree of 3 1/2 inches to four inches in caliper shall be planted for each 50 feet of roadway length (excluding service roads and roads through parking lots). However, it is recommended that shade trees be grouped where appropriate in accordance with specific site needs and objectives rather than be spaced at regular intervals.

(b) The outer perimeter of all parking areas shall be screened. Effective screens may be accomplished through the use of plant materials, fencing or walls and/or mounding through the use of earthen berms.

(c) All parking lots shall be landscaped. One shade tree of two inches to 2 1/2 inches in caliper shall be planted for every five parking spaces, if there are no existing shade trees. Shrubs, ground covers and other plant materials are encouraged to be used to complement the trees.

(d) Landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except that landscaped "islands" shall be provided at the end of each parking bay. Such "islands" shall be a minimum of eight feet in width and 18 feet in length and shall be provided to enhance the appearance of the parking area and to control access and movement within the parking area.

(e) All buildings shall be landscaped in accordance with the following criteria:

[1] A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be installed in reasonable proximity to the facades.

[2] One specimen deciduous tree of four inches to five inches in caliper shall be planted for every 25 feet of length of building facade measured from end to end of buildings, without regard to indentations and the like in the building, facades and excluding enclosed walkway connectors and elevator cores, such tree to be a minimum of 11 feet to 13 feet in height at the time of planting; and one, eight-foot to ten-foot specimen evergreen tree shall be planted for every 50 feet of length of building facade,

measured as set forth above.

[3] Five evergreen and/or deciduous shrubs shall be planted for every 20 feet of length of building facade.

[4] Trees and shrubs shall be grouped in accordance with specific needs and objectives.

(f) Other landscaping shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially along property lines where planting will screen views and provide privacy.

(g) The locations, type, size, height and other characteristics of landscaping shall be subject to the review and approval of Township Council.

(5) The preliminary landscaping plan shall be drawn at a scale of at least one inch equals to 50 feet. It shall be totally coordinated with the overall site plan and shall contain the following:

(a) A delineation of existing and proposed plant materials.

(b) A delineation of other landscaping features such as berms, planting beds to be used for herbaceous plants, areas to be devoted to lawns, areas to be devoted to meadows and other elements of the proposed improvements.

(c) Notes describing the proposed improvements and their relationship to the criteria as stated in Subsection E(1), (2), (3) and (4) above.

(6) One color rendering of a preliminary landscaping plan shall be submitted for review by the Township, in addition to the number of prints which are otherwise required. The color rendering shall reflect total coordination with the overall site plan in terms of its relationship to proposed buildings, roads, parking areas, walks, walls, fencing, benches, signs, lighting and other like structures.

(7) After the Township has reviewed the preliminary landscaping plan and submitted comments on the plan to the applicant, a final landscaping plan shall be submitted. The final landscaping plan shall be drawn in greater detail than the preliminary plan. It shall be totally coordinated with the overall site plan and shall contain the following:

(a) A final version of the plan requirements stated in Subsection E(5) for a preliminary plan.

(b) A plant list wherein the botanical and common name of the proposed plants are tabulated, along with the quantity, caliper, height and other characteristics.

(c) Details for the planting and staking of trees, the planting of shrubs and any other details which depict other related installation.

(d) Information in the form of notes or specifications concerning planting beds to be used for herbaceous plants, areas to be devoted to lawns, areas to be devoted to meadows and the like. Such information shall convey the proposals for seeding, mulching and the like.

G. Buildings.

(1) The topography and natural features of the site and the direction of prevailing winds and solar orientation shall be considered in planning, designing, locating, orienting and constructing all residential and accessory buildings and other structures to improve the aesthetics and energy

efficiency of the development.

(2) Residential buildings and other structures shall be located, oriented and designed to create architectural interest and to preserve amenities of light and air, recreation and visual enjoyment.

(3) Where and whenever possible existing historical buildings or structures will be preserved and/ or reused. The Township Council will consider up to a 25% increase in the density of dwelling units in proportion to the size and number of historical buildings that are preserved or reused.

(4) Residential buildings and other structures shall be located and situated to promote pedestrian and visual access to open space.

(5) Multi-dwelling-unit buildings shall be designed and constructed in staggered groups, the arrangement of such buildings shall create a physical distinction in the lines of the facades and roofs creating a campus atmosphere.

(6) Development near the perimeter of the property shall be designed to be harmonious with neighboring land uses.

(7) No common parking area shall be closer than 25 feet to any building.

(8) No principal building shall be erected closer than 30 feet from another principal building.

§ 275-65. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XII: I-2 INSTITUTIONAL DISTRICT 9.24.24

§ 275-66. Purpose.

The purpose of this district is to provide for the special needs of existing regionally oriented institutional uses located on relatively large parcels of land, to ensure the compatibility of institutional uses with surrounding land uses while preserving substantial amounts of open space and natural areas for both buffer and aesthetic purposes.

§ 275-67. Use regulations.

A. Permitted principal uses. A building may be erected or used, and land may be used or occupied, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Human Services Organization.

(2) Postsecondary schools.

(3) Boarding and non-boarding schools.

B. Conditional uses.

(1) Residential uses as permitted in the R-1 District, subject to all of the regulations applicable to residential uses in the R-1 District, including the cluster subdivision option, and subject to the buffer requirements of Article XXI.
(2) Planned residential development (PRD), provided that there is a minimum tract size of 75 acres and subject to the buffer requirements of Article XXI.
(3) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in §275-145 of Article XXII and all other standards and criteria for approval of conditional uses in this chapter.
(4) Communications towers, subject to the standards for communications towers as conditional uses set forth in § 275-146, and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

C Accessory uses.

(1) Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.
(2) Agricultural uses and buildings.

§ 275-68. Area and bulk regulations.

A. Human Services Organization uses.
(1) Maximum density: not to exceed 3,875 square feet of gross floor area per gross acre (i.e., acreage, including buffer areas).

(2) Buffer area. A buffer area of 200 feet shall be provided along New Baltimore Pike, United States Route 1 and Pennsylvania Route 352, and a one-hundred-foot buffer shall be provided along other roads and property lines. The buffer area shall be measured from the street line or other property line when the tract is not bounded by a street.
(3) Maximum impervious surface area: 35%
(4) Building placement.
  (a) No building shall be located within the required buffer areas.
  (b) No building or permanent structure shall be located less than 50 feet from any internal street line or 50 feet from any internal side or rear property line.
  (c) The distance at the closest point between any two buildings or groups of attached buildings, including accessory buildings, shall be at least as great as the average height of the two adjoining buildings, but not less than 30 feet. Connecting corridors may be permitted at the discretion of the Fire Marshal.
(5) Maximum building height: 45 feet within any area that is set back at least 300 feet from perimeter property lines and 55 feet within any area that is set back at least 500 feet from perimeter property lines.

B. Single-family dwelling units.
(1) All area and bulk regulations for residential dwelling units shall be the same as those applicable in the R-1 or PRD District.

§ 275-69. Special design and development requirements.

The following special requirements shall apply to all institutional uses:

A. Any required buffer areas shall be established and maintained in accordance with the provisions of Article XXI, § 275-132.
B. At least 30 feet of the required buffer areas shall be landscaped and maintained in accordance with the provisions of Article XXI, § 275-133.
C. All development shall be in accordance with the environmental controls of Article XXI, § 275-130.
D. Any two major points of ingress and egress shall be at least 500 feet from one another.
E. All development shall be served by public water.
F. All development shall be served by public sewer or other approved sewage disposal system approved by both the Township and the state.

§ 275-70. Standards and criteria for approval of conditional uses.

A. All standards and criteria of Article XXVII, § 275-202 shall apply.
B. The applicant must define and delineate the gross floor area of: all existing buildings, maximum building coverages, and maximum impervious surfaces, on all land development plans.

ARTICLE XIII: OR OUTDOOR RECREATION DISTRICT

§ 275-71. Purpose.

This district is designed to provide opportunities for passive outdoor recreational use, active outdoor recreational use, and recreational facilities designed to allow appurtenant community uses. The OR District is also designed to accommodate areas for nature study, historic interpretation and the conservation of natural resources.

§ 275-72. Use regulations.

A. Permitted principal uses. Land and water areas may be used and facilities may be erected, altered or used, subject to the General Provisions of Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Passive recreation uses, such as parks, nature study areas and trails.

(2) Conservation uses, including woodlands, lakes, ponds, streams, and related resources.

(3) Agricultural uses.

(4) Active recreational uses.

(5) Club for recreation, subject to § 275-144.

(6) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses on the same tract to any principally permitted uses.

C. Conditional uses.

(1) Wireless telecommunications facilities, subject to § 275-161

§ 275-73. Area and bulk regulations.

A. Minimum tract area: 10 acres.

B. Minimum tract width at street line: 200 feet.

C. Maximum height: 35 feet.

D. Setbacks for service buildings. Service buildings required to support these activities such as change buildings, food service, chemical treatment and pump buildings, spectator stands, etc., shall be permitted and shall be located no closer than 200 feet from any adjacent property line.

E. Front yard: 150 feet.

F. Side yards: an aggregate of 125 feet, with a minimum of 50 feet.

G. Rear yard: 100 feet.

H. Maximum Impervious: 35%.

I. Maximum building coverage: 20%.

§ 275-74. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XIV: M MANUFACTURING & INDUSTRIAL DISTRICT

§ 275-75. Purpose.

It is the purpose of this district to meet the special requirements of the Township's older, established manufacturing and industrial areas and to provide standards for the possible extension of general industrial development on the same lot or tract. The district regulations are intended to provide for a broad range of industrial and related activities which are responsive to the demands of modern manufacturing and industrial development. The regulations are also intended to safeguard adjoining properties and to avoid environmental disturbances.

§ 275-76. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Research or Testing Facility.

(2) Business and professional offices, excluding medical office and medical clinic.

(3) Manufacture and assembly of small home, commercial and industrial electrical appliances, supplies and equipment (not including electrical machinery); electrical or electronic instruments and devices, such as precision instruments and measuring and control devices; medical, dental, drafting and similar scientific and professional instruments; optical goods and equipment; clocks and watches; and jewelry, cameras and photographic equipment.

(4) Manufacture and packaging of products from previously prepared and manufactured materials, such as canvas, cloth, glass, fur, feathers, felt, leather, paper, wood and plastics, including clothing and other textile products.

(5) Printing, publishing, book binding or similar establishments.

(6) Processing of dairy and confectionery products.

(7) Light metal processes, including metal finishing, grinding, polishing and heat treatment, metal cutting and extrusion of small products (such as costume jewelry and pins); assembly and manufacture of radio and television receivers; manufacture of light machinery (such as business machines).

(8) Warehouse, not exceed 200,00 square feet in gross floor area, subject to §245-156.

(9) Mini-Warehouse/Self Storage Facility, subject to §275-156.

(10) Governmental or public utility use or building, subject to §245-152.

(11) Light manufacturing and product assembly.

(12) Bottling, packing or packaging establishment.

(13) Shops for carpentry, woodworking, cabinetmaking, furniture and upholstery, electrical repair metal working, blacksmithing, and similar uses.

(14) Contractor's shop and yard.

(15) Automobile repair shops, including auto body work, towing, and painting, subject to §245-139.

(16) Refuse hauling facility.

(17) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to §245-145.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Administrative activities and structures and uses to any principally permitted use.

(2) Solar energy systems, subject to § 275-127.

C. Conditional uses.

(1) An industrial park designed to accommodate or comprise a group of any of the manufacturing and industrial uses permitted in this district.

(2) Fitness facility.

(3) Junkyard or salvage yard, subject to §245-139.

(4) Distributing or trucking establishment.

(5) Food products processing; brewpub/microbrewery and distillery, subject to §275-142.

(6) Medical marijuana grower/processor, subject to § 275-155.

(7) Adult (entertainment) uses, subject to § 275-137.

(8) Chemical processes not involving noxious odors or danger from fire or explosion; compounding of perfumes and pharmaceutical products.

(9) Quarrying, provided that the minimum tract area is 10 acres.

(10) Communications towers, subject to the standards for communications towers as conditional uses set forth at § 275-146, and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

(11) Regional rail facilities.

(12) Any lawful use not otherwise listed in any zoning district specifically authorized by-right, conditional use, or by special exception in any zoning district.

§ 275-77. Area and bulk regulations.

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

A. Minimum lot area: two acres for each principal permitted building.

B. Minimum lot width at building line: 150 feet.

C. Minimum lot width at street line: 150 feet.

D. Maximum height: 45 feet.

E. Maximum impervious surface area: 60%.

F. Maximum building coverage: 40%.

G. Minimum depth of front and rear yard: 90 feet.

H. Minimum aggregate width of side yards: 160 feet.

I. Minimum width of each individual side yard: 75 feet.

J. Minimum yard abutting the street on a corner lot: 90 feet.

§ 275-78. Design Standards for M: Manufacturing and Industrial uses.

A. Each use shall comply with the environmental controls contained in Article XXI which relate to the characteristics and conduct of a use relative to various air, water and land disturbances.

B. The distance at the closest point between buildings or groups of buildings on a lot shall be at least 50 feet.

C. All uses shall provide and maintain landscaped grounds and make any other suitable screening provision which is necessary to adequately safeguard the character of adjacent districts. Along each property line which directly abuts a residential district, a buffer area not less than 100 feet in width shall be provided, of which at least 30 feet shall be landscaped with trees and shrubs. All buffer areas and landscaping shall be in accordance with Article XXI.

D. Environmental controls. Each use shall comply with all environmental controls of Article XXI pertaining to noise, smoke, dust, fumes, vapors and gases, heat and glare, air quality, odor, vibration, outdoor storage and waste disposal.

§ 275-79. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XV: C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

§ 275-80. Purpose.

It is the purpose of this district to provide opportunities for neighborhood commercial uses of the type which primarily serve the needs of surrounding residential areas and in keeping with the scale of surrounding neighborhoods. These districts are intended to have access to a major road and to be compatible with adjoining noncommercial uses and districts.

§ 275-81. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Neighborhood shopping center.

(2) Retail store.

(3) Convenience store, not including fuel pumps.

(4) Pharmacy.

(5) Professional office or office building, including medical office and medical clinics.

(6) Post office.

(7) Bank or financial institution.

(8) Restaurant, excluding drive-through facilities.

(9) Personal service establishment.

(10) Educational studios for dance, art, or music.

(11) Funeral Home/Mortuary.

(12) Day Care Center, subject to § 275-148.

(13) Retail service and repair.

(14) Newspaper or job printing shop employing not more than five persons.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI and Special Provisions of Article XXII.

(1) Outdoor storage, subject to § 275-134.

(2) Outdoor dining, subject to § 275-158.

C. Conditional uses.

(1) Home occupation or home-based business when accessory to an existing dwelling unit, subject

to § 275-127.

(2) Laundromat, dry-cleaning, dyeing or clothes-pressing establishment, provided that no cleaning or operations are performed on the premises.

(3) Business, trade or private school.

(4) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

§ 275-82. Area and bulk regulations.

A. Permitted principal uses and conditional uses.

(1) Minimum lot area: 1 acre.

(2) Minimum lot width at building line: 100 feet.

(3) Minimum lot width at street line: 100 feet.

(4) Maximum impervious surface area: 60%.

(5) Maximum building coverage: 25%.

(6) Maximum height: 35 feet.

(7) Minimum depth of front and rear yard: 60 feet.

(8) Minimum aggregate width of side yards: 60 feet.

(9) Minimum width of each individual side yard: 25 feet.

(10) Minimum yard abutting the street on a corner lot: 60 feet.

§ 275-83. Design Standards for the C-1: Neighborhood Commercial uses.

A. Buffering. Along each property line which directly abuts any residential district or any use permitted in those districts, a buffer area of not less than 100 feet in width, of which not less than 25 feet shall be landscaped, shall be provided. Along any property line which abuts any other use along any street line, a buffer area of not less than 25 feet in width, of which not less than 15 feet shall be landscaped, shall be provided. All landscaping shall be designed, installed and maintained in accordance with Article XXI.

B. Public water and public sewer. All development in this district shall be served by public water and public sewer.

§ 275-84. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XVI: C-2 GENERAL COMMERCIAL DISTRICT

§ 275-85. Purpose.

It is the purpose of this district to provide opportunities for shopping in locations where there are groups of stores designed in a unified manner and accessible from a major road or roads. The General Commercial District is also planned to create a coherent design for the site and its buildings and to ensure compatibility with adjoining uses and districts.

§ 275-86. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following purposes and for no other:

(1) Any use permitted in the C-1 Neighborhood Commercial District, § 275-81.

(2) Motor vehicle repair or motor vehicle service station, including car wash facility, subject to §275-139.

(3) Automotive sales and service center, including rental agencies.

(4) Day Care center, subject to § 275-148.

(5) Indoor or outdoor place of amusement other than an open-air or drive-in theater.

(6) Business, trade or private school.

(7) Commercial greenhouse.

(8) Gasoline service station, subject to § 275-139.

(9) Restaurant, including drive through facility(s) and fast-food restaurant(s), subject to § 275-149.

(10) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI and Special Provisions in Article XXII.

(1) Outdoor storage, subject to § 275-134.

(2) Outdoor dining, subject to § 275-158.

C. Conditional uses.

(1) Kennel, dog daycare facility, animal hospital and veterinary clinic or office, subject to § 275-160.

(2) Hotel, Motel or Inn, subject to § 275-153.

§ 275-87. Area and bulk regulations.

A. Permitted principal uses and conditional uses, except as those that apply otherwise in Article XXII.

(1) Minimum lot area: 1 acre.

(2) Minimum lot width at the building line: 100 feet.

(3) Minimum lot width at street line: 100 feet.

(4) Maximum impervious surface area: 60%.

(5) Maximum building coverage: 25%.

(6) Maximum height: 45 feet.

(7) Minimum depth of front and rear yard: 60 feet.

(8) Minimum aggregate width of side yards: 60 feet.

(9) Minimum width of each individual side yard: 25 feet

(10) Minimum yard abutting the street on a corner lot: 60 feet.

§ 275-88. Design Standards for General Commercial uses.

A. Ownership. No lot or parcel of ground located in the C-2 District shall be used for any of the uses provided herein unless said lot or parcel shall be held in one ownership, except as may otherwise be authorized as a conditional use.

B. Buffer area. Along each property line which directly abuts any residential district, a buffer area not less than 100 feet shall be provided, of which at least 50 feet shall be landscaped. Along any street line, a landscaped area not less than 30 feet in width shall be provided. Buffer areas and landscaped areas shall be in accordance with Article XXI.

C. Parking. All off-street parking and loading areas shall be in accordance with Article XXIV.

D. Each business use or service, including sales, exhibitions for sale, or service repair or processing activities, shall be conducted wholly within a completely enclosed building.

F. Building placement.

(1) Distance between buildings. The distance at the closest point between buildings or groups of buildings on a lot shall be at least as great as the average height of the two adjacent buildings and not less than 20 feet in width, plus walkways.

(2) No building or permanent structure other than a permitted sign or traffic control device shall be erected within 70 feet of a street line or within 50 feet of any other property line.

G. Off-street parking and circulation.

(1) All parking requirements shall be in accordance with Article XXIV.

(2) All required parking shall be available for use at the time of occupancy of any building.

(3) All traffic lanes, parking, loading and unloading areas and traffic direction shall be marked and shall be maintained as required in Article XXIV and all such areas shall be paved and maintained with an approved surface.

H. Sanitary sewage, water facilities and other facilities. No application for a use in the district shall be considered unless such use can and will be served, prior to occupancy, by a public sewage and public water system owned. All utilities, including water, electricity, gas, telephone, etc., shall be carried underground by approved standards of construction.

I. Buffer area. A buffer area as set forth in § 275-132 shall be provided in accordance with Article XXI.

§ 275-89. Enhanced Appearance Options for C-2 General Commercial District uses.

A. The following area and bulk regulations shall apply to all permitted principal uses, if enhanced appearance options, approved by Township Council in accordance with Subsections B through F are provided.

(1) Impervious surface may be increased to 75%.

(2) Minimum depth of the front yard may be reduced to 50 feet.

(3) Minimum depth of rear yard may be reduced to 50 feet.

(4) Minimum yard abutting a street on a corner lot may be reduced to 50 feet.

(5) The buffering alongside property lines may be reduced to an aggregate of 15 feet with no side yard less than five feet.

(6) Landscaped islands in parking areas may be omitted.

B. Enhanced appearance options shall consist of three components: improved landscaping, improved hardscaping and improved building materials and design. In order to meet the minimum criteria of enhanced appearance options, a plan shall provide for all of the following, unless specified otherwise:

(1) Improved landscaping.

(a) The sizes of plants set forth in § 275-133, Landscaping requirements, and § 275-174, for parking lot landscaping, shall be increased by 20% in height and caliper, as applicable.

(b) The quantities of plants set forth in § 275-133 and § 275-174 shall be increased by 20% to determine quantity requirements. However, plants may be grouped in selected areas of the site to achieve special functional and aesthetic objectives. In the event that the increased quantities of plants cannot fit on the property, the applicant may substitute larger plants or higher grade plant species to compensate for those plants that cannot fit on the property, subject to the approval of the Township Landscape Consultant.

(c) At least three planting areas for shade trees shall be created and maintained at or near the corners of the principal building.

(d) When decorative bollards are utilized in the perimeter landscaping, they shall be wooden or black steel types.

(2) Improved hardscaping.

(a) Pedestrian pathways of at least four feet six inches in width made of brick, concrete or approved equivalent shall be installed and maintained along all street frontages.

(b) Pedestrian pathways of at least four feet six inches in width made of brick, or approved equivalent shall be installed and maintained to connect all perimeter pathways to all entry

doors of a principal building.

(c) Crosswalks made of brick, concrete or approved equivalent shall be maintained and installed along any curb cuts at vehicular entranceways to promote a continuation of the pedestrian pathway system. Such crosswalks shall be at least six feet in width.

(d) Decorative streetlights, with black poles and bases, shall be provided along all street frontages and within the parking lot. Cobra head or shoebox type lights shall not be considered as being decorative.

(e) A decorative wall, made of brick, stone, or approved equivalent, 24 inches in height, shall be installed and maintained along all primary street frontage planting beds, between the sidewalk and the parking lot, except in any area where a lower wall is needed to achieve safe sight distance within a clear sight triangle.

(f) Where fencing is utilized, it shall be wooden such as shadowbox, picket or split rail or steel or wrought iron of at least 48 inches in height. Stockade fence and chain link fence and plastic fence shall not be used.

(g) The base of all freestanding signs shall be made of brick, stone, or approved equivalent, and shall be at least 30 inches in height.

(h) All trash enclosure areas shall be made of brick, stone, or approved equivalent, except for the gates.

(3) Improved building materials and design.

(a) No principal buildings shall have a flat roof.

(b) All principal buildings shall have a vertical design proportion defined by vertical architectural elements, such as windows, pilasters, columns, piers, or by recesses and projections of building walls such that no more than 12 continuous feet of blank building wall is created.

(c) All principal buildings shall be designed to have a defined base. The base shall be made of brick, stone, or approved equivalent, with horizontal banding, and shall be at least 30 inches in height around at least three sides of the building, including all street-side elevations.

C. Landscaping and screening.

(1) General regulations. The following is required in and around off-street parking areas and loading areas in order to provide a visual and acoustical buffer for adjacent properties, to provide a visual buffer for adjacent streets, to define traffic routes and pedestrian paths through parking areas, to control soil erosion, to slow and filter stormwater runoff, and to moderate microclimatic effects.

(a) Functions of parking-lot and loading area landscaping. Landscaping of parking lots and loading areas shall perform certain functions depending upon its arrangement and the type of space occupied, as described below. Aesthetic considerations are important to these functions. Where screening is required, such screening needs to be opaque, and shall be of sufficient density and height to obstruct casual observation.

(b) Perimeter of area, abutting street. Landscaping materials so located shall visually define the perimeter and other parking areas, shall emphasize points of ingress and egress to and from the street, and shall visually screen the parking or loading area from the street so that headlights shining into or out of the area will not affect other drivers.

(c) Perimeter of area, abutting other properties. Landscaping materials so located shall provide a windbreak trapping trash and dust and a visual and acoustical buffer for adjoining properties. When parking or loading areas abut a residential use or property zoned for such use, a dense screen of plantings, designed to be an effective screen, shall be provided and maintained to a minimum height of six feet from the ground at time of planting.

(d) Landscaping within the interior of the parking areas. Landscaping located within parking areas shall be designed to promote pedestrian safety by defining walkways, to enhance driver safety by defining traffic lanes and discouraging cross-lot taxiing, to act as a windbreak trapping trash and dust, to provide shade, to reduce stormwater runoff, and to enhance the appearance of the parking area. Interior landscaping shall be designed to preserve sight distances and not obstruct the vision of motorists or pedestrians, and shall in no way create a hazard to safety.

(2) Applicability and standards:

(a) Perimeter landscaping. Perimeter landscaping along abutting properties and public or private streets shall be required for all off-street parking areas with more than five parking spaces, and for all loading areas regardless of size.

(b) Interior landscaping. Interior landscaping shall be required for all off-street parking areas with more than 15 parking spaces.

(c) Sight distance. No landscape elements or other objects may obstruct vision above the height of two feet and below 10 feet measured from the center line grade of the driveway and an intersecting street. A clear sight triangle at the intersection of the driveway and the street shall be determined in accordance with the Pennsylvania Department of Transportation's Publication No. 201 (current issue), entitled "Engineering and Traffic Studies."

D. Maintenance provisions. The owner of the facility shall be responsible for the continual maintenance of all enhanced appearance options in an attractive and healthy condition. Dead and pruned plant material and debris shall be routinely removed and replaced or within 30 days of a directive to do so issued by the Township Code Enforcement Officer.

E. Landscape plan. A landscape plan shall be prepared and sealed by a landscape architect registered in the Commonwealth of Pennsylvania. The landscape plan shall be incorporated as a part of the plan submitted with the subdivision or land development plan. The landscape plan shall be drawn to the same scale as the proposed subdivision or land development plan. The landscape plan shall show all existing individual specimen trees, tree masses, shrubs, water features and other natural elements of the site which are to be preserved or removed, and all trees, shrubs, ground covers, lawn area, walls and fences, pedestrian pathways, crosswalks and other enhanced appearance options, as per this section, which are to be installed in conjunction with the development of the land, including a continuous pedestrian pathway and crosswalk along the street frontage, and a continuous pedestrian pathway made of pavers connecting the perimeter sidewalk to the principal use building. A legend shall be provided to the plan which contains the botanical and common name of each species of tree and shrub to be installed, and the quantity and size of each species of tree and shrub to be provided. The landscape plan shall also be accompanied by detail sheets depicting all details for landscape and hardscape features.

F. Approval of Township Council. The details of the enhanced appearance options shall be subject to approval by the Township Council as part of the subdivision and/or land development plan. Upon request of the applicant, the Township Council may permit variations from the standards set forth

herein if the Township Council determines that the proposed variations will further improve the appearance of the development.

§ 275-90. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XVII: C-3 REGIONAL COMMERCIAL DISTRICT

§ 275-91. Purpose.

The purpose of this district is to provide for pedestrian-oriented redevelopment of a regional shopping center within the Township where residential, retail, entertainment, and civic uses may serve as a community focal point. The C-3 District will encourage higher quality redevelopment with unified architectural and building schemes, pedestrian oriented walkways connecting buildings, unified landscaping and signage, and coordinated stormwater management and open space areas consistent with the Township Comprehensive Plan.

§ 275-92. Use regulations.

A. Permitted principle uses. A building may be erected, altered or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Retail stores, including without limitation department stores, hardware stores, lawn and garden stores;

(2) Personal service or custom shops;

(3) Banks or other financial institutions, with or without drive-up window and/or accessory ATM facilities;

(4) Post offices;

(5) Pharmacies, with or without drive-through service; subject to §275-149.

(6) Restaurants and taverns, with or without outdoor service of food and/or alcohol, with and/or without electronic entertainment centers, mechanical games and other recreational uses, drive-through service(s), musical entertainment and dancing (but excluding adult entertainment), provided that all musical entertainment and dancing activities shall be indoors except for such special outdoor events as are approved by Township Council;

(7) Restaurants, fast food; with or without drive-through service(s), subject to § 275-149;

(8) Movie theaters;

(9) Business and professional offices;

(10) Supermarkets, not including gasoline service station;

(11) Fitness centers, including ancillary services such as wellness, physical rehabilitation facilities and prevention health education activities;

(12) Convenience stores, including those with Fuel Pumps which are subject to § 275-139;

(13) Medical offices;

(14) Hotels, subject to § 275-153;

(15) Planned regional shopping center.

(16) Municipal services use;

(17) Recreational uses, with or without service of food and/or alcohol, including bowling alleys and electronic entertainment facilities;

(18) The retail sale of pets, pet grooming, veterinary (and boarding associated with veterinary care), and other pet services and related products, subject to § 275-160.

(19) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

B. The following residential uses are permitted as of right within the C-3 District:

(1) Multifamily dwellings together with multitiered, structured parking.

C. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI:

(1) Storage structures for or in connection with the storage of equipment and/or materials used for the maintenance of multifamily residential buildings and/or mall buildings in general.

D. (2) Outdoor dining, subject to §275-158.

E. Conditional uses.

(1) Uses substantially similar to the uses described in § 275-92 above as approved by Township Council.

(2) Medical Marijuana dispensary, subject to § 275-154.

(3) Billboards, subject to § 275-141.

§ 275-93. Area and bulk regulations.

A. Minimum tract size: 75 acres.

B. Maximum impervious surface coverage: 85%.

C. Maximum building coverage: 25%.

D. For purposes of calculating impervious surface coverage and building coverage in the C-3 District, the term "lot area" shall include driveway, drainage and permanent utility easement areas.

E. Maximum height: 70 feet for multifamily residential uses, and 55 feet for non-residential uses.

F. Setbacks.

(1) Front yard (adjacent to Baltimore Pike): 50 feet for both multifamily residential and nonresidential uses, except that the front yard setback requirement shall not apply to existing and proposed, new parking areas.

(2) Front yard (adjacent to Middletown Road, Oriole Avenue, or other Township road): 70 feet for

nonresidential uses and 40 feet for multifamily residential uses, except that the front yard setback requirement shall not apply to existing and proposed, new parking areas.

(3) Side yard: 30 feet.

(4) Rear yard: 30 feet.

G. Parking area setback for new parking space areas.

(1) From right-of-way: 15 feet.

(2) From adjacent residential use: 25 feet.

H. Multifamily dwelling.

(1) Maximum gross density: 400 multifamily dwelling units.

(2) Maximum building length: uninterrupted plane of not more than 225 feet for each new building.

(3) Multifamily residential buildings shall be located and situated to promote pedestrian access to commercial and other nearby uses.

I. Existing nonconformities. Subject to Township Council's approval, area and bulk, parking, landscaping and buffering nonconformities existing immediately prior to the implementation of a mall conversion, whether disturbed or undisturbed during the construction and implementation of a mall conversion, may remain and/or be reconstructed, such as, but not by way of limitation, parking space dimensions and parking within required setbacks.

§ 275-94. Design standards for C-3 Regional Commercial uses.

A. General standards.

(1) Refuse stations shall be designed with suitable screening and shall be located so as to be convenient for trash removal and so as to not be offensive to residents and patrons.

(2) There shall be 4 parking spaces per 1,000 square feet of non-residential gross floor area for the overall tract.

B. Buffer areas and landscaping.

(1) Any land development application filed pursuant to the C-3 District regulations shall include a landscape plan demonstrating compliance with the landscape requirements set forth herein.

(2) Along each property line which directly abuts any residential district or residential use excluding road frontage, a buffer area of not less than 25 feet shall be provided, of which at least 10 feet shall be landscaped. Landscaping within a residential buffer area in the C-3 District shall consist of evergreen trees of six feet to eight feet in height at the time of planting and shall be planted at twelve-foot centers. Subject to Township Council's approval, an applicant may be given credit for existing evergreen or deciduous trees in a residential buffer area.

(3) Landscaping along Baltimore Pike, Middletown Road and Oriole Avenue rights-of-way shall consist of six shrubs for every 100 linear feet of road frontage, and one street tree no less than 3 1/2 inches in caliper for every 100 linear feet of road frontage. Subject to Township Council's approval, street trees and shrubs may be grouped to achieve a stated design objective.

(4) All new buildings constructed in connection with a reginal shopping center redevelopment shall be landscaped in accordance with the following criteria:

(a) A combination of trees and shrubs shall be used as foundation plantings, i.e., plantings to be installed in reasonably close proximity to the facades.

(b) One deciduous tree of 3 1/2 inches to four inches in caliper (or equivalent vegetation acceptable to Township Council) shall be planted for every fifty-foot length of building facade measured from end to end of buildings, without regard to indentations and the like in the buildings or facades, and excluding any enclosed walkway connectors and elevator cores; however, in order to achieve a particular design objective a six-foot to eight-foot evergreen tree may be planted in lieu of deciduous, when approved by Township Council.

(c) Five evergreen and/or deciduous shrubs shall be planted for every 40 feet of length of building facade.

(5) Other landscaping, including trees, shrubs or ground covers shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a tract, at the entrance to buildings and around structures used for service, storage or maintenance purposes.

(6) The intent of the landscaping requirements is to afford the designer latitude in spacing and location of planting in order to achieve site layout and landscaping objectives. Where site features, such as but not limited to, sidewalks, patios and drive-through aisles do not provide sufficient space for plantings, alternate planting locations in the general vicinity may be deemed acceptable to the Township Council.

(7) The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of the Township Council.

(8) Parking lots shall be landscaped in accordance with Article XXIV.

C. Environmental controls.

(1) All uses within the C-3 District shall comply with all environmental controls of § 275-130, Subsections A through K, pertaining to noise, smoke, dust, fumes, vapors and gases, heat and glare, air quality, odor, vibration, soil erosion, sedimentation and grading control, and storage and waste disposal.

D. Pad lots.

Individual fee simple pad lots may be created for purposes of financing and/or conveyancing in connection with development of a tract within the C-3 District. Such individual pad lots shall not be required to comply on an individual basis with the dimensional requirements of this article, provided that the tract complies with such requirements on an overall basis, and provided further that a declaration of covenants, easements and restrictions is recorded that contains provisions that require each owner of a pad lot to, at all times, operate and maintain such owner's pad lot in good order and repair and in a clean and sanitary condition; that establishes cross easements for the benefit of each pad lot for parking areas and all appurtenant ways, vehicular and pedestrian access and utilities; and which is subject to the approval of the Township Solicitor. The owner of any such pad lot shall

covenant and agree to be bound by all of the conditions as set in the declaration of covenants, easements and restrictions embodying the terms and conditions of this section. Where pad lots are proposed, a subdivision plan shall be submitted at the time of final plan submission and shall be approved by Township Council prior to recording.

§ 275-95. Design guidelines.

Development in the C-3 District shall comply with design guidelines titled, "Promenade at Granite Run Mall Conversion Overlay (MCO) District" in Appendix C of Attachment 5, which shall be subject to Township Council's approval in conjunction with the approval of any land development application filed.

§ 275-96. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XVIII: SU-1A MIXED USE DISTRICT

§ 275-97. Purpose.

The provisions of this article are enacted for the following purposes:

A. To address planning, development and redevelopment issues affecting certain areas along Baltimore Pike within Middletown Township.

B. To employ planning principles and design standards that focus on creating a variety of well- planned and designed land uses.

C. To encourage innovative and integrated long-range development plans that contribute to the quality of life in the community.

D. To employ planning principles and design standards that focus on creating a variety of well- planned and designed land uses, streetscapes, public open spaces, and the overall built environment.

E. To provide greater opportunities for use of mass transit facilities.

F. To respond to growing demands for housing and nonresidential uses of various types and designs.

G. To revitalize properties that have vacant, defunct or underutilized buildings, and to transform these previously developed properties into more complete, functional, and attractive neighborhoods.

§ 275-98. Use regulations.

Buildings may be erected, altered or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

A. Minimum tract size: 100 acres.

B. The following residential uses are permitted as of right within the SU-1-A Mixed Use District:
   (1) Single-family semidetached dwellings;
   (2) Single-family attached dwellings;
   (3) Single-family detached dwellings;
   (4) Multifamily dwellings.

C. The following nonresidential uses are permitted as of right within the SU-1-A Mixed Use District:
   (1) Convenience store;
   (2) Convenience store with Fuel Pumps, subject to §245-139;
   (3) Bank or other financial institutions, with or without drive through service and/or accessory ATM facilities, subject to §245-149 ;
   (4) Commercial greenhouse, nursery or garden center;

(5) Conference centers;

(6) Cultural, religious or charitable uses, subject to §245-147;

(7) Business and professional offices;

(8) Governmental use;

(9) Fitness centers, including ancillary services such as wellness, physical rehabilitation facilities and prevention health education activities;

(10) Hotel, subject to §245-153;

(11) Medical laboratories, outpatient or training facilities or offices for doctors and other medical personnel;

(12) Municipal uses;

(13) Pharmacy, with or without drive through service, subject to §245-149;

(14) Research and/or testing facility;

(15) Restaurants and taverns, including those with musical entertainment, dancing (excluding adult entertainment or dancing), and/or outdoor service of food and/or alcohol;

(16) Restaurants, including drive through facility(s) and fast food restaurant(s), subject to §275-149;

(17) Retail stores, including discount department stores;

(18) Supermarket, with or without drive through service, subject to §245-149.

(19) Parking structures;

(20) Public transit facilities;

(21) Wholesale membership club.

(22) Stand-alone personal care facility/assisted living facility, memory care facilities, and/or rehabilitation centers, subject to§245-157.

(23) Day-Care Center, subject to §245-148.

(24) Neighborhood shopping center.

(25) Communication antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

(26) Mini-Warehouse/Self Storage Facility, subject to §275-156.

D. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Uses customarily incidental to the uses permitted in § 275-98 B and C.

(2) Outdoor dining, subject to §275-158.

E. Conditional uses.

(1) Communication towers, subject to the standards for communications towers as conditional uses set forth at § 275-146, and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

§ 275-99. Required mix of uses; maximum permitted quantity of residential units and hotel rooms.

A. At least three of the uses permitted in § 275-98 shall be constructed on a tract.

B. At least 10% but no more than 90% of the total nonresidential gross floor area, exclusive of hotels, shall be devoted to retail store, garden center, supermarket or wholesale membership club uses.

C. At least 10% but no more than 90% of the total nonresidential gross floor area shall be devoted to offices, research and/or testing facilities, medical laboratories, outpatient or training facilities or offices for doctors and other medical personnel health and fitness centers.

D. No more than 15% of the total nonresidential gross floor area shall be devoted to restaurants, taverns, and fast-food restaurants.

E. No more than 350 residential units shall be permitted, with a density not to exceed 15 residential units per acre on the area proposed for residential use.

F. No more than 150 hotel rooms shall be permitted on a tract. Such hotel rooms may be located in a hotel and/or a conference center.

§ 275-100. Height regulations.

The maximum height of buildings within a SU-1-A Mixed Use development shall be as follows, except as provided in the Special Provisions in Article XXII of the Zoning Ordinance which provides for exceptions to height regulations for certain structures:

A. Single-story buildings: 35 feet.

B. Multistory residential and nonresidential buildings, other than office buildings or hotels: 50 feet.

C. Office buildings and hotels: 60 feet.

D. No new buildings located within 100 feet of the right-of-way of Baltimore Pike shall be more than 40 feet in height.

§ 275-101. Area and bulk regulations.

A. Maximum impervious surface area of the tract: 60%.

B. Maximum building coverage of the tract: 20%.

C. Setbacks:

1. Front yard (adjacent to Baltimore Pike): 100 feet. The front yard setback requirement shall not apply to accessory canopy structures, fuel pumps, bank drive-throughs, or buildings occupied by

a municipal or governmental use, but in no case shall be less than 10 feet from the legal right-of-way line of Baltimore Pike.

2. Front yard (adjacent to Pennell Road): 30 feet.

3. Front yard (adjacent to Printers Way and Donovan Drive): 20 feet.

4. Side yard: 15 feet, except that a building occupied by a municipal or governmental use shall not be subject to this side yard requirement.

5. Rear yard: 100 feet, except that a building occupied by a municipal or governmental use shall not be subject to this rear yard requirement.

§ 275-102. Design standards for the SU-1A District uses.

A. General standards.

(1) All developments constructed under this article shall also be governed by the SU-1-A Mixed Use Design Standards dated December 23, 2011, attached as Appendix A to this article.

B. Special regulations relating to access and highway frontage. In order to minimize traffic congestion and hazard, control street access in the interest of public safety and encourage the appropriate development of street or highway frontage, the following shall apply:

(1) No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly to a public street or highway unless separated from the street or highway by a raised curb, barrier planting strip, wall or other effective barrier against traffic, except for necessary accessways, and each parking lot shall have not more than two accessways to any one public street or highway for each 500 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor public or private street in order to avoid direct access on a major street or highway. No such accessway shall be more than 70 feet in width.

(2) Accessway requirements.

(a) All necessary accessways to a public street or highway shall be located not less than 150 feet from any intersection with any other public street.

(b) All streets and accessways shall be designed in a manner conducive to safe exit and entrance and shall conform to the design standards for streets in Chapter 210, Subdivision and Land Development.

C. Buffer areas and landscaping. All required buffer areas and landscaping for developments within the SU-1-A Mixed Use District shall be specified in the Design Standards attached hereto as Appendix A.

D. Building placement.

(1) There shall be a minimum distance of 18 feet between single-family detached dwellings. The minimum distance between all other residential buildings shall be 20 feet.

(2) There shall be a minimum distance of at least 25 feet between all nonresidential buildings and residential buildings.

(3) The minimum distance between nonresidential buildings shall be governed by the prevailing building code.

E. Site element screening. Roof-top elements, loading/unloading areas and trash dumpsters shall be screened from view in accordance with the Design Standards attached hereto as Appendix A.

§ 275-103. Environmental controls.

All uses within the SU-1-A Mixed Use District shall comply with all environmental controls of § 275-130, Subsections A through K, pertaining to noise, smoke, dust, fumes, vapors and gases, heat and glare, air quality, odor, vibration, soil erosion, sedimentation and grading control, and storage and waste disposal. An Environmental Impact Assessment (EIA) report meeting the standards contained in §275-131 of the Zoning Ordinance shall be submitted at the time of preliminary plan submission for the development of any new buildings within the SU-1-A Mixed Use District.

§ 275-104. Traffic impact.

A. The peak traffic generated by the proposed development shall be accommodated in a safe and efficient manner or improvements shall be made in order to effect the same.

B. All off-site traffic improvements shall be designed in accordance with the principles set forth in the Pennsylvania Department of Transportation Smart Transportation Guidebook dated March 2008, or most recent edition.

C. At the time of preliminary plan submission, the applicant shall submit a traffic impact study prepared by a qualified traffic engineer, consistent with Pennsylvania Department of Transportation's Policies and Procedures for Transportation Impact Studies Related to Highway Occupancy Permits (January 2009 or most recent version). The study shall fully consider all modes of transportation. The study area and key intersections to be analyzed shall be subject to the approval of PennDOT and the Township. If the traffic impact study indicates that the proposed development will result in an unacceptable decrease in overall level of service under the standards set forth in the Transportation Research Board Special Report 209, Highway Capacity Manual (2000 or most recent version), the applicant is required to construct improvements that will mitigate the overall LOS decrease. Such improvements shall be in accordance with PennDOT's Smart Transportation Guidebook and shall be subject to the approval of both PennDOT and the Township. If the mitigations are determined by either the Township or PennDOT to be infeasible or impractical, the applicant shall follow PennDOT's Policies and Procedures for Transportation Impact Studies Related to Highway Occupancy Permits and PennDOT's Smart Transportation Guidebook to develop alternative improvements reasonably satisfactory to PennDOT and the Township.

§ 275-105. Financial subdivision.

In connection with development within the SU-1-A Mixed Use District, individual lots may be created for purposes of financing and/or conveyancing. Such individual lots shall not be required to comply on an individual basis with the dimensional requirements of this article, provided that the tract complies with such requirements on an overall basis, and further provided that the deeds conveying such separate lots contain covenants requiring the purchasers to, at all times, operate and maintain such lots in good order and repair and in a clean and sanitary condition; that cross easements for parking areas and all appurtenant ways, pedestrian access, and utilities shall be maintained between such lots; and that such covenants shall be subject to the approval of the Township Solicitor. The purchaser of any such lot shall so covenant and agree thereby to be bound by such conditions as set forth herein. Where a financial subdivision is proposed,

a financial subdivision plan shall be submitted at the time of final plan submission and shall be approved by Township Council prior to recording.

§ 275-106. General Design Standards.

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XIX: SU-1 SPECIAL USE DISTRICT

§ 275-107. Purpose.

The purpose of this district is to make provisions for light industrial/manufacturing uses, corporate office uses, and other compatible commercial and related uses. In promoting the general purposes of this chapter, the intent is to encourage attractive, less intensive, comprehensive campus-type development which does not constitute a hazard or a nuisance to adjacent areas.

§ 275-108. Use regulations.

A. Permitted principle uses. A building or combination of buildings may be erected, altered, or used, and land may be used or occupied, subject to the General Provisions in Article XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Scientific research laboratory

(2) Light manufacturing.

(3) A Dairy, together with warehouse facilities operating on the same lot, serving the dairy operation or warehouse facilities serving off-site retail operations.

(4) Neighborhood shopping center.

(5) Business or professional office.

(6) Supermarket, including Fuel Pumps.

(7) Medical offices and medical clinics.

(8) Restaurants, fast food; including drive through service subject to § 275-149;

(9) Hotels, subject to §275-153.

(10) Recreational uses, including food service.

(11) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

(12) Regional rail facilities.

B. Accessory uses on the same lot as the permitted principal use, subject to the General Provisions in Article XXI.

(1) Cafeteria, when located within the main building and operated by or for the employer for the exclusive use of its employees.

C. Conditional uses.

(1) Automotive sales and service center, including rental agencies, subject to § 275-139.E, provided that all repair, lubrication or car washing shall be performed within a completely enclosed building.

(2) Clubs for recreation, subject to §275-144.

(3) Conference centers and meeting and assembly facilities for associations and organizations.

(4) Educational Uses, including nursery, elementary and secondary schools, subject to § 275-150.

(5) Day Care centers, subject to § 275-148.

(6) Communications towers, subject to the standards for communications towers as conditional uses set forth at § 275-146, and communications equipment buildings, subject to the regulations set forth in § 275-145 of Article XXII.

§ 275-109. Area and bulk regulations.

A. Permitted principal and conditional uses.

(1) Minimum tract area: 5 acres.

(2) Minimum tract width at street line: 500 feet.

(3) Minimum individual lot areas: 2 ½ acres.

(4) Minimum lot width at building line: 200 feet.

(5) Minimum lot width at street line: 150 feet.

(6) Maximum height: 40 feet.

(7) Maximum impervious surface area: 50%.

(8) Maximum building coverage: 20%.

(9) Minimum depth of each front and rear yard: 100 feet.

(10) Minimum aggregate width of side yards: 200 feet.

(11) Minimum width of each individual side yard: 100 feet.

(12) Minimum side yard abutting the street on a corner lot: 100 feet.

§ 275-110. Special Design Standards for SU-1 uses.

A. Special regulations relating to access and highway frontage. In order to minimize traffic congestion and hazard, control street access in the interest of public safety and encourage the appropriate development of street or highway frontage, the following shall apply:

(1) No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly to a public street or highway unless separated from the street or highway by a raised curb, barrier planting strip, wall or other effective barrier against traffic, except for necessary accessways, and each parking lot shall have not more than two accessways to any one public street or highway for each 500 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such accessway shall be more than 35 feet in width.

(2) Accessway requirements.

(a) All necessary accessways to a public street or highway shall be located not less than 150 feet from any intersection with any other street.

(b) All streets and accessways shall be designed in a manner conducive to safe exit and entrance and shall conform to the design standards for streets in Chapter 210, Subdivision and Land Development.

B. Buffer areas and landscaping.

(1) The following buffer areas shall be provided:

(a) A buffer of 100 feet shall be provided, of which at least 50 feet shall be landscaped in accordance with the provisions in Article XXI.

(2) Buffer yards shall comply with the following standards:

(a) The buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line.

(b) The buffer yard may be part of the required front, side or rear yards, and, in cases of conflict, the larger yard requirements shall apply.

(c) In all buffer yards, the exterior 50 feet width shall be planted with trees, shrubs, grasses and ground covers and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations; provided, however, if such land is naturally wooded, it may continue in its natural state.

(d) No structure, manufacturing or processing activity or storage of materials shall be permitted in the buffer yard.

(e) Suitable screen planting shall be shown on the plan and shall be installed by the developer in accordance with Article XXI.

(f) Prior to the issuance of any building permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials and the placement, size, materials and types of fences to be placed in such buffer yard shall be reviewed by the Zoning Officer.

C. Building placement.

(1) There shall be a minimum distance of 40 feet between all buildings.

D. Architectural design.

(1) All buildings shall be of compatible architectural design with one another. No prefabricated or metal buildings shall be permitted.

(2) All buildings shall be located, oriented, designed and constructed to create architectural interest; to further the amenities of light and air; and to maximize energy efficiency.

F. Environmental controls. All uses within the SU-1 District shall comply with all environmental controls of Article XXI pertaining to noise, smoke, dust, fumes, vapors and gases, heat and glare, air quality, odor, vibration, outdoor storage and waste disposal.

§ 275-111. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XX: SU-2 SPECIAL USE DISTRICT

§ 275-112. Purpose.

The purpose of this district is to expand on the permitted uses of the SU-1 and to make provisions for mobile home park development, provide for single family attached dwellings in a limited context when authorized by the Township Council as a conditional use.

§ 275-113. Use regulations.

A. Permitted principal uses. Buildings may be erected, altered or used, and land may be used or occupied, subject to the General Provisions of Articles XXI and Special Provisions of Article XXII, for any of the following uses and for no other:

(1) Any use permitted in the SU-1 District, pursuant to the provisions stated in or referred to in Article XIX.

B. Permitted accessory uses on the same lot as the principal use, subject to the General Provisions in Article XXI.

(1) Accessory uses on the same lot as the permitted principal use.

C. Conditional uses.

(1) Mobile home parks.

(2) Billboards, subject to § 275-141.

(3) Single-family attached dwellings, including duplexes, twins and townhouses in any combination, but excluding multiplex and quadruplex units.

§ 275-114. Area and bulk regulations.

A. Permitted principle uses.

(1) Minimum tract area: 10 acres.

(2) Minimum tract width at street line: 500 feet.

(3) Minimum individual lot areas: 4 acres.

(4) Minimum lot width at building line: 200 feet.

(5) Minimum lot width at street line: 150 feet.

(6) Maximum height: 40 feet.

(7) Maximum impervious surface area: 50%.

(8) Maximum building coverage: 20%.

(9) Minimum depth of each front and rear yard: 100 feet.

(10) Minimum aggregate width of side yards: 200 feet.

(11) Minimum width of each individual side yard: 100 feet.

(12) Minimum side yard abutting the street on a corner lot: 100 feet.

B. Mobile home parks.

(1) Minimum tract size: 10 acres, which shall not include any areas which are within a one-hundred-year floodplain, which have slopes in excess of 25% or which have wet soil conditions.

(2) Density. The maximum density, i.e., average number of mobile homes per acre, for a mobile home park shall be 5 1/2 mobile homes per acre. In calculating density, any part of the area of the mobile home park tract which is within a one-hundred-year floodplain, which has slopes in excess of 25%, which has wet soil conditions or which is within a road, utility or stormwater easement or right-of-way shall not be counted as part of the park's area.

(3) Open space. A mobile home park, which is designed to contain more than 20 mobile homes, shall contain the following minimum percentages of open space for use of the park residents:

Number of Mobile Homes	Minimum Percentage of Area in Open Space
20 to 49	10%
50 to 99	15%
100+	20%

(4) Utilities: All units must be served by public sewer and public water service.

(5) Maximum number of attached units in a building: Buildings containing single-family attached dwellings shall not exceed six dwelling units.

(6) Minimum distance between buildings: 35 feet.

(7) Maximum building height: 35 feet.

(8) Perimeter setback: No building shall be less than 100 feet from the perimeter property line, and no accessory structure shall be less than 50 feet from such line (except for signs and those structures associated with ingress and egress, lighting standards, stormwater management facilities, retaining walls, benches and the like) unless the proposed development abuts a perpetually preserved conservation area, park land or open space, in which case the Township Council may, upon request of the applicant, decrease the perimeter setback applicable to building and accessory structures to a minimum setback of 25 feet. Required rear yards may encroach into a perimeter setback no more than 25 feet.

C. Single-family attached dwelling units.

(1) Minimum tract area: 25 acres.

(2) Maximum gross density: four dwelling units per gross acre in the tract.

(3) Minimum lot area for a single family attached unit: 2,400 square feet.

(4) Minimum depth of rear yard: 25 feet. Detached garages and paved driveways may be located in the rear yard on lots with rear yards which abut an alley; all other accessory buildings and structures in the rear yard of lots which abut an alley must be located at least 10 feet from a property line. Notwithstanding § 275-122 of Article XXI, decks, patios and uncovered spaces on all lots may encroach into required rear yards no more than 12 feet.

(5) Utilities: All units must be served by public sewer and public water service.

(6) Maximum number of attached units in a building: Buildings containing single-family attached dwellings shall not exceed six dwelling units.

(7) Minimum distance between buildings: 35 feet.

(8) Maximum building height: 35 feet.

(9) Perimeter setback: No building shall be less than 100 feet from the perimeter property line, and no accessory structure shall be less than 50 feet from such line (except for signs and those structures associated with ingress and egress, lighting standards, stormwater management facilities, retaining walls, benches and the like) unless the proposed development abuts a perpetually preserved conservation area, park land or open space, in which case the Township Council may, upon request of the applicant, decrease the perimeter setback applicable to building and accessory structures to a minimum setback of 25 feet. Required rear yards may encroach into a perimeter setback no more than 25 feet.

§ 275-115. Special design standards for Mobile Home Parks.

A. The following design standards shall apply to mobile home parks, in addition to any other standards which are generally applicable pursuant to other provisions of this chapter and/or Chapter 210, Subdivision and Land Development:

(1) Each mobile home park shall be designed so that it contains a perimeter buffer area contiguous to the mobile home park's property boundary. The buffer area shall contain an evergreen planting strip which will screen the park from view by pedestrians at the mobile home park's property boundary. The width of the buffer area and the planting strip shall vary according to the following table based on the number of mobile homes that the park is designed for:

Number of Mobile Home In Park	Minimum Width of Perimeter Buffer	Minimum Width of Planted Area
20 to 49	150 feet	25
55 to 99	200 feet	40
100+	200 feet	50

(2) Utilities. All utilities, including telephone, electric and television lines, shall be installed underground.

(3) Parking. There shall be a minimum of two surfaced off-street parking spaces located on or contiguous to each mobile home lot. There shall be an additional improved off-street parking space for each two mobile homes for which the park is designed.

(4) No fuel storage container shall be larger than 275 gallons or, for gas, a capacity of 250 pounds or be located within 30 feet of an exit door from a mobile home.

(5) Sewer and water requirements. All mobile homes in a mobile home park must be served by both public water and public sewer.

§ 275-116. Buffer areas and landscaping.

A. The following buffer areas shall be provided:
   (1) A buffer of 100 feet shall be provided, of which at least 50 feet shall be landscaped in accordance with the provisions of Article XXI.

B. The buffer yard shall comply with the following standards:

   (1) The buffer shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line; provided, however, that parking lot aisleways (to include curbing, driveways and stormwater management system components, but not parking spaces) may be located within the buffer yard as long as the required 50 feet of landscaping area is increased by one foot for each one foot that such aisleway encroaches into the one-hundred-foot buffer area.

   (2) The buffer yard may be part of the required front, side or rear yards, and in cases of conflict, the larger yard requirements shall apply.

§ 275-117. Special design standards applicable to single-family attached units.

A. A minimum of 30% of the tract shall be designated as restricted to and used for common open space uses.

B. The common open space provisions of Article XXVI, §§ 275-182 through 275-188 shall apply to a single-family attached development in the SU-2 Special Use District.

C. The topography and natural features of the site shall be considered in planning, designing, locating, orienting and constructing all residential buildings and other structures to improve the aesthetic design of the development.

D. Residential buildings and other structures shall be located and situated to promote pedestrian and visual access to open space.

E. All utilities shall be placed and/or installed underground.

F. Refuse stations to serve recreational areas shall be designed with suitable screening, located so as to be convenient for trash removal and not offensive to nearby residential areas.

G. Notwithstanding the requirements of § 275-168 of Article XXIV, Off-Street Parking and Loading, in the SU-2 Special Use District four off-street parking spaces shall be provided for each dwelling unit and overflow parking shall be provided at 1.25 parking spaces per dwelling unit, which overflow parking shall be subject to the reserve parking provisions of § 275-175. For purposes of this section, the term "overflow parking" shall include all permitted on-street parking spaces and all parking spaces provided in segregated, off-street parking areas. Segregated overflow parking areas containing 10 or fewer spaces shall not be subject to the provisions and requirements of § 275-174, Screening and landscaping requirements, of Article XXIV. Parking on one side of the street shall be permitted.

H. The provisions and requirements of § 275-133.D(3) and (4) in Article XXI shall not apply to single-family attached dwelling units in the SU-2 Special Use District.

I. Buffer planting. A ten-foot-wide buffer planting strip shall be provided in the perimeter property line setback area as may be required by the Township Council during the conditional use hearing and shall contain landscaping in accordance with a landscaping plan approved by the Township, which shall be in lieu of the provisions and requirements of §§ 275-116 and 275-133.D(1); provided, however, that no buffer planting strip shall be required in any part of a perimeter setback which abuts perpetually preserved conservation area, park land or open space.

J. The provisions of § 275-133.D(2) shall apply to single-family attached units in the SU-2 Special Use District except that shade trees and all required landscaping may be located within the street right-of-way.

§ 275-118. General Design Standards

A. General Provisions standards, subject to Article XXI.

B. Special Provisions standards, subject to Article XXII.

C. Off-Street Parking and Loading standards, subject to Article XXIV.

D. Signage, subject to Article XXV.

E. Landscaping, subject to Article XXI.

F. Lighting, subject to Article XXI.

G. Stormwater Management, subject to Chapter 198.

ARTICLE XXI: GENERAL PROVISIONS

§ 275-119. Purpose.

The overall intent of these general provisions is to state the supplementary regulations and standards which are common to all uses in any zoning district.

§ 275-120. Applicability.

This chapter shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of such corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. For the purposes of this section and chapter, a "public utility" shall be defined and limited as provided under the terms of the Pennsylvania Utility Code.

§ 275-121. Use requirements and restrictions.

A. General restrictions on use. No building may be erected, altered or used, and no lot or premises may be used for any trade, industry or business that is hazardous to the public whether by fire, explosion or otherwise. In determining whether a proposed use is hazardous, each such use shall be analyzed according to the environmental controls of this article.

B. No internal combustion engine shall be used unless objectionable noise and vibration are eliminated and safe disposition is made of exhaust gases.

C. No more than one permitted principal use shall be permitted on a lot, except in the following cases:

   (1) Development in the SU, Special Use Districts.

   (2) Multiple tenant occupancy as related to the C-1, C-2, and C-3 Districts for uses involving shopping centers.

D. Unless otherwise exempted by other provisions of the Township Code, no activities which require the moving of earth or the filling or excavation of an area shall occur without a permit issued by the Township, pursuant to Chapter 186 of the Township Code. Finish grading or incidental grading of a lot and minor earth moving from one place to another on a lot for such activities as landscaping or pond maintenance may not require such a permit. The deposit and storage of soils, detritus or other debris shall be done in a way which is not unsightly or detrimental to surrounding properties, streets, sewers and natural watercourses.

E. It shall be unlawful for any person, persons or business entity of any type, or their principals, officers, agents, and employees, to engage in earthmoving, drilling, grading or any type of excavation work, including, but not limited to, any activities that require a permit pursuant to § 275-121.D, within a right-of-way occupied by a natural gas liquids pipeline that is within 1/4 mile of the property line of any school in the Township during the hours of 7:00 a.m. to 6:00 p.m. while the school is in session.

F. Any person, persons or business entity found guilty of violating any of the foregoing provisions shall

be subject to a fine of $500 per day per violation, upon conviction before a Magisterial District Judge. Should any act of assembly permit a fine in an amount greater than $500, the greater of that amount or $500 shall be permissible.

§ 275-122. Lot and yard requirements.

A. Minimum lot size and setbacks. No lot area shall be so reduced that the area of the lot or the dimensions of the setbacks creating the various yard areas shall be made smaller than herein prescribed. Further, each principal use shall have its own separate lot area which cannot be counted as the lot areas for any other principal use. No chimney, tower, antenna or tank shall be located closer to a lot line than the height of the tower, chimney, antenna or tank.

B. Special exceptions for lot width. In the case of a lot held in bona fide single and separate ownership at the effective date of this chapter which does not fulfill the requirements for minimum width for the district in which it is located, a building may be erected or altered thereon, provided that all other yard and setback requirements of the district are observed.

C. Lot width at the street line. Every principal permitted building shall be built upon a lot with frontage upon a public or private street which is improved to meet Township standards or for which such improvements are required by a subdivision or land development plan, except as provided below.

D. The following regulations shall apply to existing interior lots:

(1) For one or two existing interior lots, a common driveway may be provided subject to compliance with the following requirements:

(a) A private driveway providing public street access to one or two existing interior lots shall have a recorded easement right-of-way of 50 feet in width and a paved cartway of not less than 16 feet in width. The paved cartway shall have a minimum setback of 50 feet from any existing dwelling. The fifty-foot-wide easement shall be unobstructed by any building.

(b) A private driveway providing access to a public street for the one or two existing interior lots may also provide access for one lot which must have a minimum lot width at the street line as specified for the residence zoning district in which the lot is located.

(c) In order to protect the public health, safety and general welfare of persons residing in dwellings on lots adjacent to a private driveway providing public street access to an existing interior lot or lots, buffer planting strips shall be provided within the easement area at appropriate locations to prevent the headlights of motor vehicles using the private driveway from shining directly on any dwelling or dwellings on any adjacent lots or lots. The buffer planting area shall be in accordance with Section 275-132.

(d) If an existing interior lot exceeds the lot area required for the residence zoning district in which the lot is located, the existing interior lot may not be further subdivided to create any additional interior lots, and the owner of the existing interior lot shall record a restriction against further subdivision of the existing interior lot.

E. The following regulations shall apply to flag lots and interior lots:

(1) Flag lots and interior lots shall be permitted only within the R-1 and R-1A Residential Districts and shall be subject to all regulations of this section and the applicable district regulations.

(2) Flag lots and interior lots shall be permitted within a subdivision when no other reasonable alternative can be achieved.

(3) Subdivisions of less than 5 acres. A Parent Tract containing less than 5 acres may be subdivided to contain one flag lot or one interior lot provided that:

(a) Access for interior lots.

[1] A private driveway providing public street access to the interior lot shall have a recorded easement right-of-way of 25 feet in width and a paved cartway of not less than 12 feet in width.

[2] The private driveway may also provide access for one additional lot which fronts completely on the street.

[3] The paved cartway shall have a minimum setback of 25 feet from any existing dwelling and be a minimum of four feet from a property line. The twenty-five-foot-wide easement shall be unobstructed by any building or structure.

(b) Access for flag lots.

[1] The access strip serving any flag lot shall have a minimum width of 50 feet at the street line and shall not exceed 300 feet in length, as measured from the street right-of-way to the flag front line.

[2] The flag lot access strip shall be excluded from the required minimum lot area (net lot area) calculation imposed by the district regulations.

[3] The private driveway providing access to a public street for one flag lot may also share a driveway with any lot which fronts completely on the street. The recorded easement shall not be less than 25 feet in width and a paved cartway of not less than 12 feet in width. The paved cartway shall have a minimum setback of 25 feet from any existing dwelling and be a minimum of four feet from a property line. The twenty-five-foot-wide easement shall be unobstructed by any building or structure.

(4) Subdivisions of five (5) acres or more. A Parent Tract containing 5 acres or more may be subdivided to contain no more than two interior lots, or one flag lot and one interior lot, provided that:

(a) Access for interior lots.

[1] A private driveway providing public street access to the interior lots shall have a recorded easement right-of-way of 50 feet in width and a paved cartway of not less than 16 feet in width.

[2] The private driveway may also provide access for one additional lot which fronts completely on the street.

[3] The paved cartway shall have a minimum setback of 50 feet from any existing dwelling and be a minimum of four feet from a property line. The fifty-foot-wide easement shall be unobstructed by any building or structure.

(b) Access for flag lots.

[1] The access strip serving any flag lot shall have a minimum width of 50 feet at the street line and shall not exceed 300 feet in length, as measured from the street right-of-way to the flag front line.

[2] The flag lot access strip shall be excluded from the required minimum lot area (net lot area) calculation imposed by the district regulations.

[3] The private driveway providing access to a public street for one flag lot may also share a driveway with any lot which fronts completely on the street. The recorded easement shall not be less than 25 feet in width and a paved cartway of not less than 16 feet in width. The paved cartway shall have a minimum setback of 25 feet from any existing dwelling and be a minimum of four feet from a property line. The twenty-five-foot-wide easement shall be unobstructed by any building or structure.

(5) In order to protect the public health, safety and general welfare of persons residing in dwellings on lots adjacent to a private driveway providing public street access to an interior lot or lots, buffer planting strips shall be provided within the easement area at appropriate locations to prevent the headlights of motor vehicles using the private driveway from shining directly on any dwelling or dwellings on any adjacent lots or lots. The buffer planting area shall be in accordance with §275-132 of Article XXI.

(6) If a subdivision of a parent tract results in the creation of more interior lots than are permitted per Section 275-122-E(3) and Section 275-122-E(4), the access easement to the interior lot shall be 50 feet in width and must have a paved cartway which is constructed in accordance with the design standards for streets as set forth in the Township Subdivision and Land Development Ordinance. The paved cartway shall have a minimum setback of 25 feet from any existing dwelling and be a minimum of four feet from a property line. The fifty-foot- wide easement shall be unobstructed by any building or structure. All interior lots created must have the minimum required frontage on the paved cartway of the street providing access.

F. Front and side yards of corner lots. Corner lots shall be provided for equal setbacks on both streets.

G. Front yard regulations. No building, accessory building, structure or accessory structure shall be located or constructed within the front yard except for the following structures, unless any such structures are specifically prohibited within required buffer areas or buffer planting strips: landscaping features such as walkways, benches, fences and retaining walls; lighting; signs; off-street parking; access drives and points of ingress/egress; and aboveground utility structures approved by Township Council.

H. Side and rear yard regulations.

(1) Where a minimum width of side yard is required, no building, accessory building, structure or accessory structure shall be erected within the minimum side yard area, except as provided in Subsections I and/or J, § 275-122 below.

(2) All residential reverse frontage lots shall have a rear yard with a minimum of 75 feet and, within such rear yard and immediately adjacent to the street line of the major road, shall have a landscaped buffer consisting of hedges, walls, trees or earthen berms arranged so as to create a continuous visual barrier in accordance with § 275-132 of this chapter.

I. Projections or encroachments into required yards. Except as provided in Subsections G, H, J, §275-122, no building, accessory building, structure or accessory structure or part thereof shall be erected within, or shall project into, any required yard except for patios, decks or other uncovered spaces, unenclosed fire escapes, unenclosed steps and Class A and Class C accessory buildings or accessory structures as provided in § 275-122. However, except for fences and approved driveways and except as otherwise provided in this chapter, all Class A or Class C accessory buildings or accessory structures must be located at least 10 feet from a property line.

J. Projections or encroachments into required yards in residence districts. Buildings, accessory buildings, structures or accessory structures located in residence districts may be constructed or altered so that the following projections or encroachments are made into the required yard:

(1) Cornices, eaves, gutters or chimneys may not project more than 18 inches into any front, side or rear yard.

(2) Steps, balconies and bay windows not extending through more than one story may project no more than five feet into any front, side or rear yard.

(3) Unless otherwise specified in this chapter, Class A accessory buildings or accessory structures may be located, erected or maintained in a side yard that does not abut the street or in a rear yard, provided that in no case shall such Class A accessory buildings or accessory structures be located less than ten feet from the rearmost portion of the main building on the lot, and no less than 10 feet from any lot line in the R-1A, R-1, and R-2 Districts, or five feet in the R-3 and R-4 Districts, unless a closer distance is authorized by the Zoning Hearing Board as a special exception; except for: fences, landscaping, and approved driveways.

(4) Unless otherwise specified in this chapter, Class C accessory structures may be located, erected or maintained in a side yard that does not abut the street or in a rear yard, provided that in no case shall such Class C accessory structures be any closer than 10 feet to any lot line, except for: fences, landscaping, and approved driveways.

(5) Unless this chapter expressly provides otherwise, no accessory building or accessory structure may be located in a required front yard or required side yard which abuts a street except for permitted signs, fences and/or structures associated with ingress and egress and structures required by the Township for stormwater management, provided that they are no closer to the street than 15 feet from the street line.

(6) No Class B accessory building or accessory structure may be located, erected or maintained in any front yard, side yard or rear yard.

(7) Anything herein to the contrary notwithstanding, sports courts, swimming pools and similar accessory uses, accessory buildings or accessory structures may extend into the required side and rear yards only when authorized by the Zoning Hearing Board as a special exception.

K. Lot area for Township easements on private property for stormwater facilities. In the case where an easement is granted to the Township on private property for a stormwater facility (basin or like structure constructed as a BMP to store water) for use in part as a Township facility, that portion of the private property on which the basin easement is located shall not be deducted from the lot area.

§ 275-123. Height limitations of fences and walls.

No fence or wall (except a retaining wall or wall of a building permitted under the terms of this chapter) over six (6) feet in height shall be erected within any of the required open yard areas, provided that a portion of the fence or wall may exceed six feet in height if such portion contains openings therein equal to 50% or more of the area of said portion of the fence or wall and further provided that any fence or wall is in accordance with § 275-127.

§ 275-124. Exceptions to height regulations for buildings and structures.

The Township Council shall determine that the height regulations prescribed within this chapter may be exempted for spires, steeples, belfries, cupolas or domes not used for human occupancy or for chimneys, ventilating fans, air-conditioning equipment, roof structures for the housing of elevators and/or stairways, fire or parapet walls, skylights, flagpoles, water tanks, utility poles or towers, windmills, silos, smokestacks and ornamental or other necessary mechanical appurtenances. The height regulations for communication antennas and communications towers shall be as set forth in § 275-145 and § 275-146.

§ 275-125. Corner vision obstruction.

On any lot, no wall, fence, berm or other structure shall be erected or maintained and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street by obscuring the view. No obstruction shall be placed or maintained within the clear sight triangle as defined by the design standards and required improvements for streets set forth in Chapter 210, Subdivision and Land Development.

§ 275-126. Underground electric and telephone wiring.

Electric, telephone and cable television wiring shall be placed underground for every structure, dwelling or other use in all residential districts and in the Outdoor Recreation District, unless approved otherwise by Township Council.

§ 275-127. Accessory uses and accessory buildings or accessory structures.

Accessory uses and accessory buildings or accessory structures may include but not necessarily be limited to the following:

A. Uses, buildings and structures accessory to agriculture.

(1) The sale of farm products produced on the property, provided that no roadside stands used for such sale shall remain on the property during seasons when products are not sold and that adequate parking and provisions for safe ingress and egress be provided.

(2) Signs for the sale of farm products shall be in accordance with Article XXV.

B. Uses, buildings and structures accessory to dwellings.

(1) Detached private garage, private parking area, private stable on lot of not less than one acre, private noncommercial barn, shed, shelter for pets, swimming pools in accordance with this section, bath house and private noncommercial greenhouse.

(2) Quarters for guests and staff, when authorized as a special exception.

(3) Pole, mast, tower or other structure for amateur radio operations, subject to the determination made by the Township Council as defined in Article XXII.

(4) Swimming pools. Swimming pools permitted as an accessory use to a principal residential use shall comply with the following conditions and requirements:

(a) The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal permitted use of the property on which it is located, and their guests, and may not be operated commercially.

(b) Swimming pools designated to contain more than 24 inches of water shall be erected in conformity with the following:

[1] A permit shall be required to locate, construct or maintain a swimming pool as a residential accessory use.

[2] Swimming pools may be in the rear or side yard setback area only when authorized as a special exception and shall not be in the front yard. In no case shall such pool be located under any electrical lines or over any utility lines (including sewer and water lines).

[3] Every in-ground swimming pool shall be entirely enclosed with a good-quality chain link, wooden or other equivalent fence of not less than four feet in height, equipped with a locking gate. Such fence shall be placed either near or adjacent to the pool or at such other place on the owner's premises as to constitute an adequate barrier against entrance onto the owner's land or into said pool.

[4] If the water for such pool is supplied from a private well, there shall be no cross-connection with a public water supply system.

[5] If the water for such pool is supplied from a public water supply system, the inlet shall be above the overflow level of said pool.

[6] No permit shall be granted for the installation or construction of any in-ground pool, permanent pool or portable pool having a capacity of 15,000 gallons or more, unless the Township Engineer has certified that the drainage of such pool is adequate and will not interfere with the water supply system, existing sanitary facilities or public streets.

(5) Sport courts. A court may be located in a rear or side yard setback area only when authorized by a special exception and shall not be located in a front yard. Court fences may be constructed but shall not exceed 10 feet in height.

(6) Home Based Businesses. The Zoning Officer shall determine whether a proposed home-based

business is classified as a no-impact home-based business, a home occupation, a home professional office, or does not qualify as a home-based business. The applicant shall be responsible for supplying such information as deemed necessary by the Township to make this determination. Applicants for home occupations shall be required to obtain a permit per this Section.

(a) No-Impact Home- Based Business.

Such use shall be permitted as an accessory use by right in any residential districts and shall require Applicants to obtain a permit annually. Per Act 247, in order to qualify as a no-impact homebased business, the following criteria shall be met:

[1] The use is carried on only by family members residing in the dwelling and shall employ no other persons;

[2] The use is compatible with the residential use of the property and surrounding residential uses.

[3] There is no exterior indication of a business use, including signs or advertising beyond that permitted for residential uses in Article XXV as well as that permitted for residential parking and lighting;

[4] There is no display or sale of retail goods and no stockpiling or inventory of a substantial nature;

[5] The use does not involve 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.

[6] The use does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

[7] The use is conducted only within the dwelling and does not exceed twenty-five percent (25%) of the habitable floor area.

[8] The use does not involve any customer, client, or patient visits to the dwelling, whether pedestrian or vehicular;

[9] Commercial delivery and pickup of goods and supplies or removal functions are not in excess of postal and parcel service normally associated with a residential use;

[10] The use does not involve any illegal activity.

(b) Home occupations. A home occupation shall be permitted as a conditional use in any residential district provided that the following criteria are met:

[1] A home occupation shall be permitted, provided that the principal person engaged in the home occupation is a resident of the dwelling unit. Such home occupation shall be incidental or secondary to the use of the property as a residence and is limited to those occupations listed below.

[2] Occupations which may be authorized as an accessory use include the following occupations: manufacturer's representative, dressmaker, milliner, music teacher, teacher, artist or like occupation which is lawfully conducted for pecuniary gain by a resident within the dwelling unit.

[3] Off-street parking spaces in accordance with Article XXIV shall be screened from the view of surrounding residential homes by landscaping approved by the Township.

[4] No individuals shall be employed on the premises by the operator of a home occupation.

[5] The area of dwelling used for the home occupation shall be no more than 25% of the total usable floor area of the dwelling unit.

[6] No manufacturing, repairing or other mechanical work, performed in connection with such home occupation, shall be performed in any open and/or outdoor area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.

[7] No storage of materials or products shall be permitted in open and/or outdoor areas.

[8] No external alterations shall be permitted to the dwelling unit except those customarily conducted for residential buildings.

[9] Signs or outside advertisement may be permitted only in accordance with the provisions of Article XXV.

[10] The operation of any home occupation involving the physical presence of customers, clients or other business visitors shall be limited to 7:00 a.m. to 9:00 p.m.

[11] Prohibited home occupations: A home occupation shall not be interpreted to include such facilities as: a barber shop, beauty shop or hair stylist; spa or Massage therapy establishment, fitness studio, tea room, tourist home, funeral home, convalescent home, daycare, dog daycare, kennel or similar use of a commercial nature.

(c) Home professional offices. A home professional office shall be permitted as a conditional use in any residential district provided that they meet the following criteria:

[1] A home professional office may be permitted if the principal person using the office is the resident of the dwelling unit. Such office shall be incidental or secondary to the principal use of the property as a residence.

[2] Professions for which an accessory use office may be operated in a residentially zoned dwelling may include a physician, attorney, dentist, accountant, architect, professional engineer, or similar profession who customarily has an office in the home. A professional office shall not be interpreted to include a real estate office or other commercial office, shop or use such as a barber shop, beauty shop, hair stylist or a funeral home, or any of the uses prohibited as a home occupation.

[3] Off-street parking spaces, in accordance with Article XXXIV, are required when a professional office is operated as an accessory use in a dwelling. Such parking shall be screened from the view of surrounding dwellings with landscaping approved by the Township.

[4] In addition to the owner-occupant, or more than one, or the equivalent of one, full-time employee shall be employed at a professional office operated as an accessory use in a dwelling.

[5] The area used for a home professional office shall occupy no more than 25% of the total usable floor area of the dwelling unit.

[6] No manufacturing, repairing or other mechanical work performed in connection with such home professional office shall be performed in any open and/or outdoor area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.

[7] No storage of materials or products shall be permitted in open and/or outdoor areas.

[8] No external alterations shall be permitted to the dwelling unit which are not consistent with the principal residential character and design.

[9] No products shall be sold on the premises.

[10] Signs or outside advertisement may be permitted only in accordance with the provisions of Article XXXV.

[11] The operation of any home occupation involving the physical presence of customers, clients or other business visitors shall be limited to 7:00 a.m. to 9:00 p.m.

(7) In-Law Suites. In-law suites shall only be permitted by-right in the R-1A, R-1 and R-2 Zoning Districts and are subject to the following standards and regulations:

(a) In-law suites may be created for personal, non-commercial use and shall be restricted for the occupancy and/or care of a relative.

(b) An in-law suite may be occupied by a maximum of two occupants.

(c) The in-law suite shall comply with the Township Building Code in effect at the time of building permit application.

(d) The in-law suite must be contained within the primary structure and cannot be in a detached accessory structure; The in-law suite shall be an integral part of the primary residence, with an interior connection that shares a common space in the dwelling (i.e. mudroom), such that upon the termination of its use as an in-law suite, the rooms may incorporated back into the original single-family residence.

(e) The floor area of the in-law suite shall not exceed 35% of the combined floor area of the principal dwelling plus the in-law suite.

(f) The principal dwelling must retain its appearance as a single-family dwelling.

(g) All utilities shall be shared, including, but not exclusive to, gas, electric, heat, water service and sewer service.

(h) A use and occupancy and zoning permit shall be required prior to the occupancy of an in-law suite.

(i) The Zoning Officer shall require the property owner(s) to execute an affidavit which shall be recorded, at the owner's expense, with the Office of the Delaware County Recorder of Deeds. The affidavit shall specify the restrictions of an in-law suite and shall prohibit the property owner(s) and future property owner(s) from renting the in-law suite as an apartment to nonrelatives.

(j) Denial, suspension or revocation of use and occupancy permit. The Township shall deny a use and occupancy permit if the owner(s) has not demonstrated compliance with all of the provisions and standards of this section. Any such use and occupancy permit issued may be suspended or revoked by the Township where the Township finds that the owner(s) failed to comply with any of the provisions or standards of this section or with the provisions of any other applicable ordinance or law.

(8) Solar Energy Systems. Solar energy systems shall be permitted as an accessory use requiring a Zoning permit, subject to the provisions set forth herein. A system is considered an accessory solar energy system only if it supplies electrical power primarily for on-site use of principal or accessory uses permitted on the subject property and subject to the following:

(a) Design. The design and installation of an accessory solar energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with Chapter 45, Building Construction Code, the National Electric Code and all other applicable fire and life safety requirements.

(b) Glare. Accessory solar energy systems shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created.

(c) Solar Access Easements. An accessory solar energy system shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Delaware County Recorder of Deeds.

(d) Roof-Mounted Systems.

[1] Under no circumstance shall the solar energy system extend beyond the edge of the roof.

[2] Notwithstanding otherwise applicable height limitations, a roof-mounted solar energy system may exceed the height of the ridgeline of any sloping roof upon which it is mounted by no more than one (1) foot, where the pitch of the roof exceeds a ratio of one

to three (1:3).

[3] Regardless of other applicable height limitations, a roof-mounted solar energy system on a flat roof, or where the pitch of the roof is less than a ratio of one to three (1:3), may exceed the height of the roof at its highest point by no more than four (4) feet.

[4] All roof-mounted systems shall have/accommodate safe access for fire service and maintenance, as deemed appropriate by the Building Code Official and/or Fire Marshal.

[5] Structural Integrity. For any roof-mounted solar energy system, the applicant shall demonstrate to the satisfaction of the Building Code Official, by credible evidence that the structural integrity of the structure is such that it can adequately support the roof mounted system being considered.

(e) Ground-Mounted (Freestanding) Systems

[1] All ground-mounted accessory solar energy systems shall only be permitted behind the principal structure and shall not exceed a total of five hundred (500) square feet cumulatively.

[2] Impervious Coverage. For the purposes of this Section, all "at grade" or "above grade" features and facilities relating to ground-mounted accessory solar energy systems, including mechanical equipment, shall be considered pervious surface.

[3] Building coverage. The area of a ground-mounted solar energy system shall be calculated as building coverage and shall not exceed the building coverage of the underlying zoning district. The area of a ground-mounted solar energy system is the dimension of the footprint of the cumulative solar panel(s). Where two (2) or more panels are grouped together, the dimensions (length and/or width) shall be the cumulative dimension of the panels.

[4] Ground-mounted solar energy systems shall not exceed fifteen (15) feet in height and shall meet the area bulk requirements of the district they are in.

[5] Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the installation shall be locked to prevent unauthorized access or entry.

[6] Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way or be placed within any stormwater management infiltration or conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater management system.

[7] If a ground-mounted solar energy system is removed, any earth disturbance due to the removal shall be graded and reseeded to the satisfaction of the Township.

(f) Abandonment or Disrepair. If the solar energy system is abandoned or enters a state of disrepair, the property owner shall be responsible to remove or properly maintain the solar energy system within six (6) months from the date the system enters such a state or

immediately in any case determined to be a safety hazard by the Township or other regulatory authority.

§ 275-128. Conversion into two-family or multiple-family dwellings.

The Township Council may permit, as a conditional use, the conversion of a building in any residence district to a dwelling for more than one family, provided that:

A. The plans for the conversion of said dwelling shall be submitted to the Township Council.

B. Such plans shall provide adequate and suitable parking in accordance with Article XXIV.

C. In order to qualify for conversion, the building must be located on a lot with an area not less than the product of the minimum single-family lot area of the district multiplied by the number of dwelling units to which such building is to be converted.

D. There shall be no external alteration of the building, except as may be necessary for reasons of safety, that will disrupt the residential character of the surrounding area. Fire escapes and outside stairways shall, where practicable, be located in the rear of the building.

§ 275-129. Nonconformities.

A. Continuation. All structures, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this chapter shall be regarded as nonconforming, and the following regulations shall apply to them.

B. Alteration or extension.

(1) Nonconforming structures. Nonconforming structures may be altered or enlarged, provided that such alteration or enlargement does not, on the effective date of this chapter, increase the extent of the nonconformity of the overall structure more than 10%, except patios, decks and screened and open porches. These excepted extensions of the nonconforming structure shall not protrude any further into the setbacks but can align with the structure the extent to which it is already nonconforming. In the case of a nonconforming structure which is used by a nonconforming use, such alteration or enlargement shall also meet the requirements of Subsection G below.

(2) Nonconforming lots. A lot which contains no structures and which is held in single and separate ownership on the effective date of this chapter, or subsequent amendments, or rendered nonconforming by this chapter, which does not meet the minimum lot area requirement or lot width requirement at the building line of the zoning district in which it is located, or which is of such unusual dimensions that the owner cannot reasonably comply with one or more of the other dimensional requirements of the zoning district in which it is located, may be used or a structure may be erected thereon for use as limited by the use regulations of the zoning district in which the lot is located, subject to the following conditions:

(a) The owner does not own or control contiguous property sufficient to enable the owner to comply with the minimum lot area, width, building coverage, yard and height regulations and design standards of the zoning district in which the property is located. For purposes of this regulation, a nonconforming lot under common ownership with a contiguous conforming or nonconforming lot which, when combined, would create a lot of

conforming size or which would be consolidated to minimize the nonconformity, shall be required to be combined and considered one lot.

(b) The proposed structure or use shall comply with the design standards and the width, building coverage, yard and height regulations, except minimum lot size and lot width at the building line, of the zoning district in which the lot is located. Otherwise, the lot shall not be used or a structure erected unless a variance is granted by the Zoning Hearing Board

(3) Nonconforming uses. Nonconforming uses shall not be altered or enlarged, except in accordance with the following provisions:

(a) Such alteration or enlargement shall be permitted only by conditional use under the provisions of Article XXVII, Administration.

(b) Such alteration or enlargement shall be upon only the same lot as was in existence on the date the use became nonconforming.

(c) Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than 10% of said volume of floor area during the life of the nonconformity.

C. Restoration. A nonconforming building or any building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon or legally condemned may be reconstructed and used for the same nonconforming use, provided that the permitting for the reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned, and shall be carried on without interruption, or else the nonconforming building or use shall be deemed to be abandoned.

D. Ownership. Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner, provided that there is no enlargement or change in the nonconformity.

E. Abandonment. If a nonconforming use of a building or land is abandoned for 12 consecutive months, whereby the owner discontinues the use with the intention neither of transferring rights of the property to another owner nor of resuming the use of the property, the subsequent use of such building or land shall conform to the regulations of the district in which it is located, unless another nonconforming use is approved by the Township Council in accordance with Subsection F and that such approved use be initiated within 30 days after the end of the twelve-month period.

F. Changes. 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 equally restrictive or more restrictive nonconforming use only if permitted as a conditional use by the Township Council and subject to the following conditions:

(1) The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.

(2) The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use with regard to:

(a) Traffic generation and congestion.

(b) Noise, smoke, dust, fumes, vapors, gases heat, odor, glare or vibration.

(c) Outdoor storage.

(d) Sanitary sewage disposal.

(3) In the case of an application for a conditional use to alter or enlarge a nonconforming use or to change a nonconforming use to another nonconforming use, the applicant shall be responsible for establishing to the satisfaction of the Township Council that the proposed expansion or change in use will not cause an increased detrimental effect on surrounding properties or the neighborhood in which it is located. In making its decision on the relative detriment, the Township Council shall also take into consideration the standards included in Article XXVII, Administration. Any alteration or enlargement authorized by the Township Council shall represent the minimum modification that will afford the relief required.

G. District changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses of structures existing in the district to which the area was transferred.

§ 275-130. Environmental controls.

A. No building may be erected, altered or used and no lot or premises may be used for any trade, industry, business or other activity that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination, noise, toxic chemicals or other disturbance which constitutes a public hazard, whether by fire, explosion or otherwise. In determining whether a proposed use is or may become noxious, hazardous or offensive, each such use shall comply with the performance standards below; and no internal combustion engine shall be used unless objectionable noise and vibration are eliminated and proper disposition is made of exhaust gases.

B. It is the intent of these regulations to prevent land or buildings, including those permitted by right, conditional use or special exception, from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition such as fire, explosion or other hazards; noise or vibration; glare or heat; condition conducive to the breeding of rodents or insects; or other substance, adversely affecting the surrounding area. All uses shall operate in conformance with the environmental controls set forth herein and relevant statutes, codes, rules and other regulations of the United States Government, the Commonwealth of Pennsylvania, Delaware County and governmental, quasi-governmental and governmentally regulated bodies, companies and authority entities. The most stringent regulation applicable shall be used.

C. All plans for proposed development in the Township shall illustrate, depict, note or otherwise demonstrate compliance with this section and in accordance with the requirements of Chapter 210, Subdivision and Land Development.

D. Noise Controls. Refer to Chapter 155, Noise.

E. Smoke. No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any thirty-minute period.

F. Dust, fumes, vapors and gases.

(1) The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, animals or vegetation, or to other forms of property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission in herewith prohibited.

(2) Except as otherwise designated below under specific contaminants in Subsection F(3) of this section, no emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustions, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in the stack at full load.

(3) Specific contaminants. The Ambient Air Quality Standards for the Commonwealth of Pennsylvania shall apply to the release or airborne toxic materials across lot lines. Specific contaminant standards are as follows:

(a) Fugitive emissions. As required by Sections 123.1 and 123.2, Chapter 123, Article III, Sub-Part C, Part I, Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as revised 27 January 1972, or as may be revised in the future.

(b) Particulate Matter Emissions. As required by Sections 123.11, 123.12, and 123.13, Chapter 123, Article III, Sub-Part C, Part I, Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as revised 27 January 1972, or as may be revised in the future.

(c) Sulfur compound emissions. As required by Sections 123.21, 123.22, and 123.23, Chapter 123, Article III, Sub-Part C, Part I, Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as revised 27 January 1972, or as may be revised in the future.

(d) Where there are, in addition to the above regulations, relevant air pollution regulations of the United States Government or of the Commonwealth of Pennsylvania, the most stringent regulation applicable shall be used.

G. Heat and glare. No use shall produce heat perceptible beyond its lot lines. The specific Rules and Regulations of the Pennsylvania Department of Environmental Protection with respect to heat and glare shall apply.

H. Odor. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the most restrictive provisions of Table III (odor thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C., as revised.

I. Vibrations. No use shall cause earth vibrations or concussions detectable beyond its lot lines without aid of instruments with the exception of that vibration produced as a result of construction activity and quarry mining.

J. Storage and waste disposal.

(1) All storage of flammable materials shall comply with the provisions of the Middletown

Township Fire Code.

(2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

(3) All materials or wastes which might cause fumes 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 if enclosed in containers which are adequate to eliminate such hazards or any leaching to substratum.

K. Soil erosion, sedimentation and grading control.

(1) No construction or development activity shall occur unless in strict compliance with Chapter 210, Subdivision and Land Development, and all other Code provisions, as applicable. Such reference is made to call particular attention to the controls which shall be exercised when clearing trees and other vegetation or otherwise changing or altering the landform.

L. Slope controls. Refer to Article XXIII, Natural Resource Standards.

M. Traffic control. Refer to Chapter 235 Vehicles and Traffic.

§ 275-131. Environmental impact assessment report.

A. An environmental impact assessment (EIA) report shall be submitted with the following types of applications or plans in order to more effectively evaluate subdivision, land development or other building and construction proposals:

(1) Applications for tentative and final plan approval for planned residential developments.

(2) Applications for preliminary plan approval for any industrial, commercial or institutional subdivision and/or land development, and expansions or additions exceeding 15% of the gross square footage of a building or buildings.

(3) Preliminary plans for any proposed subdivision of land for residential purposes consisting of 10 or more dwellings.

(4) Petition for Zoning Ordinance Amendment and Zoning Map Amendment.

(5) Applications or plans for other uses which Township Council finds potentially to have significant environmental consequences or effects.

(6) For the purposes of this section, a community center shall not constitute an industrial, commercial or institutional use.

B. The EIA report shall disclose the environmental consequences or effects of proposed projects and the actions proposed to avoid, remedy and/or mitigate adverse impacts. The EIA report shall contain text, maps and analysis in accordance with Subsection C below. The EIA report may be cross-referenced to plans prepared for a subdivision or land development and may utilize such plans to fulfill some of the required plan data requested below.

C. A copy of the EIA report and one digital copy shall be submitted in accordance with the format and content specified below. Within the EIA report, specific emphasis shall be directed toward the

proposed project's effects on the relationship to applicable site, neighborhood (including areas in adjacent townships, 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) An identification of the site location and area by use of a location map, drawn at a scale of not more than 2,000 feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within 1,000 feet of any part of the property. In the case of development of a section of the entire tract, the location map shall also show the relationship of the section to the entire tract.

(2) An identification of site character and appearance through the presentation of black-and-white photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from the ground. Photographs shall be properly identified or captioned and shall be keyed into a map of the site.

(3) An identification of the nature of the proposal through the presentation of the following:

(a) A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures and other impervious surfaces. The plan shall be drawn at a scale of not more than 100 feet to the inch and may be either incorporated into the EIA report or submitted as an attachment to the report. The plan shall reflect all the information required under the plan requirements section of Chapter 210, Subdivision and Land Development; however, existing and proposed contours shall be depicted at vertical intervals of two feet or less.

(b) Floor plans and elevations depicting the proposed size, square footage, height, number of rooms or bedrooms (where applicable), of buildings and/or other structures.

(c) A statement indicating the existing and proposed ownership of the tract and, where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.

(d) A statement indicating the proposed staging or phasing of the project, where applicable, and a map depicting the boundaries of each stage or phase of the project. It is suggested that such boundaries be superimposed on a version of the site development plan.

(4) An identification of physical resources associated with the natural environment of the tract including such features as topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative and quantitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not more than 100 feet to the inch as specified below and either may be incorporated into the EIA report or submitted as attachment to the report.

(a) A map depicting the topographical characteristics of the site. Such map shall contain contours with at least two-foot intervals and shall depict slopes from 0% to 8%, 8% to 15%, 15% to 25% and greater than 25%.

(b) A map depicting the soil characteristics of the site. Such map shall depict all soil types and

shall include a table identifying soil characteristics pertinent to the proposed development such as depth to bedrock, depth to water table, flood hazard potential and, where applicable, limitations for septic tank filter fields.

(c) A map depicting the hydrological characteristics of the site. Such map shall depict surface water resources, their drainage characteristics, watersheds and floodplains and groundwater resources. Surface water resources include features such as creeks, runs and other streams, ponds, other natural bodies of water, springs, wetlands and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.

(5) An identification of biological resources associated with the natural environment of the site including such features as vegetation. 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 more 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 vegetation characteristics of the site. Such map shall define the locations and boundaries of the wooded areas of the tract and shall note the types of vegetation associations which exist in terms of their species, types and size. In addition, all trees 12 inches or greater in caliper shall be accurately located on the map.

(6) An identification of the land use conditions and characteristics associated with the site such as current and past use, land cover and physical encumbrances and the relationship of these to adjacent sites. The identification of land use condition and characteristics shall include a narrative description of the above. In addition, the following maps, drawn at a scale of not more than 100 feet to the inch, unless otherwise noted, shall be incorporated into the EIA report or submitted as attachments to it.

(a) A map depicting the land cover characteristics of the site. Such map shall define existing features including, where applicable: paved or other impervious surfaces, wooden areas, cultivated areas, pasture, old fields, lawns and ornamentally landscaped areas and the like.

(b) A map depicting any physical encumbrances to the subject property. Such map shall define, where applicable, easements and areas where certain use privileges exist.

(c) A map depicting the land uses adjacent to the proposed tract. Such map may be at the same scale as the location map, i.e., one inch equals 2,000 feet.

(7) An identification of the historic resources associated with the site such as areas, structures and/ or roads and trails which are significant. Areas, structures and/or routes included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places and the Historic American Building Survey and those depicted on the Township's Historic Sites Map shall be identified. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale of not more than 100 feet to the inch depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.

(8) An identification of the visual resources associated with the site 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 more than 100 feet to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.

(9) An identification of the community facility needs associated with the users and/or residents of the proposed project. The community facility needs assessment shall indicate in narrative form the types of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals and other health care facilities, fire protection, police protection, ambulance and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the site and the need for additional or expanded community facilities.

(10) An identification of the utility needs associated with the users and/or residents of the proposed project. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Where applicable, utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of future users and/or residents of the lots and/or tract; the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water wherever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal wherever such a system is proposed; and the ability to achieve an adequate system for storm drainage and stormwater management.

(11) An identification of the relationship of the transportation and circulation system needs of the proposed project to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the site 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 peak hour and nonpeak hour conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed project to remedy any physical deficiencies. The analysis and evaluation of traffic shall be conducted in accordance with the following:

(a) No activity shall occur which would adversely affect traffic flow and/or present traffic controls within the Township by creating a level of service below that which is specified in this subsection.

(b) To minimize potential adverse conditions, the level of service for traffic along any portion of a road which leads to the points of ingress and egress of a tract or other proposed property shall be a level of service "C" or better. The term "level of service" and the categories thereof are used herein in accordance with the definitions or meanings ascribed thereto in this document entitled "Trip Generation, An Institute of Transportation Engineers Informational Report, most recent edition in use at the time a development or other building application is made.

(c) The determination of levels of service shall be made after an experienced transportation engineer/traffic consultant conducts a traffic study, the cost of which shall be borne by the owner of the tract or other property owner. Said study shall be based in part on the aforementioned report and in part on the Pennsylvania Department of Transportation

Handbook of Vehicle Code Regulations, in particular the following chapters: 471-610 pertaining to Engineering and Traffic Studies, 471-611 pertaining to maintenance and Protection of Traffic and 471-615 pertaining to Official Traffic Control Devices. Said study shall indicate compliance with the requirement for a level of service "C" or better as set forth in Subsection C(9)(b) above and shall include the data upon which the conclusions of said study are based including, without limitation, traffic counts, the hours thereof, the dates thereof and the types of motor vehicles comprising such counts.

(d) All streets and/or intersections showing a level or service below "C" shall be considered deficient, and specific recommendation for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external street and intersection design and improvements and traffic signal installation and operation including signal timing.

(12) An identification of the social and demographic characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents including information such as the number of people expected to work or live at the tract. Such information shall be related to initial and completed project conditions.

(13) 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 proposal may generate; and the Township, county and school district costs it may create. Such information shall be related to initial and completed project conditions.

(14) An identification of characteristics and conditions associated with existing and potential air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, radioactive materials, smoke, dust, fumes, vapors, gases or other emissions.

(15) An identification of compliance with the environmental controls/performance standards as required in this Article XXI.

(16) 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 Subsection C(1) through (15) above. In addition to a narrative presentation of implications, the applicant shall display where the project adversely affects the resources of the tract, conditions or characteristics, by mapping same at a scale of not more than 100 feet to the inch, wherein the areas adversely affected from the proposed development are highlighted. Such map either may be 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 proposed plans in terms of avoiding or reducing potential adverse effects.

(17) Alternatives to the proposed project. The applicant shall comment on how alternatives such as revised location, redesign, layout or sitting of buildings, roads and other structures; alternate methods for sewage disposal and water supply; reduction in the size of proposed

structures or number of structures; and the like, would preclude, reduce or lessen potential adverse impact to produce beneficial effects. In addition, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form.

(18) Probable adverse effects which cannot be precluded. 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 resource, condition or characteristic.

(19) 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 action, such as sedimentation and erosion control, water quality control, air quality control and the like.
(b) Mitigation measures related to impacts which may be unique to a specific subdivision and/or land development or other project are those related to efforts such as revegetation, screening, fencing, emission control, traffic control, noise control, relocation of people and/or businesses, land acquisition and the like.

(20) Any irreversible environmental changes which would occur due to the proposed subdivision and/or land development or other project should it be implemented. To indicate such changes, the use of nonrenewable resources during the initial and continued phases of the subdivision and/or land development or other 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.

D. In making its evaluation, the Township Council and/or the Planning Commission may request any additional information it deems necessary to adequately assess potential environmental impacts. Further, whenever any information required in this section is not applicable to the proposed subdivision and/or land development or other project, the applicant shall indicate such inapplicability in the narrative of the EIA report and state why such information is considered to be inapplicable in the case or the particular subdivision or land development in question.

E. The EIA report shall be prepared by an engineer, architect, landscape architect or land planner.

§ 275-132. Buffer area and Buffer Planting Strip standards.

A. Buffer areas and buffer planting strips, as defined in Article II and required in various districts, shall be adjacent to a property boundary.

B. Buffer areas shall be landscaped and maintained with a buffer planting strip in accordance with § 275-133 and the following herein:

Landscaped Buffer and Screen Requirements		
Use or District	Adjacent Use or District	Minimum Buffer Planting Strip Width (feet)

C-1	Residential; Any other use	25; 15
C-2	Residential; Street line	50; 30
C-3	Residential	10
Institutional	Any Use	30
Manufacturing/Industrial	Residential	30
SU-1A	See Design Standards	
SU-1	Any Use	50
SU-2	Any Use	10
Multifamily	Any Use	20
Mobile Home Park	Any Use	50

C. All plantings shall be installed and maintained for the full width required in a particular district, except that certain structures may be placed within the buffer area, including:

(1) The required plantings and related landscape treatment, such as berms, fences or walls which aid in screening and do not conflict with the character of adjoining properties or block the clear sight distance required at intersections.

(2) Appurtenant landscaping structures such as: tree wells, tree guards and tree grates and retaining walls used to preserve stands of existing trees or used for other functional purposes.

(3) Roads which provide direct ingress/egress for the tract, including appurtenant structures within such road rights-of-way such as curbs, sidewalks, signs, lighting standards or benches.

(4) Underground utilities.

D. No structures other than those set forth in § 275-132.C. shall be placed within a buffer area, and no parking of any kind shall be permitted within the required buffer area.

§ 275-133. Landscaping requirements.

A. Landscaping as required in this chapter shall be installed and maintained in accordance with a landscaping plan approved by the Township Council. A landscaping plan shall depict all proposed plantings as required within buffer areas in the form of a buffer planting strip and in other landscaped areas which relate to, complement, screen or accentuate buildings roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and other site features.

B. A landscaping plan shall be submitted at the time when all other required applications and/or plans are submitted. It shall be based on the reflect the following:

(1) The functional and aesthetic factors which relate to the tract and to the principal and accessory buildings and other structures.

(2) Concealing views to the tract.

(3) Enhancing views from and within the tract.

(4) Screening and complimenting proposed buildings and other structures.

(5) Creating visual interest for the users and/or residents of the proposed project.

(6) Using plant materials which are hardy and acclimated to the conditions at the tract and within the Township.

C. The landscaping plan shall include notes, diagrams, sketches or other depictions to present the consideration and analysis of the following:

(1) An analysis of the site in terms of: the existing views to and from the areas which are proposed for development, the existing topography and vegetation conditions and other existing conditions which are relevant to the site.

(2) An analysis of proposed planting and other landscaping needs as related to: screening views of buildings, screening buildings and sections of buildings, screening parking areas and other areas where vehicles are parked, screening storage areas, screening site utilities, and other appropriate types of screening.

(3) The consideration of locations where plantings and other landscaping is needed to: provide visual interest; define outdoor spaces; complement the proposed architectural style; and achieve other functional, ecological and aesthetic requirements for buffer areas, buffer planting strips and other landscaped areas.

D. A preliminary and final landscaping plan shall reflect the following detailed criteria, unless more specific criteria are provided for in other articles of this chapter, Attachment 8 of this chapter, and the provisions of Chapter 210, Article V:

(1) Buffer planting strips shall be installed and maintained in the buffer areas at the width required in this chapter to form a continuous visual buffer. In addition to ground covers and evergreen shrubs, the buffer planting strips shall be comprised of evergreen trees which are six (6) to eight (8) feet in height at the time of planting and shall be spaced at nine (9) foot centers. The combined evergreen shrubs and tree plantings shall constitute a continuous visual screen at the time of occupancy of any buildings and/or at the time of initiation of any use.

(2) Shade trees shall be provided along all streets and shall be located at least three (3) feet beyond the right-of-way line. No less than one tree of 3 1/2 inches to four (4) inches in caliper shall be planted for each 30 feet of roadway length. Such trees shall be planted in alternating rows whereby trees on one side of the street are placed at intervals of 60 feet. However, such trees may be grouped in certain cases to achieve a particular design objective when approved by the Township Council.

(3) The outer perimeter of all parking areas shall be screened. A continuous visual buffer shall be provided, and accomplished through the use of plant materials, fencing or walls and/or mounding through the use of earthen berms.

(4) Parking lots shall be landscaped as required in Article XXIV.

(5) All buildings shall be landscaped in accordance with the following criteria:

(a) A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be installed in reasonably close proximity to the facades.

(b) One specimen deciduous tree of 3 1/2 inches to four (4) inches in caliper shall be planted for every 50 foot length of building facade measured from end to end of buildings, without regard to indentations and the like in the buildings or facades, and excluding any enclosed walkway connectors and elevator cores, ; and one eight-foot to ten-foot specimen evergreen tree shall be planted for every 50 feet of length of building facade.

(c) Five (5) evergreen and/or deciduous shrubs shall be planted for every 20 feet of length of building facade.

(d) Trees and shrubs shall be grouped in accordance with specific needs and objectives.

(6) Other landscaping including trees, shrubs and ground covers shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a tract, at the entrance to buildings and around structures used for service, storage or maintenance purposes.

(7) Trees of eight (8) inch DBH or more shall be preserved. When trees are unable to be preserved, the landowner or developer shall plant replacement trees on the subject property, or if approved by the Township plant replacement trees on Township owned public land or pay a fee-in-lieu, in accordance with Section 275-163.A.(6). Required replacement trees shall be depicted on the Landscape Plan to be approved by the Township.

E. (8) The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of the Township Council. The preliminary landscaping plan shall be drawn at a scale of at least one inch equals 50 feet. It shall be totally coordinated with the overall site plan and shall contain the following:

(1) A delineation of existing and proposed plant materials.

(2) A delineation of other landscaping features such as berms, planting beds to be used for herbaceous plants, areas to be devoted to lawns and other elements of the proposed improvements such as fences, walls, berms, retaining walls, lighting, benches, signs, paving, stone, tree wells and the like.

(3) One color rendering of the preliminary landscaping plan shall be submitted for review by the Township in addition to the number of prints which are otherwise required. The color-rendering shall reflect total coordination with the overall site plan in terms of its relationship to proposed buildings, roads, parking areas, walks, walls, fencing, benches, signs, lighting and other like structures.

(4) A written narrative of the analysis and objectives for plantings as required under Subsection C above. After the Township has reviewed the preliminary landscaping plan and submitted comments on the plan to the applicant, a final landscaping plan shall be submitted. The final landscaping plan shall be drawn in greater detail than the preliminary plan. It shall be totally coordinated with the overall site plan and shall contain the following:

(5) A final version of all of the plan requirements stated in Subsection E above, for a preliminary plan.

(6) A plant list wherein the botanical and common names of proposed plants are tabulated, along with the quantity, caliper, height and other characteristics.

(7) Details for the planting and staking of trees, the planting of shrubs and any other details which depict other related installation.

(8) Information in the form of notes or specifications concerning planting beds to be used for herbaceous plants, areas to be devoted to lawns and the like. Such information shall convey the proposals for seeding, sodding, mulching and the like.

(9) Information regarding the establishment period and continued maintenance of all plantings and notes indicating that all plantings will be installed, maintained and replaced, if dead or diseased, in locations as shown on the approved landscaping plan.

F. Plant characteristics and maintenance.

(1) All plants shall conform with the standards for nursery stock of the American Standard for Nursery Stock and planted according to ANSI standards.

(2) Trees and shrubs shall be typical of their species and variety, have normal growth habits, well developed, densely foliated branches and vigorous, fibrous root systems.

(3) Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.

(4) Trees and shrubs shall be freshly dug nursery grown or container stock. They shall have been grown under climatic conditions similar to those in locality of the project or properly acclimated to conditions of the locality of the project.

(5) Any tree or shrub which dies within one (1) year of planting shall be replaced. Any tree or shrub which within one year of planting or replanting is deemed, in the opinion of the Township, not to have survived or grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Township Council.

(6) It shall be the responsibility of the landowners, tenants and/or other occupants of the premises to adequately and properly maintain the landscaped areas, which responsibility shall include watering, cleaning of weeds and debris, pruning and trimming, replacement of dead or diseased plantings and fertilizing to maintain healthy growth.

(7) All trees along the right-of-way of any property shall be kept trimmed nine feet above the sidewalk and 11 feet above all streets.

(8) All shrubs and other growth abutting the sidewalks shall be kept cut back six inches from the edge of the sidewalks.

(9) Existing trees and shrubs at the corner of an intersection and/or driveway shall be cut to the height of 18 inches from point of intersection of corner property lines back 25 feet to avoid blocking sight distance to oncoming traffic, and shrubs or ground covers to be planted shall be of the dwarf variety and shall not exceed 18 inches in height at maturity.

(10) Proposed plant species shall be in accordance with the plant list provided in Attachment 8.

(11) Plants shall be native to the area, and of non-invasive species. Non-native/non-invasive plants may be used to accent the landscape design with Township Approval.

§ 275-134. Outdoor Storage and Display.

Commercial storage. When required by this chapter, commercial storage shall meet the following criteria:

A. All storage, including, but not limited to, storage of refuse, trash, garbage, recycling, equipment, mechanical equipment and/or generators, shall be completely screened from view from any public right-of-way and any adjacent property.

B. No permanent storage of merchandise, articles or equipment shall be permitted outside a building and no goods, articles, or equipment shall be stored, displayed or offered for sale beyond the front lines of a building.

C. Screening shall consist of evergreen plantings and/or an architectural screen.

D. No storage area shall be located within the front yard of any lot.

E. In addition to the standards listed above, all dumpsters and/or outdoor storage of refuse bins shall meet the following criteria:

(1) All organic rubbish or garbage shall be contained in tight, vermin-proof containers.

(2) Any area for the storage and collection of refuse, trash, or garbage shall be screened from direct view by fencing or masonry walls, which shall be a minimum of six feet high and at least one foot higher than the trash receptacles contained therein.

(3) All screening, inclusive of any enclosure gate(s), shall be visually opaque.

(4) Fencing, screening, and any enclosure gate(s) shall at all times be maintained in good repair.

(5) Chain link fencing and/or gates shall not be permitted for the screening of dumpsters and/or outdoor storage of refuse bins.

(6) When adjoining a residential district the rubbish or garbage enclosure shall be setback a minimum of 50 feet from the residential property line.

§ 275-135. Outdoor Lighting.

A. Purpose. To set and require minimum standards for outdoor lighting to:

(1) Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns

(2) Protect drivers and pedestrians from the glare of non-vehicular light sources

(3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources

(4) Promote energy efficient lighting design and operation

(5) Protect and retain the intended visual character of the various Township venues

B. Applicability

(1) All uses within Middletown Township where there is interior or exterior lighting that creates or has the potential to create a nuisance or hazard as viewed from outside, or exterior lighting with the potential to create, or that creates a nuisance when viewed from inside or outside, including but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.

(2) The Township may require lighting be incorporated for other uses, applications and locations or may restrict lighting in any of the above uses or applications when health, safety and welfare are issues.

(3) The glare-control requirements herein contained apply to lighting in all uses, applications and locations.

(4) Temporary seasonal decorative lighting is exempt from all but the glare-control requirements of this Ordinance.

(5) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA 101, are exempt from the requirements of this Lighting Ordinance.

C. Criteria

(1) Illumination Levels – Lighting, where required by this Ordinance, or otherwise required or allowed by the Township or other applicable jurisdiction, shall have illuminances, uniformities and glare control in accordance with the latest edition of the IES Lighting Handbook or current Recommended Practices of the Illuminating Engineering Society of North America (IESNA). Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the Township.

(2) Luminaire Design

(a) Luminaires shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to Township.

(b) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down, have no uplight and shall meet IESNA fully shielded criteria. Except as may be specified elsewhere in this Ordinance, luminaires shall have a BUG rating of B1-U0-G1 Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent, 10-watt LED or 10-watt compact fluorescent lamp, are exempt from the requirements of

this paragraph. In the case of decorative street lighting luminaires, Township may approve the use of luminaires with an uplight component not exceeding 1%.

(c) For the lighting of predominantly non-horizontal tasks or surfaces, such as, but not limited to, facades, landscaping, signage, billboards, fountains, displays and statuary; when their use is specifically permitted by the Township, luminaires shall be adequately 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. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent, 6-watt LED or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.

(3) Color Temperature – LED light sources shall have a correlated color temperature that does not exceed 3000K.

(4) Lighting Control

(a) All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(b) Directional luminaires such as floodlights and spotlights, when their use is specifically approved by the township, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties shall not be aimed out more than 45º from straight down. When Township judges that a floodlight creates glare as viewed from an adjacent residential property or use, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the direct view of the glare from that property.

(c) Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one-half hour after closing.

(d) “Barn lights,” aka “dusk-to-dawn lights,” when judged by Township to be a source of glare as viewed from an adjacent residential use or roadway, shall not be permitted unless effectively shielded as viewed from the adjacent property or roadway.

(e) The use of floodlights and wall-mounted luminaires (wall packs) to illuminate parking areas and cartways, shall not be permitted unless it can be proven to the satisfaction of the Township that the employment of no other acceptable means of lighting would be possible.

(f) Lighting for parking areas and vehicular and pedestrian traffic ways for commercial, industrial and institutional uses shall be automatically extinguished nightly within 1/2 hour of the close of the facility. On/off control shall be by astronomic programmable controller with battery or capacitor power-outage setting reset. When after-hours site safety/security lighting is proposed, such lighting shall not be in excess of twenty-five

(25) percent of the number of luminaires required or permitted for illumination during regular business hours. The use of greater than 25% of the number of luminaires for normal lighting for all-night safety/security lighting shall require Township approval, based on the unique nature of the use or elevated area crime justification. Alternatively, where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11:00 p.m. or after normal business hours, or the use of motion-sensor control, shall be permitted.

(g) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.

(h) The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property. This footcandle value, however, shall not be used as a criterion for assessing whether unacceptable level of glare is being received on the property.

(i) Except as permitted for certain recreational lighting and/or permitted elsewhere in this Ordinance, full cutoff/fully shielded luminaires shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Where proposed parking lots consist of 100 or more contiguous spaces and the light sources are full-cutoff/fully shielded, the Township may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a luminaire mounting height that does not exceed 25' AFG. Luminaires not meeting full-cutoff or fully shielded criteria, when their use is specifically permitted by Township, shall not be mounted in excess of 16' AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. For recreational lighting maximum mounting height requirements, refer to "Recreational Uses" elsewhere in the Ordinance.

(j) Only the United States and the State flag shall be permitted to be illuminated past 11:00 p.m. The light source shall have a beam spread no greater than necessary to illuminate the flag at full staff and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.

(k) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial average footcandles, with no value exceeding 30 initial footcandles.

(l) Uplighting may be used to accent unique features of a building such as exceptional architectural features. Uplighting or ground-mounted lighting shall be low wattage and designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic, and shall be shielded to contain and direct the light onto the feature or object to be illuminated.

(5) Installation

(a) Electrical feeds for lighting standards shall be run underground, not overhead and shall be in accordance with the NEC Handbook.

(b) Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind back-in parking spaces, or where they could be struck by snow plows or wide-swinging vehicles, shall be suitably protected by being placed a minimum of five (5) feet outside or behind paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by steel bollards or other Township-approved means.

(c) Pole-mounted luminaires for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.

(d) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.

(e) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved and shall be reviewed and approved by a qualified civil/structural engineer.

(f) Any employed shielding elements shall be permanently affixed to luminaire.

(6) Maintenance – Luminaires and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.

D. Residential Developments

(1) Street Lighting - For residential developments where lot sizes are or average less than 20,000 square feet, if the Township so directs, street lighting shall be provided at:

(a) the intersection of public roads with entrance roads to the proposed development,

(b) intersections involving proposed public or non-public major-thoroughfare roads within the proposed development,

(c) the apex of the curve of any major-thoroughfare road, public or non-public, within the proposed development, having a radius of 300 feet or less,

(d) at the far end of cul-de-sac bulbs

(e) terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater,

(f) defined pedestrian crossings located within the development,

(g) where lot sizes prohibit the parking of more than three (3) vehicles on the residential lot, thereby necessitating on-street parking.

(h) At other locations along the roadway as required by Township

(2) Parking Spaces

(a) In residential developments with lots of less than twenty thousand (20,000) square feet, where four (4) or more common contiguous parking spaces are proposed, such spaces shall be illuminated in accordance with Section D.

(b) In multi-family developments, common parking areas of 4 spaces or greater shall be illuminated.

(3) On-Lot Lighting - For subdivisions with lot sizes of 40,000 sq. ft. or smaller, on-lot lighting shall be provided in accordance with the following restrictions:

(a) Lighting Fixtures

[1] Floodlights, spotlights and other directional sources, whether for security, architectural/decorative, facade, landscaping, task lighting or recreational purposes, shall be located, aimed and shielded in a manner that prevents the lighted aperture of the source (direct glare) from being directly visible off premises.

[2] Residential recreational lighting shall not project beyond the recreational surface.

[3] Facade-mounted and post-top luminaires shall be fully shielded.

[4] LED light sources shall have a correlated color temperature not exceeding 2700K.

(b) On/Off Control

[1] All exterior lighting, except security lighting, shall be extinguished nightly by no later than 11 p.m.

[2] Lighting intended for all-night safety/security purposes shall be motion-sensor controlled and only energized in the presence of motion.

[3] Recreational lighting shall be extinguished no later than 10:30 p.m.

E. Recreational Uses – The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners, and the Township as a whole, have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

(1) Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, shall not be permitted to be artificially illuminated.

(2) Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use.

(3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m., regardless of such occurrences as extra innings or overtimes.

(4) The Township reserves the right to limit the number of illuminated sporting events per week or season.

(5) Maximum mounting heights for recreational lighting shall be in accordance with the following:

(a)	Basketball	20’
(b)	Football	70’
(c)	Soccer	70’
(d)	Lacrosse	70’
(e)	Little League Baseball	
	[1] 200’ Radius	60’
	[2] 300’ Radius	70’
(f)	Miniature Golf	20’
(g)	Swimming Pool Aprons	20’
(h)	Tennis	20’
(i)	Track	20’

(6) The use of engine/generator portable boom lighting shall not be permitted within the Township.

(7) To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required under Section G. below, but also by a visual impact plan that contains the following:

(a) Plan views containing a layout of the recreational facility and showing locations of poles supporting luminaires, and the locations of residences on adjoining properties.

(b) Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.

(c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5’ line-of-sight

(d) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Ordinance.

(e) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when all of the sports lighting will be extinguished.

(f) A narrative describing the measures proposed to achieve minimum off-site light-trespass disturbance.

F. Lighting Plan Submission – Where site lighting is required by this Ordinance, is otherwise required by Township, or is proposed by Applicant, lighting plans shall be submitted for Township review and approval for Subdivision & Land Development, applications. The submitted information shall include, as a minimum, the following:

(1) A site plan or plans, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flag, sign, etc., by location, orientation, aiming direction, mounting height, lamp photometry and type.

(2) A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles at grade, overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance, or as otherwise required by Township. When scale of plan, as judged by the Township to make a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.

(3) Light-loss factors, IES candela test-filename, BUG rating, initial source lumen ratings used in calculating plotted illuminance levels

(4) Description of proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, sources, source correlated color temperature, on/off control device locations, details and setting, luminaire mounting eights, pole foundation details, pole protection means and mounting methods.

(5) Landscaping plans shall contain symbols of luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

(6) When requested by Township, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate potential consequences of on-site and off-site glare and to retain the intended character of the Township. Township may require plan to include initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.

(7) Plan Notes – The following notes shall appear on the Lighting Plan:

(a) Post-approval alterations to lighting plans, or intended substitutions for specified lighting equipment on approved plan, shall be submitted to Township for review and approval, prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate proposed substitution is equal to or exceeds the quality, optical characteristics and maintainability of the specified luminaires; and be accompanied by a lighting plan, including point-by-point plot, which demonstrates proposed substitutions will result in a lighting design that complies with Ordinance requirements and equals or exceeds the quality of the lighting on the approved plan.

(b) Township reserves the right to conduct post-installation inspections, to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by Township, to require remedial action at no expense to Township.

(c) All exterior lighting, including building-mounted lighting, shall meet full-cutoff or fully-shielded criteria.

(d) Installer shall notify Township to arrange for inspection and approval of all installed exterior lighting, subsequent to its installation.

G. Compliance Monitoring

(1) Safety Hazards

(a) If Township judges a lighting installation creates a safety hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action without undue delay.

(b) If appropriate corrective action has not been effected within fifteen (15) days of notification, or valid reason for needed extra time, Township, at its discretion may initiate appropriate legal action.

(2) Nuisance Glare and Inadequate Illumination Levels

(a) When Township judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels, or otherwise varies from the requirements of this Ordinance, the Township may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

(b) If the infraction so warrants, Township may act to have the problem corrected as in H.1.b. above.

H. Nonconforming Lighting –

(1) Any luminaire or lighting installation existing as of the effective date of this Ordinance, which does not conform with the revised Ordinance requirements, shall be considered as grandfathered and a lawful nonconformance, except as follows:

(a) It is replaced by another luminaire or luminaires, or abandoned or relocated

(b) It is deemed by Township to create a health or safety hazard

(c) Minor corrective action, such as re-aiming, automatically shutting off offending sources at a reasonable hour nightly, or shielding can be performed to achieve conformity with the applicable requirements of this Ordinance.

(d) Its light source is converted to or replaced by an LED source type, or luminaire containing LED sources.

(2) Regardless of the requirements of Section I.1. above, when requested by Township, nonconforming luminaires and lighting installations shall be made to conform with the requirements of this Ordinance or removed within three (3) years from the effective date of this Ordinance.

§ 275-136. **Reserved**

ARTICLE XXII: SPECIAL PROVISIONS TABLE OF USES

	R-1A	R-1	R-2	R-3	R-4	OR	C-1	C-2	C-3	I-1	I-2	SU-1A	SU-1	SU-2	M	MS
Adult (Entertainment) Uses															CU	
Agriculture	BR, A	BR, A	BR, A								A					BR
Automotive Uses:																
Gasoline service station								BR								
Convenience store w/ fuel pumps									BR			BR				
Car wash								BR								
Motor vehicle repair/service								BR	BR						BR	
Car sales/rental								BR					CU			
Junkyard/Salvage yard															CU	
Bed and Breakfast	CU															
Billboards									CU					CU		
Brewpub/ Microbrewery															CU	
Cemetery	CU									CU						
Clubs						BR							CU			
Communications antennas/ Comm. Equip. Buildings	CU	CU	CU	CU	CU	BR	CU		BR	CU	CU	BR	BR	BR	CU	BR
Cultural, Religious, and Charitable Uses	CU	CU	CU	CU	CU					BR		BR				
Day-Care Center			CU		BR *		BR	BR		BR		BR	CU			
Drive Through Services									BR			BR	BR	BR		
Educational Uses	CU	CU	CU	CU	CU					BR	BR		CU			
Forestry/Timber Harvesting	BR	BR	BR	BR	BR											
Governmental Uses										BR		BR			BR	
Hotel, Motel, or Inn								CU	BR			BR	BR	BR		
Medical Marijuana Dispensary									CU							
Medical Marijuana Grower/ Processor															CU	
Mini Warehouse/ Self-Storage												BR			BR	
Warehouse															BR	
Personal care/Assisted living facilities			CU							BR		BR				
Wireless communications facilities						CU				CU		CU			CU	CU
Outdoor Dining (Acc.)							A	A	A			A				
Residential Group Homes	CU	CU	CU	CU	CU											
Veterinary Clinic, Kennel, or Dog Daycare								CU	BR							

CU- Conditional Use BR- By-Right A – Accessory to By-Right Use Permitted in District

* Permitted By-Right only in the R-4 Campus Mixed Use Commercial District

ARTICLE XXII: SPECIAL PROVISIONS 9.24.24

§ 275-137. Adult (Entertainment) Use

A. The following location standards shall be met:

(1) Adult uses shall be located a minimum of one-thousand (1,000) feet from another existing adult use.

(2) Adult uses shall be located a minimum of five-hundred (500) feet from any residential district or use, religious use, educational use, day-care use, playground, or park.

B. Signs and visible messages based on the allowable sign area for a business within the applicable zoning district per Article XXV shall be permitted, provided:

(1) Sign messages shall be limited to verbal description of materials or services and shall not include graphic or pictorial depiction of vulgar, obscene, or age-inappropriate language.

C. Adult uses shall require application for a conditional use approval. Application for such a conditional use approval shall consist of:

(1) A description of the premises for which the approval is sought.

(2) A statement of the intended use(s).

(3) Hours of operation.

(4) Type, size, and location of proposed sign(s).

D. Nothing in this Chapter shall be deemed to allow any uses that are "obscene," as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.

E. There shall be no alcoholic beverages in association with adult uses without proper Commonwealth licensing and approval from the Pennsylvania Liquor Control Board.

§ 275-138. Agriculture.

A. General standards.

(1) No manure storage shall be established any closer than 100 feet from any property line, or 300 feet of the boundary of any property used and/or zoned for residential purposes.

(2) Any farm building (other than a pigsty) shall be situated not less than 200 feet from any public road nor less than 30 feet from any side or rear boundary line of the farm or lot. No pigsty shall be located within 300 feet of any property line.

(3) The height of structures designed for agricultural use may be increased to a maximum of 65 feet, provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement two feet of depth or width.

B. Secondary farm business. The sale and display of agricultural products shall comply with the following standards:

(1) The sale of agricultural products shall only be permitted as an accessory use incidental to the principal agricultural use. A minimum of 50% of all agricultural products for sale shall be grown and produced on land owned or leased by the owner of the property on which they are being offered for sale.

(2) Parking regulations, as established in Article XXIV. Parking spaces shall be located outside the road right-of-way.

(3) Sign regulations, as established in Article XXV.

(4) When the sale of agricultural products is conducted from a portable stand, the following conditions shall apply:

a. The portable stand shall be located a minimum of 25 feet from the edge of the cartway or outside of the right-of-way, whichever is greatest, and a minimum of 25 feet from adjacent property line.

b. The portable stand shall be removed at the end of the growing season.

(5) Permanent buildings may be used for the sale of agricultural products if they comply with all applicable setback requirements of the district in which they are located and the applicable requirements of this section.

§ 275-139. Automotive Uses.

The following are specific physical requirements governing the granting of approval relating to automotive uses. When more than one of these uses are proposed, the standards shall be mutually inclusive, provided that the requirements for each use is met.

A. Gasoline service stations. Gasoline service stations shall be subject to the following:

(1) A minimum lot frontage of 140 feet along one street, a lot depth of 150 feet and a minimum lot size of 35,000 square feet shall be provided.

(2) All buildings shall be set back from all street rights-of-way by 40 feet; service islands shall be set back 50 feet from all street rights-of-way to allow for the width of a car on the street sideline.

(3) All curb cuts for access driveways shall be not less than 25 feet nor more than 40 feet in

width.

(4) Except for access driveway openings, where the curb shall be depressed, a raised curb shall be provided along all street frontages.

(5) All accessways and paved areas shall be constructed to Township road standards.

(6) All permanently installed hydraulic hoists, pits and all lubricating, greasing, washing and repair equipment shall be entirely enclosed within the building.

(7) All waste, used parts, and used tires shall be stored within a fenced area or building. Waste material and small used parts shall be stored in closed containers.

(8) "No smoking" signs shall be posted in the service areas of the buildings and around gasoline pumps.

(9) Any environmentally safe method of disposal of waste oils and other pollutants shall be provided.

(10) Except for accessways, the first 10 feet in depth along all street frontages shall be green area. Not less than 10% of the total lot shall be green area.

(11) Fire-protection equipment shall be present at all times. Included shall be ten-pound BC extinguisher units, located as follows:

(a) A minimum of one (1) in each indoor service area.

(b) At a maximum distance of 40 feet from all points within an indoor service area or an outdoor service island.

(c) A minimum of two in the facility.

(12) No repairs may be performed outside of a building.

B. Convenience store with Fuel Pumps shall be subject to the following.

(1) All provisions of subsection A(2) through (6) and (9) through (12).

(2) A conditional use application is required subject to the provisions of §275-202 for any Convenience Store in excess of 4,000 square feet of gross floor area with Fuel Pumps.

(3) All trash generated from a Convenience Store shall be stored in a completely fenced-in or screened enclosure. Trash bins shall be subject to setback regulations for the district where the lot is located.

(4) Parking shall be provided as required by Article XXIV.

C. Car wash establishments. Car wash establishments shall be subject to the following:

(1) All provisions of Subsection A(2) through (4) and (9) through (10).

(2) A minimum lot frontage of 150 feet along one street, a lot depth of 250 feet and a minimum lot size of 40,000 square feet.

(3) Connecting to public water and public sanitary sewers.

(4) An ancillary accessway so that vehicles do not have to go through the washing facilities to reach the street exits.

D. Motor vehicle repair facilities or motor vehicle service stations. Motor vehicle repair facilities or motor vehicle service stations shall be subject to the following:

(1) All provisions of Subsection A(3) through (13).

(2) A minimum lot frontage of 100 feet along one street, a lot depth of 150 feet and a minimum lot size of 35,000 square feet, with a front yard setback of 50 feet.

(3) There shall be no storage or parking of vehicles awaiting servicing or repairs on public streets.

(4) Major repairs of vehicles involved in accidents, body repair, painting and correction of structural members shall be inside of a building or fenced area.

E. Car sales and rental facilities. Car sales and rental facilities shall be subject to the following:

(1) All provisions of Subsection A(2) through (7) and (11) through (13).

(2) A minimum lot frontage of 175 feet along one street, a lot depth of 200 feet and a minimum lot size of three acres.

F. Junkyard or Salvage yard.

(1) A conditional use application is required subject to the provisions of Article XXVII for any junkyard or salvage yard.

(2) Minimum lot size shall be as specified in the applicable district. The land area serving to meet the minimum lot size shall be undivided by streets, waterbodies, or rights-of-way. No part of the operation shall be located within a Flood Hazard District or such that contaminants from the operation can seep or flow into a waterbody.

(3) The area where junk and any other material is stored outside shall be enclosed with a wall or fence, at least eight (8) feet in height, but no greater than ten (10) feet in height and which is designed and constructed so as to be at least one-hundred percent (100%) solid or opaque. A Buffer Planting Strip shall be provided outside of the fence consistent with the requirements of § 275-133.D.

(4) Storage piles shall not exceed eight (8) feet in height within fifty (50) feet of the fence or wall line. Storage piles in the remaining areas shall not exceed ten (10) feet in height.

(5) The portion of the tract serving as a junkyard shall be located on lands with less than fifteen percent (15%) slope.

(6) There shall be provided at least a sixteen (16) foot wide accessway throughout the use which shall be clear and free at all times to provide for access to all parts of the premises for firefighting and other safety or emergency purposes. No more than two (2) adjoining rows of junked cars shall be stored together. There shall be accessways between storage piles which are adequate to provide safety and emergency access as well as to provide firebreaks, as determined by the Township in talking with the Fire Marshall.

(7) Waste generated by the junkyard operation shall be managed in accordance with all applicable Township ordinances and federal and state regulations, including the Solid Waste Management Act, the Clean Streams Law, and the Air Pollution Control Act of the Commonwealth of Pennsylvania.

(a) Automotive fluids (including gasoline, oil, antifreeze, brake transmission fluids, and similar fluids), Freon and other flammable or toxic substances shall be removed from any items stored on the premises and shall be properly containerized and stored. Such materials shall not be released into the air or deposited on or into the groundwater or surface waterbodies and shall be transported and disposed of or recycled in accordance with applicable state and federal regulations.

(b) Automotive batteries shall be removed from junked vehicles and properly stored until they are disposed of or recycled.

(c) Removal of such fluids, batteries and other hazardous materials shall take place on an impervious surface where they can be properly contained without danger of spilling or being transported into the ground.

(8) No material shall be burned on the premises. Each junkyard shall have available in proper working condition equipment that will control, contain, and suppress fires or other hazards.

(9) No garbage or other organic waste liable to give off a foul odor or to attract vermin or insects shall be kept on the premises.

(10) All junk, including tires, shall be stored or arranged to prevent accumulation of water. Outdoor storage shall be conducted to control mosquito propagation during warm weather. Controls may include use of tarps, indoor storage screens, or spraying.

(11) Prior to issuing of a Township zoning permit, the applicant shall provide sufficient information for the Township to determine that all applicable federal, state, county, and Township requirements and regulations can be met by the proposed operation. Prior to the issuance of the permit, the applicant shall also provide evidence that all applicable conditions set by the Township Council during the conditional use approval process have been met. This includes that additional standards may be required in order to assure the compatibility of the junkyard with properties in the vicinity of the junkyard.

§ 275-140. Bed-and-Breakfast.

Bed-and-breakfast establishments shall be permitted by conditional use, subject to the following requirements:

A. A bed-and-breakfast use shall be accessory to the primary use of the property as a single detached family dwelling with a minimum lot size of three (3) acres.

B. A bed-and-breakfast use shall be permitted only within a single-family detached dwelling residence in the R-1A Residence District.

C. The property where the bed-and-breakfast use is located shall be the principal residence of the owner/operator and shall be occupied by such owner/operator.

D. The serving of meals shall be limited to breakfast and afternoon tea/snacks for overnight guests only. There shall not be separate cooking facilities in guest rooms. Eating facilities shall be open only to guests of the bed-and-breakfast.

E. No items, services, or amenities, including swimming pools or tennis courts, shall be sold or offered for sale or use to the public as part of the bed-and-breakfast use. Such items, services, or amenities shall be for the sole use of the property residents and the bed-and-breakfast guests.

F. Two off-street parking spaces for the property owners shall be provided and one additional off-street parking space for each guestroom of the bed and breakfast. Additional parking shall not be created that would result in any vehicles being parked on the property between the front facade of the dwelling and the street. Applicant shall show that parking is available that is not burdensome to the neighborhood.

G. Signage shall meet Article XXV.

H. The use shall comply with provisions for the district wherein it is located. Bed-and-breakfast uses shall not cause or increase nonconformities.

I. The adequacy of the sewage system to handle increased flows shall be certified by the Middletown Township Sewer Authority. The Applicant shall provide proof to the Township the adequacy of water supply for the increased water usage.

J. Proof of any required fire inspection by a fire company or recognized fire safety personnel shall be available at all times.

K. A bed-and-breakfast use shall be required to obtain a Township home occupation permit annually.

L. Exterior and interior alterations shall be limited to those customarily associated with residential uses unless required for safety or by the Township Building Code. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the bed-and-breakfast building.

M. The length of stay per guest shall be limited to seven (7) consecutive nights in a thirty (30) day

period.

§ 275-141. Billboards.

A. Purposes of permitting billboards as conditional uses.

(1) Purpose. It is the intent of this section to recite the purposes of permitting billboards as conditional uses in the SU-2 Special Use District and C-3 Regional Commercial District, subject to the area and bulk regulations and standards and criteria for approval of billboard conditional uses below and the general standards and criteria for approval of conditional uses in Article XXVII.

(2) The purposes of permitting billboards are:

(a) To support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Township.

(b) To ensure that billboards are provided for in the Township and are located safely and appropriately where they can be viewed by the traveling public with the least distraction and degradation in driving performance.

(c) To place reasonable limits on the size and total number of billboards within the Township.

(d) To promote the quality, appearance and safety of billboards through the use of the latest digital technology.

B. Standards and criteria for approval of billboard conditional uses.

In addition to the standards and criteria for approval of conditional uses set forth in Article XXVII, the following standards and criteria shall apply to a billboard conditional use:

(1) No billboard shall be located within the safe clear sight distance or safe stopping distance of a signalized intersection, which distance shall be determined in accordance with applicable Pennsylvania Department of Transportation standards, and no part of a billboard shall interfere with or obstruct vehicle traffic, travel or ingress and egress to a public street.

(2) All billboards may be stationary and may utilize digital technology to produce static images which may be changeable. Billboards shall not scroll, flash or twinkle, feature motion pictures, moving images or moving lights, or have mechanical or animated movement.

(3) Only one advertisement, display or message may appear on a billboard face at any one time. When a billboard has two sides, each of the two sides of a billboard may contain a separate advertisement.

(4) Changes from one advertisement, display or message to another shall be in accordance with §275-178.F.

(5) Each face of a billboard shall be demonstrated to be oriented toward the road upon which the billboard fronts or faces to cause the least visual impact upon neighboring properties.

(6) The billboard shall not be used to advertise, display or otherwise direct attention to a product, activity, message or business within the SU-2 Special Use District or C-3 Regional Commercial District wherein the billboard is located, except where the advertisement, display, attention or message is not for the local product, activity, message or business but is part of an off-site regional or national campaign or program.

(7) All billboards may be internally lit. No exterior lighting shall be permitted, except in connection with safety or maintenance and as approved by the Township. Illumination of billboard signs shall, at a minimum, follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval by the Township.

(8) Where billboards are visible from a residential district or use, the billboard shall be extinguished automatically by a form of programmable controller, with Eastern standard time and daylight saving time control and spring or battery outage reset, from 11:00 p.m. until dawn on the following day.

(9) Billboards shall be freestanding and self-supporting. No part or portion of a billboard shall be attached or connected to any other building or structure. All utilities serving the billboard shall be located below the ground.

(10) Billboards shall be properly and adequately secured to prevent unauthorized access.

(11) Billboards, including support structures, shall be properly and regularly maintained and shall at all times be kept in safe and operational manner.

(12) There shall be no objects or other structures attached to a billboard or its support structure, except as may be necessary for the proper and safe operation and maintenance of the billboard.

(13) A permanent means of vehicular ingress and egress to the billboard lot shall be provided.

(14) It shall be the burden of an applicant wishing to construct a billboard to demonstrate compliance with the requirements of this section, as well as those of Article XXVII.

(15) The provisions of the Middletown Township Subdivision and Land Development Ordinance, as amended, shall apply.

(16) A bond, or other security acceptable to the Township, in form and amount satisfactory to the Township, shall be posted with the Township to ensure that the billboard will be properly removed upon termination of use for a period of one year.

(17) Billboards shall require a building permit and related permits and shall be constructed in accordance with the applicable provisions of the Building Code of the Township of Middletown.

(18) To the extent of any conflict between the provisions of this section and any other section of the Zoning Ordinance, the provisions of this section shall be controlling as to billboards.

C. Billboard area and bulk regulations, and size regulations.

The following area and bulk regulations shall govern the regulation of billboards:

(1) The minimum lot size for a billboard shall be 20,000 square feet.

(2) Only one billboard shall be permitted on any one lot. The lot shall be free from all other buildings, structures and improvements, except those required for the operation, maintenance and security of the billboard.

(3) The maximum height of the highest point of the billboard, including its supporting structure, shall not exceed 35 feet.

(4) The minimum lot width at both the street line and the front yard setback line shall be 100 feet.

(5) The minimum setback from the street line shall be 35 feet, and the minimum setback from all other property lines shall be 25 feet.

(6) Billboards shall have no more than two display faces, neither of which may exceed 300 square feet. The display faces shall be back-to-back and shall not be more than four feet apart.

(7) No billboard shall be located closer than 500 feet to any other billboard, as measured between the closest points of each billboard, including the supporting structure.

(8) No billboard shall be located closer than 500 feet to any residential district.

§ 275-142. Brewpub or Microbrewery.

A. Brew pubs and microbreweries shall be permitted to sell all products and merchandise they are authorized to sell pursuant to their liquor license as well as food prepared on site, snack foods and other related merchandise.

B. Maximum floor area of a building for retail sales and/or eating and drinking facilities shall be one-thousand five-hundred (1,500) square feet. Such floor area may include customer access and circulation, display of products including counters, tables, display cases, and similar purposes.

C. Brew pubs and microbreweries shall comply with all parking requirements set forth in Article XXIV for a restaurant.

D. Brew pubs and microbreweries may have outdoor dining and seating at their facility if they meet the following criteria:

(1) An area which is on the sidewalk, patio or deck which directly abuts the restaurant, brewery pub or microbrewery building may be used for the purpose of furnishing food and beverages outside to the patrons of the restaurant.

(2) The outdoor dining area must meet the setbacks for the zoning district where the restaurant, brewery pub or microbrewery is located and must be separated from all parking areas, streets or driveways by a barrier which is at least four feet in height and no higher than six feet in height. The barrier must prevent patrons of the restaurant, brewery pub or microbrewery from exiting directly onto the parking area, street or driveway adjacent to the outdoor dining area and instead must require the patrons of the restaurant, brewery pub or microbrewery to exit the outdoor dining area in a safe manner, either onto a sidewalk or through another means of ingress and egress. The barrier may be a fence, wall, or another suitable barrier which will prevent a hazardous condition and protect the health and safety of the outdoor diners from vehicular traffic on adjacent parking areas, streets or driveways.

(3) Prior to serving food or beverages outdoors, the restaurant, brewery pub or microbrewery must obtain all necessary permits from all governmental and municipal agencies having jurisdiction, including but not limited to the Health Department and Liquor Control Board.

(4) The area used for outdoor dining shall only be used for dining and may not be used for outdoor entertainment or amplified sound.

E. Brew pubs and microbreweries may provide tours of their facility to the public.

F. No exterior display or sale of retail merchandise shall be permitted outside of the brew pub or microbrewery.

G. Brewery pub and microbreweries shall obtain all requisite licenses from the Pennsylvania Liquor Control Board and the Middletown Township Health Department prior to operation.

§ 275-143. Cemetery.

A. Area and Bulk.

(1) Minimum lot area: 10 acres.

(2) Minimum lot width at building line: 400 feet.

(3) Minimum lot width at street line: 300 feet.

(4) Maximum total impervious surface area: 40%.

(5) Maximum building coverage: 20%.

(6) Minimum depth of each front and rear yard: 150 feet.

(7) Minimum width of each side yard: 75 feet.

B. Individual plots shall be set back a minimum of 50 feet from all tract boundaries and public rights-of-way.

C. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the permanent or seasonal high-water table.

D. Burial vaults shall be placed such that the minimum horizontal separation between vaults is

no less than two feet in order to allow for infiltration of groundwater. This provision shall not apply to vaults within a mausoleum.

E. Individual headstones greater than five feet in height and other aboveground permanent structures such as mausoleums shall require building permits prior to installation.

F. Any cemetery proposed adjacent to a residential property, additional screening may be required as deemed appropriate by the Township Council.

§ 275-144. Clubs.

A. The area and bulk standards for the underlying zoning district shall apply for any club.

B. The use of the club facility shall be for authorized members and guests only.

C. Club uses shall not include lodging of overnight guests or staff.

D. Outdoor activity shall be setback a minimum of 100 feet from any residential use, district, or lot.

E. Outdoor lighting shall comply with the provisions of § 275-135.

F. Signage shall comply with the provisions of Article XXV.

G. When abutting a residential use or a property zoned for residential use, a buffer planting strip(s) shall be provided in accordance with the standards for the district in which the use is located. All buildings, parking and facilities for outdoor activities shall be screened.

H. When located within or adjoining a residential use or a property zoned for residential use, the hours of operation shall be approved by the Township Council.

§ 275-145. Communications antennas and communications equipment buildings.

A. Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

B. Communications antennas mounted on lawfully existing buildings or structures, other than communications towers, shall be permitted to exceed the height of said lawfully existing buildings or other structures by no more than 15 feet.

C. Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.

D. Directional or panel communications antennas shall not exceed five feet in height and three feet in width, and a maximum of eight directional or panel communications antennas shall be permitted on any single building where communications antennas are permitted. This limitation on the maximum number of directional or panel communications antennas shall not be applicable to communications towers or water towers where communications antennas are permitted.

E. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

F. Any applicant proposing communications antennas to be mounted on a building or other structure shall require a building permit and shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the building inspector for compliance with the Middletown Township's Building Code and other applicable law.

G. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the communications antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

H. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

I. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.

J. A communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District and shall be screened by suitable evergreen landscaping from abutting properties and streets.

K. All utilities and wiring for communications antennas and communications equipment buildings shall be located underground or within a building or other enclosure whenever possible.

L. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such communications antennas.

§ 275-146. Standards for communications towers as conditional uses.

A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

C. Communications towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.

D. Any applicant proposing construction of a new communications tower shall demonstrate that a good- faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communications tower. A good-faith effort shall require that all owners of potentially suitable structures within a 1/4 mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

(1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure, and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure, and the interference cannot be prevented at a reasonable cost.

(3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(5) A commercially reasonable agreement could not be reached with the owners of such structures.

E. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 25 feet in width and shall be improved to a width of at least 12 feet with a dust-free, all-weather surface for its entire length.

F. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot, provided that the lot meets the size requirements for the Zoning District.

G. Recording of a plat of land development shall be required for a lot on which a communications tower is proposed to be constructed.

H. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

I. In all zoning districts where communications towers are permitted, the maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided that the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of 150 feet.

J. The foundation and base of any communications tower shall be set back from a property line a distance equal to the height of the communications tower.

K. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties and streets.

L. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district.

M. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.

N. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of $2,000,000 per occurrence and property damage coverage in the minimum amount of $2,000,000 per occurrence covering the communications tower and communications antennas.

O. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

P. All utilities and wiring for communications towers shall be located underground or within a building or other enclosure whenever possible.

Q. The site of a communications tower shall be secured by a fence with a minimum height of six feet to limit accessibility by the general public.

R. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

S. Communications towers shall be constructed, protected and maintained in accordance with the requirements of the Township's Building Code, as adopted and amended.

T. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve-month period.

U. One (1) off-street parking space shall be provided within the fenced area.

§ 275-147. Cultural, religious, and charitable uses.

A. Area and Bulk:

(1) Minimum lot area: five acres.

(2) Minimum lot width at building line: 200 feet.

(3) Minimum lot width at street line: 150 feet.

(4) Maximum total impervious surface area: 35%.

(5) Maximum building coverage: 15%.

(6) Minimum depth of each front and rear yard: 100 feet.

(7) Minimum width of each side yard: 50 feet.

B. Permitted accessory uses include:

(1) Day care center, by conditional use and per §275-148 and Subsection E.

(2) Rectory, parsonage, or other lodging for minister, priest, rabbi, or other religious leader(s).

(3) Cemetery, per §275-143.

C. Off-street parking facilities shall be a minimum of twenty-five (25) feet from the street right of-way line and from side and rear property lines. Parking facilities shall be screened per §275-174, and additional screening may be required, if determined necessary by the Township.

D. The applicant shall provide a traffic impact study that shall analyze traffic generation from the proposed use and its impact on the surrounding street system, and shall include an assessment and plan for the circulation of pedestrians and users within and about the tract.

E. When church-related educational or day care facilities are included in the primary religious use, the following shall in addition apply:

(1) The applicant shall include a plan for outdoor recreation, which shall include appropriate screening and buffering from adjacent residential properties.

(2) Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.

(3) The applicant shall provide a parking plan which demonstrates that the proposed parking facilities are sufficient for the intended uses.

§ 275- 148. Day-Care Center.

A. Area and Bulk.

(1) Minimum lot area: 2 acres.

(2) Minimum lot width at building line: 200 feet.

(3) Minimum lot width at street line: 200 feet.

(4) Maximum total impervious surface area: 40%.

(5) Maximum total building coverage: 20%.

(6) Maximum building height: 35 feet.

(7) Minimum depth of front yard: 35 feet.

(8) Minimum depth of rear yard: 35 feet.

(9) Minimum depth of side yard: 35 feet.

(10) Minimum aggregate of the side yards: 75 feet.

B. All development shall be served by public sewer and public water.

C. All signage shall comply with Article XXV.

D. Crosswalks shall be line-striped across all streets at intersections or where sidewalks would otherwise extend across the street.

E. Lots, buildings, streets and related structures shall be organized in as compact an arrangement as possible to promote a form of development characteristic of a campus-like setting.

F. Buildings shall be designed with the gable end facing the street frontage(s).

G. Landscaping shall be an essential feature of any day-care facility. At least 50% of the lot area shall be landscaped. All landscaping shall comply with § 275-133.

H. The provision of day-care services shall be limited to infants through kindergarten, except during summer programs, in which case services may be extended to children through the third-grade level.

I. Outdoor playground areas shall be completely enclosed with fencing, walls, buildings or a combination thereof.

J. Parking shall be provided in accordance with requirements in off-street parking, Article XXIV.

K. The use shall meet all licensing and certification requirements of state and other regulating agencies.

L. The applicant shall submit a report to describe compliance with the provisions of this article and other related ordinance requirements.

§ 275- 149. Drive-through services.

A. Unless otherwise noted in this chapter, area and bulk requirements for drive-through services shall be as specified for the use with which it is associated, including a restaurant, bank, or retail use as denoted in the underlying district.

B. A drive-through service area shall not be adjacent to or facing a residential use, lot, or district.

C. A drive-through service shall have a cartway with a dedicated area for conducting business, a vehicle stacking lane, and an area for departing vehicles. The stacking lane shall be clearly marked and shall not be shared with parking circulation aisles or traffic flow.

D. All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.

E. When a drive-through service is adjacent to or on the same lot as other commercial uses, it shall share a common accessway with the other uses and shall not have a separate entrance to the street.

F. The drive through facility, including, but not limited to any menu board, teller windows, intercom, and the driveway, shall be located along the side or rear faces of the associated use.

G. A pedestrian pathway shall be provided connecting any existing pedestrian access and the use for which the drive-through service is intended.

H. If the drive-through service is for a restaurant, trash receptacles shall be provided outside for patron use with some located in a manner that drive-through service customers have access to the receptacles from a vehicle, however trash receptacles shall not be located within 40 feet of a residential use, lot, or district. A trash storage area shall be provided that is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties and to prevent trash from scattering or blowing away. All trash areas shall be located to permit safe and accessible trash removal.

§ 275- 150. Educational Uses.

A. Elementary and Secondary schools.

(1) Area and Bulk.

(a) Minimum lot area: two acres.

(b) Minimum lot width at building line: 200 feet.

(c) Minimum lot width at street line: 150 feet.

(d) Maximum total impervious surface area: 35%.

(e) Maximum building coverage: 15%.

(f) Minimum depth of each front and rear yard: 100 feet.

(g) Minimum width of each side yard: 100 feet.

(2) Outdoor recreation areas shall not be located within the front yard and must be set back a minimum of 25 feet from all lot lines. Off-street parking areas shall not be utilized as recreation areas, and shall be sufficiently screened to minimize disturbance of residential areas.

(3) Except where separated by a minimum of 300 feet, outdoor recreation areas shall be screened from the view of adjacent residential uses, lots, or districts by means of a buffer planting strip.

(4) Primary access shall be from an arterial or major collector road. When the use abuts other

uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.

(5) All off-street parking facilities shall be in conformance with Article XXIV and setback a minimum of 25 feet and screened from adjacent lots.

(6) The use shall have a cartway for dedicated vehicle movement and automobile and school bus stacking lanes for student drop-off/pickup that is sufficient for the type of educational use being developed. Interior circulation planning shall take into account the unique situation of an educational setting, including pedestrian, bicycle, and vehicle movements and automobile and school bus drop-off/pickup, waiting, and stacking areas. Stacking lanes and waiting areas shall be clearly marked and shall not be shared with parking circulation aisles or traffic flow or pedestrian circulation areas.

(7) For any proposed educational use with an enrollment of 50 or more students, the applicant shall provide a traffic impact study. The traffic impact study shall analyze the traffic generation from the proposed use/development and its potential impact on the surrounding road system. An assessment and plan for the circulation of pedestrians and users within and near the proposed use and lot shall be included. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven-day time period.

(8) The applicant shall demonstrate that all necessary approvals and permits from state and local agencies have been obtained.

(9) These standards shall not apply to university facilities or homeschooling in accordance with Pennsylvania Department of Education standards.

§ 275-151. Forestry and Timber Harvesting.

A. Policy; Purpose.

In order to preserve forests and the environmental and economic benefits they provide, it is the policy of the Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and other values. The timber harvesting regulations contained in this part are intended to further this policy by:

(1) promoting good forest stewardship;

(2) protecting the rights of adjoining property owners;

(3) minimizing the potential for adverse environmental impacts; and

(4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

B. Scope; Applicability.

(1) A zoning permit shall be required for all forestry activities, including timber harvesting, . which shall be a permitted as a use by right in all zoning districts The provisions of this Chapter shall apply to all timber harvesting within the municipality where the value of the trees, logs, or other timber products removed exceeds $2,000. In addition, the following activities are specifically exempted from the permit requirement:

(a) Pulp farming.

(b) Christmas tree farming.

(c) Orchard operations.

(d) Tree nursery.

C. Notification; Preparation of a Forestry/Logging Plan.

(1) Notification of Commencement or Completion. For all forestry and timber harvesting operations that are expected to exceed one acre and not listed in § 275-151.B. hereof, the landowner shall notify the Township enforcement officer at least 10 business days before the operation commences and prior to release of financial security posted pursuant to § 275-151.G. hereof. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

(2) Forest Management Plan. Timber harvesting activities (except those activities exempted under § 275-151.B hereof) shall be conducted pursuant to a forest management plan prepared by a person or entity recognized as qualified by the Pennsylvania Bureau of Forestry, a copy of which shall be provided to the Township with the application for a zoning use permit. The forest management plan shall include those items specified under § 275-1451E. hereof. Township shall determine the adequacy of the forest management plan with respect to the requirements of § 275-151.E. hereof. No timber harvesting shall occur until the forest management plan has been prepared and filed with the Township. The provisions of the plan shall be followed throughout the operation.

(3) Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

D. Contents of the Forest Management Plan.

(1) Plan Preparation. The forest management plan shall be prepared in accordance with silvicultural prescriptions and best management practices recognized by the Pennsylvania Bureau of Forestry and/or the DCNR. It shall incorporate provisions to assure sustainable forestry including provisions for the regeneration of the native

hardwood forest by permitting specimen trees to remain to reseed the forest area, the removal of invasive and/or substandard trees and similar practices.

(2) Minimum Requirements for Timber Harvest Operation. As a minimum the plan for timber harvest operations shall include the following:

(a) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars.

(b) Design, construction and maintenance of stream and wetland crossings.

(c) Copies of all required permits shall be submitted as an appendix to the plan.

(d) The identity of the timber harvesting operator shall be provided to the Township upon the award of the bid for the timber harvest covered by the approved timber harvesting permit and proof of any insurance required under State law or proof of exemption therefrom for the timber harvester shall also be provide at the same time.

(e) Proof of PennDOT Highway occupancy permit or Township driveway permit for temporary access, as applicable.

(3) Map. Each forestry/logging 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.

(e) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.

(4) Compliance with State Law. The forestry/logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:

(a) Erosion and sedimentation control regulations contained in 25 Pa. Code, Chapter 102, promulgated pursuant to the Clean Streams Law, 35 P.S. § 691.1 et seq.

(b) Stream crossing and wetlands protection regulations contained in 25 Pa. Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act, 32 P.S. § 693.1 et seq.

(c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act, 32 P.S. § 680.1 et seq.

(5) Compliance with Federal Law/Regulations. The forestry/logging plan shall address and comply with the requirements of all applicable federal laws and regulations including, but not limited to, the best management practices (BMPs) as set forth at 33 CFR 323.4(a)(6)(i-xv).

E. Forest Practices.

(1) The following requirements shall apply to all forestry/timber harvesting operations in the Township.

(a) Non-silviculture harvests are prohibited including the following:

(i) High-Grading. Selectively removing the largest and most valuable trees thereby diminishing species diversity and leaving smaller or less valuable trees behind.

(ii) Diameter Limit Cutting. A form of high-grading which harvests trees above a certain size e.g., 12-14 inches dbh.

(iii) Taking the fastest growth, largest trees and leaving lower quality trees.

(b) No harvest area shall be located within 10 feet of a property line or a private road or within 25 feet of the legal right-of-way of a public road; provided however, that the distance of a harvest area from a property line (other than the legal right-of-way of a public road) or from a private road may be reduced to any distance agreed to by the adjoining property owner or those persons having an interest in using the private road.

(c) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

(d) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property without the written consent of those property owners having the right to use the private roadway.

(e) All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.

(f) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

(g) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

(h) Any soil, stones and/or debris carried onto public roadways must be removed immediately.

(i) No forestry/logging use shall be permitted within areas with slopes of 26% or greater.

(j) 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, seeded with native grasses and mulched as necessary to establish stable ground cover.

F. 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 Pa. Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.

G. Enforcement.

(1) Inspections. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during or after active logging to: (A) review the logging plan or any other required documents for compliance with this chapter; and (B) inspect the operation for compliance with the logging plan and other on-site requirements of this chapter.

(2) Violation Notices; Suspensions. Upon finding that a forestry or timber harvesting operation is in violation of any provision of this chapter, 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: (A) corrective action has not been taken by the date specified in a notice of violation; (B) the operation is proceeding without a logging plan; or (C) 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 chapter, 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, 53 P.S. § 10101 et seq.

(3) Penalties. Any landowner or operator who: (A) violates any provision of this chapter, or who fails to comply with a notice of violation or suspension order issued under Subsection 2 of this section, shall be subject to a fine of not less than $500, nor more than $1,000, plus costs and attorney's fees, in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq. Each day of continued violation of any provision of this chapter shall constitute a separate offense.

(4) Any operator who knowingly and willfully removes trees not designated for removal in the approved forest management plan or removes trees outside of the areas designated for removal by the forest management plan shall be subject to a civil penalty in the amount of $1,000 per tree removed in violation of the provisions of the forest management plan and this chapter.

§ 275-152. Governmental Uses.

A. Area and Bulk.

(1) Minimum lot area: two acres.

(2) Minimum lot width at building line: 200 feet.

(3) Minimum lot width at street line: 150 feet.

(4) Maximum total impervious surface area: 35%.

(5) Maximum building coverage: 15%.

(6) Minimum depth of each front and rear yard: 100 feet.

(7) Minimum width of each side yard: 100 feet.

§ 275-153. Hotel, Motel, or Inn.

A. Area and bulk.

(1) Lot area: Three (3) acre minimum.

(2) Lot width at the street line/building line: Three hundred (300) feet minimum.

(3) Building coverage: Twenty-five percent (25%) maximum.

(4) Maximum impervious surface: sixty percent (60%).

(5) Front and Rear yard setback: Seventy-five (75) feet minimum.

(6) Side and rear yards: Seventy-five (75) feet minimum abutting residential districts and fifty (50) feet minimum abutting nonresidential districts.

(7) Maximum building height: forty-five (45) feet.

B. Any hotel/motel use shall be served by public water supply and sewer system.

C. Permitted accessory uses for hotels/motels include:

(1) Eating and drinking establishments.

(2) Indoor fitness facilities and/or swimming pools.

(3) Meeting space utilized for conferences, conventions, banquets, receptions, and similar events.

(4) Accessory uses except for eating and drinking establishments and meeting/conference/convention/banquet/reception facilities shall only be for the use of guests of the Hotel/Motel.

§ 275-154. Medical Marijuana Dispensary.

A. A medical marijuana dispensary shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall maintain a valid, accurate, and up-to-date registration with such. Should registration be denied or revoked at any time, the use shall immediately become void. This includes any approvals granted by special exception or conditional use. A medical marijuana dispensary shall at all times operate in compliance with all Pennsylvania Department of Health regulations pertaining to such facilities.

B. A medical marijuana dispensary use shall not be operated or maintained on a parcel within 1,000 feet of the nearest point on the property line of a residentially zoned property or a parcel containing public, private, or parochial school or day-care center.

C. A medical marijuana dispensary may not operate on the same site as a medical marijuana grower/processor.

D. The site or the facility shall provide adequate policing to precent the sale of medical marijuana products other than for state-licensed medical purposes.

E. No more than one dispensary shall be permitted on any one site or in any one building.

F. No use of medical marijuana shall be permitted on the premises of a medical marijuana dispensary.

G. A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.

H. A medical marijuana facility shall be limited to hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.

I. A medical marijuana dispensary shall submit a disposal plan to, and obtain approval from the Township Code Enforcement Officer or designee. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan.

J. There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana dispensary is operating.

K. No one under the age of eighteen (18) years shall be permitted in a medical marijuana dispensary, unless accompanied by a caregiver as required under Section 506 of the Pennsylvania Medical Marijuana Act.

L. No use of medical marijuana shall be permitted on premises of a medical marijuana dispensary.

§ 275-155. Medical Marijuana Grower/Processor.

A. A medical marijuana grower/processor shall provide proof of registration with the

Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be denied or revoked at any time, any conditional use or special exception shall immediately become void.

B. A medical marijuana grower/processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

C. No more than one grower/processor shall be permitted on any one site or in any one building.

D. The site or facility shall provide adequate policing to prevent the unintended transfer of marijuana plants off the premises.

E. Off-street parking shall be provided in accordance with the requirements for industrial and other related uses, as contained in Article XXIV.

F. A medical marijuana grower/processor use shall not be operated or maintain in a parcel within 1,000 feet of the nearest point of the property line of a residentially zoned property or parcel containing a public, private, or parochial school or day-care center.

G. A medical marijuana grower/processor must operate entirely within an indoor, enclosed, and secure facility.

H. A medical marijuana grower/processor may not operate on the same site as a medical marijuana dispensary.

I. A medical marijuana grower/processor shall submit a disposal plan to, and obtain approval from the Township Code Enforcement Officer or his or her designee. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan.

J. There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the medical marijuana grower/processor is operating.

K. No retail sales of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.

L. No use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.

§ 275 -156. Mini-warehouse/ self-storage & Warehouse.

A. Mini-warehouse/self-storage

(1) The minimum tract area shall be as specified in the applicable district.

(2) The minimum aisle width between buildings shall be twenty (20) feet.

(3) Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.

(4) No business activity other than leasing of storage units and the sale of packing materials incidental to the principal use shall be conducted on the premises.

(5) Except as allowed in Subsection G., all storage shall be within enclosed buildings built of durable materials on a permanent foundation. Trailers, box cars, or similar impermanent or movable structures shall not be used for storage under this use.

(6) Outdoor storage areas for this use shall comply with the following requirements:

(a) Outdoor storage of up to five (5) U-Haul vehicles is permitted at any time, provided they are screened so as not to be visible from adjacent streets, residential uses, or residential districts, and are located in designated areas.

(b) Twenty percent (20%) of the total complex site area may be used for such outdoor storage.

(c) Stored vehicles shall not interfere with traffic movement through the complex.

(7) The complex shall be surrounded by a security fence and landscaped screening.

(8) This use shall not be located within a Flood Hazard District.

B. Warehouse.

(1) Architectural design regulations. These regulations are intended to ensure that the size, proportions, and design of new or substantially improved buildings are referential to the neighborhoods around warehouses, and create a pedestrian-friendly environment. The visual mass of all buildings shall be de-emphasized through the use of architectural elements, including buildings form, architectural features, materials and colors, in order to reduce their bulk and volume, to reduce their potential adverse visual impact, and to contribute to a more neighborhood scale development.

(a) Buildings shall provide articulation of the exterior of any wall surface in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long monotonous building wall and roof. Blank facades facing a street or adjacent to residential zoning districts, without windows or architectural elements to create a neighborhood sensitive scale shall be prohibited.

(b) Exterior walls of buildings shall contain architectural features, materials and colors that are consistent throughout the building and facade. The street-facing building walls along the front yard of a lot shall have windows, or panels that emulate windows. Those portions of the walls without windows shall consist of architectural elements that help to add diversity to the appearance of the building wall. These elements shall consist of: lighting, projections or recesses, decorative brick or tile, piers or pilasters, panels that emulate windows or other articulation. The design of buildings shall provide for architectural details that provide visual diversity to the

building facades that face streets.

(c) Principal buildings shall have a vertical bay structure, whereby pilasters, painted facades in lieu of pilasters, or panels that emulate windows shall be installed and maintained, at a minimum of sixty-foot intervals, in order to reduce the horizontality of large warehouse-type buildings and to emulate the proportion of traditional nonresidential buildings along the Baltimore Pike corridor in Middletown Township.

(d) Variations in building and rooflines shall be achieved with parapet walls, crenelation, or other like-type roofline variations.

(e) No building shall be white in color. Siding materials shall be tan, beige, sand, light grey, light brown, or like-type color, so as not to reflect light and cause glare.

(f) Rooftop HVAC units shall be screened where buildings with rooftop HVAC units abut residential districts. Such screening shall be achieved with fencing, parapet walls, and the like.

(g) Architectural elevations shall be submitted with all applications for approval of any proposed use(s) and building(s). The elevations shall demonstrate compliance with the above regulations.

(h) The Township Council may approve, at its sole discretion and after review of sufficient design related documents, variations, and/or alternate design standards from the architectural standards contained in this section when the variations provide similar or better results in consideration of existing site conditions, or innovations in technology, or the context of other buildings along the Baltimore Pike corridor.

(i) Warehouses located in the SU-1-A Zoning District shall also comply with Section 5. Building Materials, of Appendix A.

(2) Site design and landscape regulations.

(a) Overall site coordination. The site shall be designed as a unified development, with a coordinated site design that shall include such features as sidewalks (along at least one side of a street), crosswalks, landscaping, signage, wayfinding, lighting, site amenities, paving, and other integrated elements.

(b) Location of parking. The site shall be designed to minimize the view of parking lots from abutting streets and residential neighborhoods.

(5) Buffer Area.

(a) A minimum 100-foot buffer area shall be provided along the entire length of any street frontage of any property upon which the facility is located, and along any property line which abuts or is within 500 feet of an existing residential property line or zoning district, school, daycare center, hospital, park, or public open space.

Such buffer areas shall be landscaped and maintained with a buffer planting strips per §275-133.

(b) A minimum 50-foot buffer area shall be provided along any property line adjacent to a non-residential use or zoning district. Such buffer areas shall be landscaped and maintained with a buffer planting strips per §275-133.

(6) Berms.

(a) Any vehicle or truck parking, outdoor storage, and loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines of the Warehouse use shall be separated from such lot lines by an earthen berm in accordance with the following provisions.

(j) The berm shall average a minimum of five (5) feet in height above the average adjoining grade ground level (not including any drainage channel or swale) on the outside of the berm.

(ii) The top of the berm shall not have a width less than five (5) feet.

(iii) The berm shall not have one continuous height, but may vary in height by one (1) foot or two (2) feet in places due to topographic conditions.

(iv) The berm shall have a maximum side slope of three (3) feet horizontal to one (1) foot vertical.

(v) The berm shall be maintained with the buffer planting strips required in subsection 275-151.B.(5), as well as ground cover.

(7) Access and Parking.

(a) Queuing Space. Where gates, guard houses or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.

(b) Off-Street Parking. In addition to off-street loading facilities per subsection (8) of this section, each use shall provide a minimum of one (1) passenger vehicle parking space per employee on the largest shift of employment.

(8) Off Street Loading.

(a) Tractor Trailer Spaces. A minimum of one (1) tractor-trailer space measuring at least 14 feet wide by 74 feet long shall be located at each loading dock/bay. In addition to the required spaces for each loading dock/bay, “stacking/storage” spaces for tractor trailers measuring at least 14 feet wide by 74 feet long in an amount greater than or equal to 10% of the number of loading docks/bays for the stacking/storage of tractor trailers shall be provided (fractions of spaces shall be rounded up). The parking and stacking design shall provide adequate area/spaces for the parking and stacking of tractor-trailers that are awaiting entry to the loading/unloading area to prevent the backup of tractor-trailers and other vehicles onto public streets. All loading and stacking/storage spaces shall be directly accessible by adequately sized drive isles.

(b) Loading Spaces. Each loading space and the needed maneuvering room shall be

located entirely on the lot being served and be located outside of required buffer areas and street rights-of-way. No parking or loading/unloading shall be permitted on or along any public street.

(9) Other Design Standards and Requirements.

(a) The other Design Standards of Appendix A for Warehouses in the SU-1-A Zoning District that are not superseded by the design standards above shall apply.

(b) An Environmental Impact Assessment report shall be submitted at the time of preliminary plan submission, per Section 275-131.

(c) A Traffic Impact Study prepared by a qualified traffic engineer, shall be submitted at the time of preliminary plan submission, per Section 275-104.

§ 275 -157. Personal Care facilities/Assisted Living facilities.

A. Personal care facilities/Assisted Living facilities.

(1) Personal-care facilities/Assisted Living facilities area and bulk requirements.

(a) Minimum lot area: 3 acres.

(b) Minimum lot width at building line: 200 feet.

(c) Minimum lot width at street line: 200 feet.

(d) Maximum total impervious surface area: 40%.

(e) Maximum total building coverage: 20%.

(f) Minimum depth of each front yard: 35 feet.

(g) Minimum rear yard setback: 35 feet.

(h) Minimum side yard setback: 35 feet.

(i) Minimum aggregate of side yards: 75 feet.

(2) Personal-care facility/Assisted Living facilities regulations.

(a) The proposed development must conform to all standards and criteria for conditional uses in Article XXVII and all other articles, sections, ordinances and regulations referred to therein. If, in the opinion of Township Council, the proposed development does not conform to such standards and criteria or to the requirements of this section, the application for the approval of the conditional use may be denied.

(b) All development shall be served by public sewer and public water.

(c) No more than 35 beds per acre of lot area shall be provided.

(d) All signage shall comply with Article XXV. However, all signage shall be 1/3 smaller than the sizes set forth in Article XXV.

(e) Crosswalks shall be line-striped across all streets at intersections or where sidewalks would otherwise extend across the street.

(f) Lots, buildings, streets and related structures shall be organized in as compact an arrangement as possible to promote a form of development characteristic of a campus-like setting.

(g) Buildings shall be designed with the gable end facing the street frontage(s).

(h) Landscaping shall be an essential feature of any personal-care facility. At least 50% of the lot area shall be landscaped. All landscaping shall comply with § 275-128.

(i) Bus stop shelters, benches and other pedestrian amenities shall be provided.

(j) Other vertical infrastructure in the form of such elements as hedges, fences, walls, pergolas, gazebos, pavilions and the like are encouraged to add human scale and amenity.

(k) Parking shall be provided at the rate of 1/2 off-street parking space for each bed, plus one for each employee on the shift of greatest employment.

(l) All development shall be shown on a sketch plan to be submitted before any preliminary plan is filed. The sketch plan shall depict compliance with this article and other related ordinance requirements.

(m) The use shall meet all licensing and certification requirements of state and other regulating agencies.

(n) The applicant shall submit a report to describe compliance with the provisions of this article and other related ordinance requirements.

(o) Notwithstanding § 275-123, the maximum height of a fence constructed and used in connection with a personal care facility shall be eight (8) feet.

§ 275 -158. Outdoor Dining.

The following general and supplemental regulations shall be observed in all districts providing for seasonal outdoor dining in conjunction with a licensed, permitted restaurant.

A. Outdoor dining areas that are entirely located upon the private property of the restaurant shall be subject to the following regulations:

(1) No outdoor food preparation or storage, busing station or open outdoor trash receptacle shall be permitted.

(2) The dining area shall not obstruct the use of any egress door or aisle, access lane or standpipe.

(3) Outdoor dining is permitted between the hours of 7:00 a.m. and 11:00 p.m., except where the restaurant adjoins a residential use, in which case outdoor dining is permitted between the hours of 7:00 a.m. and 9:00 p.m.

(4) Outdoor sound amplification systems are prohibited.

(5) The outdoor dining area shall be subject to all Health Code provisions of the Township.

(6) Alcoholic beverage service, properly licensed by the Commonwealth of Pennsylvania, is permitted only in conjunction with the service of food.

(7) Portable heating devices with an open flame are prohibited.

(8) The outdoor dining area shall be set back a minimum of 50 feet from any Residential Zoning District.

(9) Outdoor dining is permitted from April 1 to October 31 only.

§ 275-159. Residential Group Homes.

A. Purpose. The purpose of this section is to authorize residential group homes in residentially zoned districts within the Township as a conditional use subject to certain standards and requirements necessary to protect and maintain the residential character of neighborhoods, provide for effective use and regulation of utilities, emergency and other Township services, and ensure that appropriate county, state and federal requirements have been met.

B. Conditional use. Residential group homes, as defined in Article II, are authorized in all residential zoning districts as a conditional use subject to the standard application procedures for conditional uses set forth in Article XXVII, subject to standards and criteria for approval of residential group homes set forth § 275-159.C., herein and the general standards and criteria for approval of conditional uses in § 275-202.

C. Standards. Prior to occupying a property in connection with a residential group home (as used sometimes herein, "home"), the owner of the property or operator of the home shall demonstrate or otherwise be subject to the following:

(1) The lot upon which the residential group home is situated shall meet the minimum bulk and area requirements established in the zoning district for which the home is to be located. The residential group home shall not be maintained in an accessory building or unit.

(2) Residential group homes shall be used and maintained as a single housekeeping unit with shared use of living areas, eating areas, bathrooms, and food preparation, and serving areas.

(3) The maximum number of residents in the residential group home shall not exceed the number of occupants or residents permitted by the applicable Township Building Codes or other state and federal regulations applicable to such homes. Sewage disposal and water supply facilities shall be sufficient to handle the anticipated loading created by the number of proposed residents and shall meet all requirements of the Pennsylvania Department of

Environmental Protection and/or applicable requirements of the Middletown Township Sewer Authority.

(4) Residential group homes shall, to the extent practicable, conform to the type and outward appearance of the residences in the area in which they are located. This provision shall in no way restrict the installation of any ramp or other special features required to serve residents of the home.

(5) No signage other than that authorized under Article XXV shall be permitted, except as otherwise required by law.

(6) In order to ensure the integration of the residential group home into a neighborhood and to ensure proper use, availability and regulation of emergency and other Township services, a residential group home shall be located no closer than 1,000 feet to another residential group home, measured on a straight-line radius from the property line so used, to the property to be used.

(7) Off-street parking must be adequate to accommodate the needs of the residents and staff. At a minimum, the residential group home must meet the minimum requirements for the zoning district in which it is located.

(8) Notwithstanding any provision of the Township Building Code, the residential group home must maintain an automatic sprinkler system.

(9) The residential group home shall obtain any and all permits or licenses required by county, state, or federal agencies prior to commencing occupancy of the home.

(10) The residential group home shall provide the Township, in writing, the following prior to commencing occupancy of the home: the location of the home, the individual(s) responsible for operation or maintenance of the home and/or appropriate emergency contact personnel and a summary of the specialized treatment/care provided to the residents of the home as may be necessary to aid Township emergency service personnel in the event of an emergency. The owner of the property or operator of the home shall update the information required herein within five business days of any change thereof.

§ 275-160. Veterinary Clinic, Kennel, or Dog Day Care.

All veterinary clinics shall be in accordance with the following:

A. The operator of any veterinary clinic shall provide proof of all requisite permits, licenses, and certification to perform medical procedures and for the care and keeping of animals.

B. The operator shall ensure sanitary conditions are in conformance with appropriate health authorities and shall be maintained at all times.

C. A use is considered a kennel when it contains (6) or more dogs, cats, or other domestic animals, or a combination thereof. All kennel buildings shall be sound insulated such that no animal noise is audible beyond the lot line. Veterinary clinics can include facilities for overnight care, which is not considered the same as a kennel or boarding.

D. Exercise areas are permitted on the side or rear yard, shall be within a secure enclosure, and shall be completely screened from adjacent roads and residentially zoned properties. Exercise areas shall be setback at least fifty (50) feet from all lot lines, seventy-five (75) feet from residentially zoned properties, one hundred and twenty-five (125) feet from wells, springs, sinkholes, ponds or streams, and shall not be within any swale or drainageway.

E. The sale of related products shall remain accessory and shall occupy no more than twenty-five percent (25%) of the floor area of the principal building.

F. Except within permitted exercise areas, any animal outdoors must be accompanied by either its owner or an employee of the facility and must be leashed or contained in a secure enclosure.

G. Except for as needed bathroom walks, all animals are to be confined to a sound proof and odor proof building that is completely closed and climate controlled between the hours of 8:00 p.m. and 7:00 a.m.

H. Any kennel or pet day care facility shall be licensed as a boarding kennel in accordance with the Pennsylvania Dog Law, and the operator/owner shall abide by all relevant provisions in such law.

§ 275 -161. Wireless Communications Facilities

A. General requirements.

The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:

(1) Permitted in all zones subject to regulations. Non-tower WCFs are permitted in all zoning districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Prohibited on certain structures. Non-tower WCFs shall not be located on single-family detached residences, multifamily dwellings, single-family attached residences, or any accessory residential structures.

(3) Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, inspected, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the safety of any person or any property in the Township.

(4) Related equipment. Ground-mounted related equipment greater than three cubic feet shall

not be located within 50 feet of a lot which is in residential use or is zoned residential.

(5) Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).

(6) Public safety communications. No non-tower WCF shall interfere in any way with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(7) Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

(8) Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(9) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use is intended to be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(a) All abandoned or unused WCFs and accessory facilities shall be removed within two months of the cessation of operations at the site unless a time extension is approved in writing by the Township.

(b) If the WCF or accessory facility is not removed within two months of the cessation of operations at a site, or within any longer period approved in writing by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(10) Timing of approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information is requested by the Township to complete an application, the time between the request and the date the material is produced shall be excluded in calculating the Township's ninety-day review period.

(11) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF.

(12) Insurance. Each person that owns or operates a non-tower WCF shall provide the

Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the non-tower WCF. The Township shall be named as an additional insured on the certificate of insurance.

(13) Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend, at his, her, its own expense, any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

B. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:

(1) Permitted in all zones subject to regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Prohibited on certain structures. Non-tower WCFs shall not be located on single-family detached residences, multifamily dwellings, single-family attached residences, or any residential accessory structures.

(3) Permit required. Any applicant proposing the construction of a new non-tower WCF, or the modification of an existing non-tower WCF, shall first obtain a commercial building permit from the Township office. New construction and modifications shall be prohibited without a permit. After receipt of the commercial building application, the Township Zoning Officer shall determine whether zoning relief.

(4) Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(5) Any non-tower WCF structures shall be designed to withstand the effects of wind

according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).

(6) Public safety communications. No non-tower WCF shall interfere in any way with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(7) Historic buildings. No non-tower WCF may be located on or near a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures list maintained by the Township.

(8) Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

(9) Maintenance. The following maintenance requirements shall apply:

(a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

(10) Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(11) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use is intended to be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(a) All abandoned or unused WCFs and accessory facilities shall be removed within one month of the cessation of operations at the site unless a time extension is approved by the Township in writing.

(b) If the WCF or accessory facility is not removed within one month of the cessation of operations at a site, or within any longer period approved by the Township in writing, the WCF and/or associated facilities and equipment may be removed by the Township and the Township's cost plus 15% overhead, of removal assessed against the owner of the WCF.

(12) Timing of approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information is requested by the Township to complete an application, the time between the request and the date the material is produced shall be excluded in calculating the ninety-day review period.

(13) Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

(14) Bond. Prior to the issuance of a permit, the owner of a non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in the amount of $35,000 to assure the faithful performance of the terms and conditions of this article. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages as well as expert fees, counsel fees and costs, incurred by the Township for violations of this article, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

(15) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs.

C. Non-tower wireless facilities outside rights-of-way.

(1) The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

(a) Development regulations. Non-tower WCFs may be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:

[1] Such WCF may not exceed the lesser of a total maximum height of 50 feet or the maximum height permitted in the underlying zoning district.

[2] If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the accessory building and structure requirements of the applicable zoning district.

[3] An eight-foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for any existing

principal use.

(b) Design regulations.

[1] Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

[2] Non-tower WCFs which are mounted to a building or similar structure may not exceed a height of 10 feet above the roof or parapet, whichever is higher, unless the WCF applicant is granted conditional use approval after a hearing.

[3] The total height of any support structure and mounted WCF shall not, under any circumstance, exceed the maximum height permitted in the underlying zoning district.

[4] All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

[5] Antennae, and their respective accompanying support structures, shall be no greater in diameter than is reasonably necessary for their proper functioning.

[6] Non-commercial usage exemption. Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or Internet connections at their respective residences shall be exempt from the design regulations enumerated in this Subsection.

(c) Removal, replacement, modification.

[1] The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.

[2] Any material modification to a wireless telecommunication facility shall require a new permit application and approval.

(d) Visual or land use impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon any adverse visual and/or land use impact.

(e) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this article and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

D. Non-tower wireless facilities in rights-of-way. The following additional regulations shall apply

to all non-tower wireless communications facilities located in the rights-of-way:

(1) Co-location. Non-tower-based WCFs in the ROW shall be co-located on existing structures, such as existing utility poles or light poles.

(2) Design requirements:

(a) WCF installations located above the surface grade in the public ROW, including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible. Applicant shall demonstrate to the satisfaction of the Township that components are the smallest, least obtrusive with parts consistent with best engineering practices.

(b) Antennae and all supporting equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

(3) Reimbursement for ROW use. In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviews, inspections, permitting, supervision and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township at its first public meeting each January and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.

(4) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

(5) Equipment location. Non-tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, adversely affect the visual aesthetics of the surrounding community or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

(a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, edge of pavement or outside edge of sidewalk or within an easement extending onto a privately-owned lot;

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

(c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

(d) Any graffiti on any equipment or accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti. If the owner does not remove the graffiti after 10 days, the Township may do so and recover its expenses, plus 15% overhead, from the owner.

(e) Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.

(6) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

(a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;

(b) The operations of the Township or other governmental entity in the right-of-way;

(c) Vacation of a street or road or the release of a utility easement; or

(d) An emergency as determined by the Township.

(e) Visual or land use impact. The Township retains the right to deny an application for the construction or placement of a non-tower WCF based upon any adverse visual and/or land use impact.

E. Violations and penalties.

(1) Penalties. Any person violating any provision of this article shall be subject, upon a finding by a Magisterial District Judge, to a penalty not exceeding $500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur after notice. In addition to an action to enforce any penalty imposed by this article and any other remedy at law or in equity available to the Township, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this article.

(2) Determination of violation. In the event a determination is made that a person has violated

any provision of this article, such person shall be provided written notice of the determination of violation and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this article and/or federal and/or Pennsylvania law and regulations.

F. Police powers. The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

ARTICLE XXIII: NATURAL RESOURCE STANDARDS

The following standards shall apply:

§ 275-162. Steep Slopes Conservation District.

A. General Provisions.

(1) Compliance. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Article, Section and other applicable regulations.

(2) Preservation of other restrictions. It is not intended by this Section to repeal, abrogate or impair any regulations set forth in any other articles herein, any regulations set forth in any other articles herein, any regulations of Chapter 210, Subdivision and Land Development, or any easements, covenants or deed restrictions, except that where this article imposes greater restrictions, its provisions shall prevail. Further, nothing contained in this article shall diminish in any way the provisions of the Clean Streams Law and/or Chapter 102 of the Department of Environmental Protection's rules and regulations, or any other applicable state, federal, county or Township regulations, codes, ordinance and the like.

(3) The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses, intended to be located within the boundaries of the District, are in conflict with the permitted uses set forth in this Part.

(4) In those areas of the Township where the District applies, the limitations of the Steep Slope Conservation District, as set forth herein, shall be in addition to the requirements of the underlying zoning district or districts.

(5) Should the District boundaries be revised as a result of judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Section.

(6) Steep Slopes Conservation District Boundary. Steep slopes must be protected from inappropriate development such as excessive grading, landform alteration and extensive vegetation removal to avoid potential hazards to property and the disruption of the ecological balance caused by increased runoff, flooding, soil erosion and the like. The Steep Slope Conservation District Map shall be considered as an overlay to the Middletown Township Zoning Map.

B. The Steep Slopes Conservation District boundary consists of the following.

(1) Class I steep slopes - characterized by a change in elevation from 15% to 25%.

(2) Class II steep slopes - characterized by a change in elevation greater than 25%.

(3) The owner shall use an actual field topographic survey (by a qualified professional) as the source of contour information and the basis for depicting Class I and Class II steep slopes as described in this Section.

(4) The use regulations of this Part will be invoked only when there is a cumulative Class I or Class II steep slope of six (6) feet or more vertical change in grade.

(5) Slope mapping shall be reviewed by the Township Engineer. The owner will be required to follow all regulations of this Section for those areas which reflect Class I and Class II slope conditions, as determined through the Township Engineer's review.

C. The following standards shall apply, except where specifically modified by this Part in accordance with the conditional use standards and procedures:

(1) Class I (> 15 to 25%) Steep Slopes: no more than 30% of such areas on a development site shall be altered, graded, cleared or built upon.

(2) Class II (>25% or steeper) Steep Slopes: no more than 10% of such areas shall be altered, graded, cleared or built upon. No building shall be placed within 40 feet of the boundary of any Class II Steep Slope area nor shall any grading, ground disturbance or clearing of vegetation occur within 20 feet of the boundary of any Class II Steep Slope area. Invasive species or noxious vegetation (as defined by the State of Pennsylvania) may be cleared from within the grading setback provided no ground disturbance will occur and provided such clearing does not destabilize areas experiencing concentrated runoff of stormwater or impact from a 100-year frequency storm event. Trees of 8 inches caliper (DBH) or less may be removed from the 20 feet setback provided stumps are left in place.

(3) Slopes regulated by this Section shall not consist of man-made slopes that can clearly be determined as such by the Township as verified by the landowner. It shall be the responsibility of the landowner to submit documentation and verification of man-made slopes, otherwise all slopes as defined by this Part shall be subject to the regulations of this Part.

D. Additional Conditions. Protection of Class I slopes may be reduced by conditional use approval of the Township Council. Conditional use approval may grant only up to an additional 20% disturbance of Class I slopes (50% total) beyond the required protection standard (70%). Further, as a condition of any such approval of disturbance, in addition to any conditions imposed by Township Council, the owner shall also be required to identify all existing trees of greater than 8-inch caliper, within the boundary of, and within 20 feet of the boundary of the Class I slope area to be disturbed (exceeding 30%) and all such trees within this boundary, whether specifically identified to be removed due to grading activity, or not, shall be replaced in accordance with Township tree replacement requirements of this Part. Trees identified as invasive species or noxious by the State of Pennsylvania will not have to be replaced.

E. Permitted Uses. With the exception of prohibited uses or uses permitted by conditional use approval identified below, permitted uses shall include any use or activity conforming to this Section and Part and also permitted by the underlying Zoning District. Municipal uses and Municipal recreational uses (and related accessory uses) are permitted provided such uses are in the best interest of Township residents and property owners at large, disturbance from such uses can be permanently stabilized quickly and effectively, and such uses are designed and constructed in accordance with Clean Streams Law, PA Code Chapter 102 and to the maximum extent possible, the Township Stormwater Management Ordinance.

F. Uses Permitted by Conditional Use.

(1) Uses approved pursuant to subsection (5), above.

(2) Storm sewer pipe and collection inlets.

(3) Sanitary sewers and sewage pumping stations.

(4) Utilities such as electric gas, water, cable tv and the like.

(5) Roads and driveways only when no viable alternative alignment or location is feasible, provided that such roads and driveways are aligned predominantly parallel to the contours.

(6) Agricultural structures and cultivation.

(7) Conservation and recreation use including structures associated with recreation uses.

(8) Accessory uses and structures customarily incidental to the foregoing.

G. Prohibited Uses.

(1) Cut and fill, other than in association with any approved uses pursuant to this Section and the underlying Zoning District.

(2) Soil, rock or mineral extraction and/or removal, other than in association with any approved uses pursuant to this Section and the underlying Zoning District.

(3) Removal of topsoil, other than in association with any approved uses pursuant to this Section and the underlying Zoning District.

(4) On-lot sewage treatment facilities.

(5) Stormwater management infiltration, retention or detention facilities.

(6) Logging and/or clearing of vegetation except as otherwise permitted pursuant to Section 275-151, Forestry and Timber Harvesting, this Section, or superseding law or regulations.

H. Use of Land in the Steep Slope Conservation District. All applicants for any use of land within the Steep Slope Conservation District shall be subject to the following requirements:

(1) The applicant must submit the following materials and information to the Township for review:

(a) Plans drawn to a scale of at least one-inch equals 50 feet, sealed by a registered professional engineer or land surveyor, depicting the location, dimensions and elevation of the property and the additional information below.

(b) Existing and proposed uses and development.

(c) Existing and proposed contours at two-feet intervals.

(d) The location and boundaries of Class I and Class II slopes (and required setbacks) as described in this Section.

(e) Limit of proposed ground disturbance whether by grading, stripping of topsoil or clearing of vegetation.

(f) A detailed tabulation of existing slope areas and proposed disturbance of such slope areas.

(g) Soil information and potential erodibility of soils to be disturbed.

(h) Existing woodlands to be removed and tabulation of any required replacement trees or areas of other natural resources to be preserved in excess of the minimum standards of the Township Codes.

(i) Proposed means and methods for stabilization of regulated slope areas to be disturbed as described in this Part.

(2) Plans submitted by all applicants for use of land within the Steep Slope Conservation District shall be reviewed by the Township Zoning Officer and if requested by the Zoning Officer, by the Township Engineer, prior to being considered for approval by the Township.

§ 275-163. Woodlands and Trees.

A. The disturbance of woodlands and trees shall be in compliance with all applicable provisions of this Part and other Township Codes as may be applicable. The purpose of this Section is to provide reasonable controls governing the disturbance of woodlands and trees associated with all site alterations, grading, filling or clearing of vegetation and all subdivision and land development activities. Woodlands shall be considered an area of trees of greater than 8" caliper (DBH) or greater, forming a contiguous canopy of 0.25 acres or greater. The following standards shall apply to all woodland disturbance:

(1) No more than 50% of woodlands shall be disturbed on a parcel. Township Council, in their sole discretion, may grant conditional use approval to no more than 70% of woodlands to be disturbed, provided that the additional woodlands disturbance is offset by preservation of an equal or greater area of Class I or Class II slopes in excess of the minimum protection requirements of this Part. Compliance with the requirements of the tree replacement provisions of this Part shall be required when a conditional use is approved for woodlands disturbance exceeding 50% on a parcel.

(2) All wooded areas and trees which are required to be preserved shall be considered to be located in a Tree Protection Zone (TPZ) and shall remain in their natural condition with the natural forest understory and ground cover left intact.

(3) Should any existing viable vegetation within the TPZ be irreparably damaged during construction or site preparation activities and, as a consequence thereof, die within two years of the conclusion of construction or site preparation activities, such trees shall be replaced in accordance with the requirements of this Part (Tree Replacement Requirements).

(4) The removal or destruction of each viable tree within the TPZ is prohibited without approval from the Township or its appointed representative.

(5) All woodlands and trees removed from a site within three (3) years of a property development proposal, including those removed in accordance with Section 275-151 (Forestry and Timber Harvesting), shall be replaced in accordance with this Section.

(6) Tree Replacement Requirements. When trees are unable to be preserved, the landowner or developer shall plant replacement trees on the subject property, or if approved by the Township plant replacement trees on Township owned public land or pay a fee-in-lieu, in

accordance with the following:

(a) One (1) tree of not less than 2 ½ inches to three (3) inches in caliper for each tree of eight (8) inches up to 12 inches in DBH to be destroyed.

(b) Two (2) trees of not less than 2 ½ inches to three (3) inches in caliper for each tree from 12 inches up to 24 inches in DBH to be destroyed.

(c) Three (3) trees of not less than 2 ½ inches to three (3) inches in caliper for each tree of 24 inches or more in DBH to be destroyed.

(7) The following activities are specifically exempted from the tree replacement requirements:

(a) Removal of diseased or dead trees, noxious plants and other invasive species as defined by the Commonwealth of Pennsylvania.

(b) Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.

(c) Removal of up to eight (8) trees per acre of woodland per year, not to exceed an annual total of 16 trees per parcel as defined in this chapter, or any combination of adjoining lots in common ownership which are eight (8) inches or more in diameter, measured at breast height (DBH). This exemption is in addition to the exemptions in Subsection 1A and B hereof.

§ 275-164. Other Natural Resources. Other natural resources including but not limited to floodplains, riparian corridor, wetlands, and Waters of the United States, shall be subject to all applicable Township Codes and State and Federal Regulations and shall be shown on all plans required for development.

§ 275-165. Setbacks from Natural Resources. The minimum building setbacks of the designated Zoning District shall be measured from the limit of the below-specified protected natural resources rather than from the lot lines so that the required minimum yard is free from protected natural resources. Resources requiring these setbacks are riparian corridor, floodplains, wetlands, Waters of the United States, Class II slopes (25% or greater), ponds, and lakes. Where a conflict arises between provisions, the stricter provision shall control.

§ 275-166. Restriction on Future Development. All areas required to be protected under this Part and all land area required to be kept as open space or to otherwise be protected under the Township's ordinances shall be restricted from future development and/or subdivision, whether through deed restriction, easement, or other instrument that runs with the land in perpetuity and puts future landowners and occupants on notice of the restrictions and land to be protected. The document evidencing the restriction shall also state whether any conditional use approval was granted under this Part, and the details of such approval, including the date of the approval and approval terms and conditions. Requests to amend or alter such restrictions by future landowners to disturb natural resources protected by this Part beyond that which is permitted in the restriction shall require conditional use approval from Township Council.

§ 275-167. Conditional Use. The Township Council may grant conditional use approval to permit disturbances of percentages of natural resources greater than those set forth in this Part, including

when optimization of protection of the most highly valued natural resources on the site require deviations from the standards in this Part. The Township Council, in its sole discretion, shall consider conditional use approval applications applying the standards and procedures hereafter set forth including all applicable standards of Article XXVII of the Zoning Ordinance. A single application shall be submitted for any natural resource proposed to be protected to a percentage less than that required under this Part.

A. Application Procedure.

(1) The applicant shall submit an existing features plan prepared in accordance with the requirements of The Subdivision and Land Development Ordinance. If the applicant is not otherwise required to prepare an existing features plan that complies with The Subdivision and Land Development Ordinance, it shall prepare one to accompany its conditional use application.

(2) The applicant shall prepare a tabulation of existing natural resource areas and proposed disturbance area of each natural resource. The plan shall demonstrate that proposed improvements (which will result in resource disturbance) can be constructed within the boundary of those areas desired to be disturbed.

(3) The natural resource areas to be left undisturbed shall be protected in accordance with the provisions of this Part.

B. The Township Council, in its sole discretion, may grant conditional use approval to permit certain natural resources to be preserved in a percentage less than the by-right protection standard provided for in this Part and other Township Codes, when it determines, after applying the standards and procedures set forth below and in this Part, that a lesser percentage of protection is warranted and furthers the purposes of this Part and the Zoning Ordinance. In no event may the Township Council grant conditional use approval for less than the minimum percentage of protection specified in this Part.

(1) General Standards. The Township Council shall consider the following factors in determining whether to permit the applicant to disturb one or more natural resources on the site to a greater degree than the by-right protection standards.

(a) The degree of modification proposed to natural resources impacting the topographic, soil and vegetation resources and the techniques proposed to mitigate potential adverse environmental impacts.

(b) The effect the development of the natural resources would have on adjacent properties.

(c) The best layout and design for the development of the site which, at the same time, protects the greatest percentage of valuable natural resources and most nearly achieves the goal of sustainability for the subdivision, land development, or other development, and the community surrounding the subdivision, land development, or other development.

(d) The extent to which additional disturbance aids in the optimal protection of the natural resources of the Township from a holistic perspective, achieves the objectives of the Comprehensive Plan, and assures the sustainability of the community of which the subdivision, land development or other development is a part.

(2) Any use(s) or structure(s) approved as a conditional use shall provide evidence that:

(a) The natural resources are being proposed for development since no other alternative location is feasible or practical.

(b) Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation and unstable soil conditions.

(c) Mitigation techniques will be utilized, including but not limited to retaining walls, erosion control blanket, the establishment of low maintenance ground covers and/or low spreading shrubs and the like, and replacement of removed vegetation with suitable similar vegetation or rapid-growth plant species. Such techniques shall be evidenced through the submission of plans and construction details which depict, delineate and otherwise describe the development proposal.

(d) Grades created as a result of disturbance of slopes can be properly and safely maintained both during and post-construction.

(e) Proposed buildings and structures will be of sound engineering design and footings will be designed in response to the site's slope, soil and bedrock characteristics. Such design shall be evidenced through the submission of plans and construction details which depict, delineate and otherwise describe the development proposal.

C. Standards Specific to Certain Natural Resources. The Township Council shall also consider and apply the following natural-resource-specific criteria in determining whether to approve a conditional use application under this section:

(1) Woodland Area Disturbance.

(a) Groundwater and Surface Water Stabilization. The removal of wooded areas shall not adversely impact groundwater and surface water by altering the water table by removing vegetation that would otherwise provide a mechanism for water assimilation through the evapotranspiration process.

(b) Ecological Impact. The removal of wooded areas shall not adversely impact the existing biological and ecological systems, or the microclimatic conditions which directly affect these systems, including the effects of removal of a part of the woodland on the health of the remainder.

(c) Air Movement. The removal of wooded areas shall not significantly reduce the ability of existing vegetation to reduce wind velocity to the degree that it would substantially impact the remainder of the woodland.

(d) Wooded areas providing habitat for threatened and/or endangered species shall not be disturbed and shall be contained in a Tree Protection Zone.

(e) Scenic Impacts. The removal of wooded areas shall not have an adverse impact upon the scenic value of the property.

(f) Township Council may not grant conditional use approval unless the applicant proposes equal or greater protection to other natural resources such as woodlands and riparian

corridor, than the relevant by-right protection standards under this Part or other Township Codes, if such other resources exist on the parcel.

(g) The Township Council shall consider the extent to which the proposed vegetation disturbance hinders and/or removes invasive plant species, and/or promotes growth and/or spread of invasive plant species. Township Council may impose conditions to prevent the growth and/or spread of invasive plant species.

(2) Class I Steep Slope Area Protection.

(a) The effect protecting less than the standard percentage of steep slopes would have on adjacent properties, particularly when such slopes abut another lot or tract of land.

(b) The extent to which protection of less than the standard percentage of steep slopes would result in excessive grading, landform alteration and extensive vegetation removal.

(c) The extent to which the ecological balance may be disturbed by increased runoff, flooding, soil erosion and sedimentation, blasting and ripping of rock, landslide and soil failure.

(d) The extent to which steep slopes can be protected as open space and other uses which are compatible with preservation of natural resources and protection of areas of environmental concern.

(e) Township Council may not grant conditional use approval unless the applicant proposes equal or greater protection to other natural resources, such as woodlands and riparian corridor, than the relevant by-right protection standards under this Part or other Township Codes, if such other resources exist on the parcel. The Township Council shall consider the extent to which the reduction of slope protection will adversely impact the natural resources sought to be protected to a greater extent. It shall also consider the extent to which the added natural resource protection mitigates or minimizes adverse impacts from reduction of slope protection. Township Council may impose conditions accordingly.

ARTICLE XXIV: OFF-STREET PARKING

§ 275-168. Required off-street parking spaces.

A. Unless specified otherwise in another article of this chapter, all off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use which, after the effective date of this chapter, is established, erected, enlarged or altered for any of the following purposes or uses in any district. For uses not specifically listed, the requirements for the most similar use listed shall be followed:

Use	Off-Street Parking Space Required
Agricultural Uses	
Agriculture	1 for each full-time employee
Residential Uses	
Apartments with 3 or more bedrooms	2 for every dwelling unit, plus 1 space for every 5 units for multi-unit structures and townhomes.
Other dwelling units	2 for every dwelling unit
Home professional offices and home occupations	2 in addition to the spaces for the dwelling unit, plus 1 for every 100 square feet of space used for the office
Recreational Uses	
Private clubs, lodges	1 for every 100 square feet of floor area available to patrons
Golf course	5 for each hole plus club requirement as listed above
Golf driving range	2 for each tee
Miniature golf	1 for each hole
Bowling alley	5 for each lane
Gymnasium, stadium	1 for every 4 seats
Public swimming pool	1 for every 12 square feet of water surface or 1 for every 5 persons for whom dressing facilities are provided (whichever is greater)
Outdoor commercial recreation	1 for every 1,500 square feet of area
Indoor commercial recreation	1 for every 150 square feet of gross floor area devoted to such use
Governmental, Institutional and Educational Uses	
Places of public or private assembly including churches, auditoriums, theatres and assembly halls	1 for every 4 permanent or temporary seats plus 1 for every 100 square feet of meeting room area (where the capacity is not determined by the number of fixed seats, 1 for every 60 square feet of floor area devoted to seating area)

Club, lodge	1 for every 50 square feet of assembly area or 1 for every 5 persons of total capacity (whichever is greater)
Community center, library, museum	1 for every 250 square feet of floor area in public use
Hospital, healthcare/ rehabilitation facility	1 for each bed plus 1 for each employee on the shift of greatest employment;
Continuing care retirement community facility	1 space per dwelling unit plus 1 space for every 2 employees anticipated at the largest shift for all nonresidential uses
Personal care facility/Assisted Living Facility	1 space for each 3 living units, plus 1 space for each employee on the shift of greatest employment
Private kindergarten or child institutional home	1 for each adult attendant plus 1 for every 500 square feet of gross floor area
Elementary and secondary schools	2 spaces per 1,000 square feet of classroom area, plus 12 per 1,000 square feet of assembly room area.
Nursery school or daycare center	1 space per 600 square feet of gross floor area
Postsecondary schools and campus facilities	2 spaces per 1,000 sq. ft. of classroom area, plus 1 space per each campus residential accommodation.
Retail, Commercial and Other Business Uses	
Retail store, shop or personal service establishment (not a part of a shopping center)	1 for every 100 square feet of gross sales floor area or area serving customers
Department store, supermarket, or warehouse membership club	1 for every 75 square feet of store sales floor area or other area serving customers
Personal service businesses such as barber shops, photo shops, tailor, beautician, shoe repair and the like	1 for every 100 square feet of gross floor area or area serving customers
Restaurant, cafeteria, tavern or café	1 for every 50 square feet of floor space devoted to patron use, plus 1 for each employee on the maximum shift
Fast food restaurant with drive through service	1 per every 75 feet of gross floor plan area
Self-service laundromat	1 for every 50 square feet of gross floor area
New and used automobile sales and service agency	1 for every 200 square feet of floor and ground area devoted to sales, service and repair, plus 1 for each employee (parking within a building may be used to meet this requirement)
Banks, credit unions and the like	1 for every 75 square feet of floor area for serving customers

Medical or dental offices and clinics	6 for each practitioner (6.5 per each 100 sq ft of examination area)
Funeral home	1 for every 4 seats for patron use or 1 for every 50 square feet of gross floor area, whichever is greater
Professional offices and businesses:	
Office building having less than 100,000 square feet of gross floor area	1 for every 200 square feet of gross floor area
Office building having 100,000 square feet or more of gross floor area	1 for every 250 square feet of gross floor area
Shopping center	4 for every 1,000 square feet of gross leasable areas for centers having a gross leasable area less than 400,000 square feet; 4 1/4 for every 1,000 square feet of gross leasable area for centers having a gross leasable area greater than 400,000 square feet
Movie theatre	1 for every 4 seats plus 1 for every employee on the shift of greatest employment
Hotel, motel or inn	1.2 for each rental room or suite plus 1 for every 3 seats in restaurants or meeting rooms
Temporary places where Christmas trees, flowers, produce or other goods are sold	10 minimum, plus any additional spaces as determined by the Code Enforcement Officer after personally observing traffic conditions at such locations
Industrial and other related uses	1 for each employee on the shift of greatest employment, or 1 for every 1,000 square feet of gross floor area (whichever is greater), plus 1 for each company vehicle
Convenience store	One for every 100 square feet of net floor area of the building(s) on the lot, and one for each fueling position used for the dispensing of automotive fuel, plus one space for each employee on the largest shift
Car wash, automated	6 spaces, plus 6 dry-off spaces, plus 10 stacking spaces.
Mini-warehouse/self-storage	Minimum of 5 spaces for the office OR 1 space per 10,000 sq ft of GFA
Gasoline service station	1 per pump island, plus 6 stacking spaces for each pump island.
Automobile service and repair	4 for each bay, or 1 every 200 square feet of floor and ground area devoted to service and repair (whichever is greater), plus 1 for each employee

Vehicular sales and service center	1 space per 200 square feet of floor area devoted to sales, excluding the area where the merchandise is parked or stored, plus 1 space for each service stall in the service department
Marijuana dispensary	1 parking space per 100 square feet of gross floor area.
Conference center	12 spaces per 1,000 square feet of gross floor area in the main assembly room.
Commercial greenhouse or garden center	1 space per 200 square feet of floor area devoted to sales
Bed and breakfast	1 space per guest room in addition to the required number for the residence
Research or testing facilities	1 for each 1,000 square feet of gross floor area.

B. Buildings or uses other than those specified above.

(1) A Parking Study shall be submitted by the Applicant for review and evaluation by the Township for those buildings or uses not specified, and a determination of the appropriate parking space requirements shall be made by the Township Council.

§ 275-169. General regulations for off-street parking.

A. Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this article, provided that the type or extent of use is not changed, and further provided that off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than required under this chapter for a similar new building or new use.

B. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter.

C. Changes in use. Whenever a structure is altered or a use is changed or extended which increases its parking requirements, then the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of § 275-168.

D. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

E. Continuing character of obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this article.

F. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served. However, in all cases where it is sought to utilize adjacent premises for parking facilities, the applicant or owner shall be required to enter into an appropriate agreement, duly acknowledged, for recording, reciting that the property upon which aforesaid establishment is erected and the said adjacent premises are both owned by the applicant; that they are to be used with relation to each other, as above provided; and that neither property shall be separately sold or encumbered, unless other provisions for compliance with this chapter have first been entered into in writing and

fully approved by the Township Council.

G. Fractional spaces. Where the computation of required parking spaces results in a fractional number, the fraction of 1/2 or more shall be counted as one.

H. Maintenance of parking areas. All parking areas, loading areas, and driveways shall be graded and surfaced with asphalt or other suitable materials to prevent dust and erosion. Such areas shall also be drained in conformance with municipal standards to prevent excessive water flow onto streets or adjoining properties. All parking spaces and parking areas shall be clearly line striped and maintained.

I. Lighting. All artificial lighting used to illuminate any parking area shall be arranged to prevent glare on adjoining properties.

J. ADA Accessible parking. All uses shall designate reserved ADA compliant parking spaces as close as possible to the main entrance of the building with the exception of single-family or twin dwellings, service stations, garages, cemeteries or any other use for which 10 or fewer parking spaces are required under this chapter. Said spaces shall be considered as part of the required spaces and shall be appropriately signed as accessible parking spaces.

K. Electric vehicle charging stations.

(1) Electric vehicle charging stations may utilize existing, on-site parking spaces only after the applicant demonstrates to the satisfaction of the Zoning Officer their designation will not result in the use failing to have the required number of parking spaces for the use as required under § 275-168.

(2) These vehicle charging stations shall not impact any required accessible spaces.

(3) Permitting and approval from the Township Code Enforcement Officer or designee is required for the electrical connection.

§ 275-170. Parking area design standards.

A. All parking areas shall be in accordance with Chapter 210, Subdivision and Land Development. For purposes of this chapter, a parking space shall be a space in a garage or on a lot which meets the size and other requirement of this section, is reserved for the parking of a motor vehicle and which has direct access from a street. Each parking space shall be not less than 9 1/2 feet wide and 19 feet in length, except as otherwise provided:

	Parking space width	Parking space length	Aisle width	Notes:
PRD	9 ft.	18 ft.		
I – Institutional				
Parking garage structures	8.5 ft.	19 ft.	24 ft.	These requirements are for angled parking only.
Regional rail facilities	9 ft.	17 ft.		
SU-1				
Regional rail facilities	8.5 ft.	18 ft.		

C-3 Commercial Uses	9.5 ft.	19 ft		30% of the total number of new parking may be 9 ft. wide by 18 ft. long in a contiguous parking area.
C-3 Multifamily Residential	9 ft.	18 ft.	24 ft.	
SU-1A Mixed Use	9.5 ft.	19 ft.		Except that 20% of the total number of new parking may be 8.5 ft wide by 18 ft. long in contiguous parking area.

B. The aisle space between rows or banks of parking spaces shall be not less than 25 feet for 90° parking and not less than 20 feet for parking at angles of 60° or less.

C. Parking areas shall be graded to provide convenient vehicular access and proper drainage and shall be paved in accordance with Township specifications, provided that the Township Council may authorize that the paving of a portion of the required parking area be deferred until such time as the unpaved area is required to meet parking needs. All parking, access or other vehicular service areas shall be adequately illuminated per lighting standards in Section 275-135.

D. Every parking lot or area for off-street parking shall be separated from the street or highway by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or exits, and the layout of such lot or area shall be such as not to require vehicles to back out directly onto a street.

E. Parking spaces provided to serve accessory uses or other nonresidential uses in Residence Districts shall not be located in the required front yard. Such parking spaces shall be appropriately landscaped to screen such lot from adjoining or opposite residential properties.

F. All parking shall be accessible from a street and an individual or shared driveway.

§ 275-171. Shared parking and conditions.

A. 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 total number of spaces required in a common parking facility may be reduced if:

(1) It is demonstrated to the Township Council that the hours or days of peak parking demand for the uses are so different that a lower overall total of parking spaces will adequately provide for the uses to be served.

(2) Such demonstration and proof shall be provided by a registered Transportation Engineer, the fees for whom shall be paid by the landowner(s).

§ 275-172. Design and layout of off-street loading facilities.

A. In addition to the off-street parking space required in this article, any building erected, converted and/or enlarged for any nonresidential use shall provide off-street areas for loading and unloading and commercial vehicle parking space adequate for their needs.

B. The minimum size loading space shall be 50 feet in depth, 12 feet in width, with an overhead clearance of 15 feet exclusive of drives and maneuvering space and located entirely on the lot being served. Any overhead canopy should extend a minimum of four feet beyond a loading dock.

C. All loading space shall have adequate access from a street or way which does not block or interfere with the required parking as specified in § 275-168. This required space will be provided in addition to established requirements for patron and employee parking.

D. In no case shall public rights-of-way be used for loading or unloading of materials. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public right-of-way nor require the use of any public right-of-way for maneuvering space.

E. Two-way driveways shall have a minimum width of 25 feet and a maximum width of 36 feet. One-way driveways shall have a minimum width of 12 feet.

F. All accessory driveways and entrance ways shall be graded, paved and drained to Township standards, to the extent necessary to prevent nuisance of dust, erosion or excessive water flow across streets and adjoining properties.

G. All off-street loading berths shall be provided on either the side or rear of the lot. In no case shall off-street loading berths be provided in the front of the lot.

H. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an impediment to traffic.

I. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

§ 275-173. Access for off-street parking and loading areas.

Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

A. Access drives shall not open upon any public right-of-way within 150 feet of the nearest right-of-way line of any intersecting public street or highway.

B. The required sight distance for access drives which open upon any street or highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.

§ 275-174. Screening and landscaping requirements.

All screening and landscaping shall conform to the provisions of Article XXI and the following:

A. Screening between any parking area and the street line shall be effective at the time of occupancy, subject to the following provisions:

(1) All off-street parking areas which provide more than five parking spaces shall be screened from any abutting property of a more restrictive zoning district.

(2) Effective screens may be accomplished through the use of the following: plant materials, fencing or walls and/or mounding through the use of earthen berm forming a continuous visual buffer.

(3) The area for planting and fencing walls or earthen berms shall not extend beyond the street line. No off-street parking or loading and unloading facilities shall be located within 20 feet of the street line, unless otherwise provided in other sections of this chapter.

(4) When planting screens are employed, the following shall apply:

(a) A buffer planting strip shall be provided. It shall be a minimum of 15 feet in width unless required otherwise in this chapter.
(b) Planting screens shall be of sufficient height and sufficient density to constitute a continuous visual buffer five feet in height at the time of planting except as provided below. The type and spacing of plant materials shall be subject to review and approval by the Township Council.

(c) At all intersections of accessways, the required screening shall not be greater than 18 inches in height for a distance of 10 feet from the street.

(5) Whenever fencing or walls are employed, the effective height of the continuous visual buffer shall be no less than five or more than six feet, subject to other regulations of this chapter.

(6) Whenever earthen berms are employed, the effective height of the continuous visual buffer shall be no less than five feet in height.

B. Landscaping within any parking area which provides more than five (5) parking spaces shall be subject to the following provisions:

(1) Off-street parking areas and parking lots shall be landscaped to reduce wind and air turbulence, heat and noise and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to ameliorate stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.

(2) Each parking lot shall have one shade tree of three (3) inches to 3 1/2 inches in caliper for every five (5) parking spaces if there are no existing shade trees. Shrubs, ground covers and other plant materials are encouraged to be used to complement the trees but shall not be the sole contribution to the landscaping.

(3) The landscaping and planting areas shall be reasonably dispersed throughout the parking lot; except where there are 20 or more parking spaces, in which case, the following shall apply:

(a) Landscaped "islands" shall be provided at the end of each parking bay which contains 20 parking spaces. Such "islands" shall be a minimum of eight (8) feet in width and 18 feet in length. Such "islands" shall be provided to enhance the appearance of the parking area and to control access and movement within the parking area.

(4) All planting islands and planting beds within a parking lot shall be surfaced with ground covers and/or dwarf shrubs and shall not be grassed. Stone mulch and shredded hardwood mulch may be used in conjunction with shrubs and ground covers, and shredded hardwood mulch shall be used to form the plant saucers.

(5) The type, location, arrangement and dispersal of planting areas and plant materials shall be subject to the review and approval of the Township Council.

§ 275-175. Reserve parking.

A. Conditions. The Township Council may, in its sole discretion, permit not more than 40% of the number of parking spaces required by the Township for a building, use or purpose to be designated "reserve parking," subject to the following conditions, together with any other reasonable conditions imposed by the Township:

(1) The owner of the property on which the reserve parking will be located must provide financial security which:

(a) Is acceptable to the Township; and

(b) Is in a form as provided in Article V of the Pennsylvania Municipalities Planning Code, or any successor provisions thereto; and

(c) Guarantees the cost of completing the reserve parking, including the cost of all improvements necessary to construct, install, pave and complete the reserve parking. Such improvements shall include, but not be limited to, improvements relating to stormwater management and landscaping as well as to the physical construction of the reserve parking.

(2) The owner of the property on which the reserve parking will be located must enter into an agreement or agreements with the Township relating to the completion of the reserve parking and the provision of financial security therefor [reserve parking agreement(s)]. The form of the agreements must be approved by the Township Solicitor.

(3) The amount of financial security may not exceed 110% of the estimated cost of completing the reserve parking as approved by the Township Engineer and may be increased for each one-year period beyond the first anniversary date of the initial posting of the financial security to an amount not exceeding 110% of the cost of completing the reserve parking as then determined and approved by the Township Engineer.

(4) The financial security must be maintained for a period beginning on the date the financial security is posted and ending on a date which is 10 years from the date of completion of the development on which the reserve parking is located or for such lesser time period which is approved by the Township Council (the reserve parking period).

(5) The reserve parking must be appropriately designated on plans specified by the Township and in a manner approved by the Township.

B. Construction and completion.

(1) At any time, either before, during or after the reserve parking period, the Township Council may, in its sole discretion, require and direct that all or any portion of the reserve parking, including all improvements necessary to construct, install, pave and complete the reserve parking, be completed within the time frame specified by the Township. The foregoing time frame may not be less than 180 days from the date of the Township's written notice or direction to complete. After the reserve parking period ends, the obligation to construct, install, pave and complete the reserve parking and the reserve parking agreement(s) (with the exception of the financial security requirements) shall continue until such time as either the reserve parking is completed to the Township's satisfaction; or, if earlier, the number of satisfactorily completed parking spaces is equal to or greater than the number required by the laws, ordinances and regulations then in effect.

(2) The reserve parking which the Township requires to be completed must be installed,

constructed, paved and completed in a good and workmanlike manner at no cost or expense whatsoever to the Township and in strict conformity with all applicable agreements, plans, permits, laws, ordinances, resolutions, regulations and Township specifications. The construction, installation, paving and completion of the reserve parking shall be subject to inspection by and approval of the Township Engineer.

(3) If the required reserve parking is not completed in the manner and within the time frame required, then the Township may cause the reserve parking to be completed. In such event, the Township may pay for the cost thereof from the financial security provided or, if the reserved parking period has ended and the financial security has been released or if for any other reason the financial security is insufficient to cover all Township costs of completion, then the Township may require direct payment of or reimbursement for all such costs from the landowner.

(4) The Township may, in accordance with procedures set forth in the reserve parking agreement(s), authorize the release of portions of the financial security during the reserve parking period as portions of the reserve parking are satisfactorily completed.

(5) The Township shall authorize the release of all of the remaining financial security upon the earlier to occur of:

(a) The satisfactory completion of all of the reserve parking and the compliance with all requirements of the reserve parking agreement(s); or

(b) The expiration of the reserve parking period; and the satisfactory completion of all of the reserve parking which the Township has, during the reserve parking period, required be completed; and the compliance with all requirements of the reserve parking agreements.

C. Change in use. In the event that the use of property subject to reserve parking obligations changes at any time, either before, during or after the reserve parking period, the property owner shall have the obligation to inform the Township of the change and to construct, install, pave and complete any additional parking required by the this chapter and other laws, ordinances and regulations then in effect, unless the Township either approves of the creation of reserve parking pursuant to and in accordance with the requirements of this section, including, but not limited to, the execution of reserve parking agreements, the posting of financial security and the commencement of a reserve parking period, or approves of the continuation of any existing reserve parking agreements applicable to the property.

D. Protective period under the Pennsylvania Municipalities Planning Code. The construction, installation, paving and completion of the reserve parking spaces shall be governed by the laws, ordinances and regulations in effect at the time of such construction, installation, paving or completion, unless otherwise required by Section 508(4) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508(4), or any successor provision thereto governing the effect of ordinance changes on approved plats. This section is not intended to and shall not be interpreted as extending the five-year period or any other protective period described in 53 P.S. § 10508(4) or any successor provision.

ARTICLE XXV: SIGN REGULATIONS

§ 275-176. Scope and applicability.

A. Any sign hereafter erected or maintained shall conform with the provisions of this chapter and any other ordinance or regulations of the Township relating thereto. Any sign not specifically authorized by the provisions of this chapter shall not be erected or maintained in the Township.

B. It shall be unlawful for any person, firm, corporation or individual to erect and maintain signs, ground signboards, roof signboards, wall bulletins, projecting signs, marquees and marquee signs without first obtaining a permit from the Township, except those listed specifically in § 275-179.

C. No display sign shall hereafter be erected or attached to, suspended from or supported on a building or structure, and no display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated until a permit for the same has been obtained, except those listed specifically hereafter in § 275-179.

D. Application for such permits shall be made in writing to the Township in accordance with § 275-180 and shall present full particulars as to size, shape, material, supports, location and height above the sidewalk or ground, together with the written consent of the owner of the property on which the sign is to be located. All applications shall be accompanied by a plan drawn to scale, showing the sign, its size and its location with respect to the building and to the boundaries of the lot upon which it is situated.

E. Nonconforming signs. Signs and their respective illumination existing at the time of the passage of this chapter and which do not conform to the requirements of this chapter shall be considered nonconforming signs, and once destroyed or removed for any reason, shall be replaced only with conforming signs and lighting. Nonconforming signs may be painted, repaired (including lighting) and altered in their wording provided such modifications do not exceed the dimensions of the existing signs.

F. Abandoned signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him a sign which has been abandoned. An "abandoned sign," for the purpose of this chapter, is a sign erected on and/or related to the use of a property which becomes vacant and unoccupied for a period of six (6) months or more; or any sign which was erected for a prior occupant or business; or any sign which relates to a time, event or purpose which is past. Any such abandoned sign shall be removed by the landowner or person controlling the property within 10 days of the abandonment as described above.

G. The Zoning Officer is hereby authorized and empowered to revoke any permit issued by the Township, upon failure of the holder thereof to comply with any provision of this article.

H. The provisions of this article shall not apply where signage is erected and maintained by Township Council for Township purposes, provided that all other required governmental permits are obtained by Township Council prior to such Township use.

§ 275-177. Determination of size of signs.

A. The size of any sign shall be determined in accordance with the provisions of this article and the following:
   (1) Calculation of sign area. For the purposes of this section, “surface display area” shall mean the entire area within a continuous perimeter formed by straight lines joined at right angles which

enclose the extreme limits of the writing, background, representation or display of the sign face. The supports, uprights or structure on which any sign is supported shall not be included in determining the surface display area unless such supports, uprights or structure is designed in such a manner as to form an integral background of the display or to convey meaning.

(2) When a sign consists of a letterhead board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.

(3) When a sign is a freestanding sign, the size of such freestanding sign shall be determined by calculating the area of the lettered board or the area of the combination of letters, numbers and/ or logos without a lettered board, as the case may be, excluding the area of the largest single surface of each support upon which such sign is erected.

§ 275-178. Sign restrictions and standards.

A. Prohibited signs. It is unlawful to erect or maintain the following signs:

(1) Spinning, animated, twirling or any other moving objects used for advertising purposes, whether containing a message or not.

(2) Flashing, blinking, twinkling, spinning, animated or lighted moving signs of any type including automatic color-changing and rotating lamps of other displays that call attention to a sign.

(3) Advertising cloth or paper banner or signs of any similar character suspended or hung on any property, except for temporary banners which may be permitted through special permission of the Township.

(4) Wall bulletins or any other signs painted directly on the facade of a building or other structure.

(5) Signs on mobile stands that can be moved from place to place and thereby not permanently affixed to the ground and other portable signs, be they freestanding, on the ground or temporarily attached to a building or other support.

(6) Curb or sidewalk signs or signs painted, attached or suspended from any outdoor bench, chair or other structure.

(7) Swinging and hanging signs.

(8) Any signs which are not internally illuminated (example: direct flood lighting onto a wood pole sign).

(9) Signs, letters and advertisements which are tacked, pasted, tied or otherwise affixed to poles, posts, trees, buildings, fences or other structures located on public property in the Township of Middletown.

(10) No sign shall be temporarily or permanently placed, erected, attached or painted on any vehicle if such sign identifies, advertises or gives information with respect to a premises or a part thereof, or any sale or special event or other circumstance. A sign is permitted on a vehicle when:

(a) Such sign is required by law;

(b) Such sign is in transit from one location to another, for permanent installation, for a time not to exceed three days;

(c) The sign which is permanently painted or affixed to a vehicle and is incidental to the use of a currently licensed vehicle when that use is a means of transportation;

(d) The vehicle, capable of sheltering a use or occupancy, is used as a construction shed or is located as prescribed for buildings in the zoning regulation regulating the premises and is used and occupied for a purpose permitted by the zoning regulation. In such a case, the sign shall otherwise comply with this chapter.

(11) Neon, LED or any internally-lit signs placed in windows of premises which can be seen from the outside are specifically prohibited.

(12) Unsafe and lawful signs. If the Zoning Officer shall find that sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in the violation of the provisions of this chapter, he shall give written notice thereof to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth herein within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Zoning Officer at the expense of the permittee or owner of the property upon which it is located. The Zoning Officer shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(13) Signs placed, inscribed or supported upon the roofline or any structure which extends above the roofline of any building.

(14) Hot- or cold-air balloons or other floating devices, with or without a message, placed or tethered on any property or structure, except for balloons used for human conveyance, which may be permitted upon approval of the Township Council.

B. General restrictions and standards. The following restrictions shall apply to all permitted signs:

(1) No sign shall be located, arranged or placed in a position that it will cause danger to traffic or will interfere with traffic through glare; blocking of required sight lines for streets, sidewalks or driveways; confusion with a traffic-control device by reason of color, location, shape or other characteristic; or through any other means.

(2) All signs constructed or erected under the provisions of this chapter shall comply with the standards set forth in both Article XXIII of the BOCA National Building Code, as amended, and the National Electric Code, as amended.

(3) No sign shall be erected within the right-of-way lines of any public street, nor shall any such sign be closer than 15 feet to the curbline of a public street, unless specifically authorized by other ordinances and regulations of Middletown Township or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.

(4) No sign shall be designed or lighted in such a manner or placed in such a position or location that it will present an unreasonable risk of injury to persons or property, or that it will cause danger to traffic on a street by obstructing or hindering the view.

(5) All external illuminated signs shall be turned off 1/2 hour after closing of the business or entity which they identify or advertise.

(6) No illuminated sign shall be lighted on days when the business or permitted use is not open for

business.

(7) Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.

(8) Every sign must be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by and at the expense of the landowner or lessee of the property on which is located.

(9) All permanent signs affixed to any permitted building shall be integrated into the architectural design of the building on which they are placed.

C. Double-faced signs.

(1) A sign may be double faced provided it has two parallel surfaces that are directly opposite, matching in size and shape and are not over 18 inches apart.

(2) The sign shall be considered as one sign and only one face shall be used to calculate the total size of the sign.

(3) Should the two surfaces deviate from being parallel, exceed the maximum distance between the parallel surfaces, or differ in size or shape, the sign shall be considered as two signs.

D. Freestanding signs.

(1) Pole Signs shall be made of metal or steel, except for those used in residential districts, which may be made of pressure-treated timbers. All such posts shall be embedded in the ground at least three feet six (6) inches. The bottom edge of the sign area shall be a minimum of eight feet from the ground, and the top edge shall be no more than fifteen feet maximum above the ground.

(2) Ground Signs shall be made of brick, stone, metal, steel, or pressure treated timbers and shall be embedded in the ground at least three feet six (6) inches. Unless specifically authorized elsewhere in this chapter, Ground Signs shall not exceed six feet in height.

E. Projecting signs. Such signs may be erected and maintained, provided that:

(1) No such sign shall project more than 12 inches beyond the building line if internally illuminated and not more than four inches if it is not internally illuminated, except that no sign shall project over a public sidewalk area.

(2) All projecting signs shall be rigidly affixed to the building and to all supporting and framing structures, attachments and hardware.

(3) No part of the projecting sign shall be less than eight feet or more than 14 feet above the ground on walkway level.

(4) No projecting sign shall be permitted within 25 feet of any other projecting sign.

F. Billboards and Signs – Unless regulated elsewhere in this Ordinance or in another of the Township's ordinances, the following regulation shall apply to the lighting of new or relighting of existing billboards and signs, whether from an internal or external lighting source, shall require a Building Permit, which shall be granted only when Township is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

(a) Externally-illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the light sources/lamps and their reflective surfaces from direct off-site view, and to place the light output onto and not beyond the sign or billboard face.

(b) Internally illuminated billboards and signs shall have a dark field/background, and light message. The maximum luminance at any point on the sign face shall not exceed 150 cd/m² during hours of darkness.

(c) Channel letter signs shall have dimming capability to allow adjustment of sign brightness when required by the Township to accommodate local ambient conditions. and complaints of excessive glare.

(d) Illumination of billboards shall be limited to commercial and industrial zoning districts and the illumination of billboards located within 400' of a residential use from which the billboard's illuminated surface is visible, shall not be permitted.

(e) Signs and billboards shall not resemble or simulate any warning or danger signal or any official traffic control device, sign or light.

(f) Billboards shall be extinguished automatically by a programmable controller with astronomical and semiannual time-change control and spring or battery power-outage reset, by no later than 11:00 each evening until dawn, except that signs for establishments (not companies) that operate or remain open past 11:00 p.m., may remain lighted no later than ½ hour past the time of the close of the establishment.

(g) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

(h) The use of highly reflective signage that creates nuisance glare or a safety hazard, shall not be permitted.

(i) LED. electronic/digital billboard and sign lighting shall only be permitted in and the SU-2 and C-3 industrial districts, shall not be allowed to operate between 11:00 p.m. and dawn when located where the sign face or its light output is visible from a residential district or use. On limited access highways, signs and billboards shall not be located within 1,000 feet of an approaching interchange or traffic-merging lanes. Except for time and weather signs, digital message shall not be permitted to change more than once every 60 seconds. From 30 minutes after sunset to 30 minutes before sunrise, the LED output shall be automatically reduced to a level that does not exceed 150 nits. Where located in an area with existing high-ambient light levels but not visible from a residential use, a sign-face brightness not exceeding 200 nits/cd/m may be permitted. The sign or billboard nighttime light output shall be capable of being further dimmed if Township so requires, when the lighting is judged to create a nuisance or hazard. LED light sources correlated color temperature shall not exceed 3000K.

G. Each sign shall be removed within 10 days of the time when the circumstances leading to its erection no longer apply, or as provided for otherwise herein.

H. All sign provisions of this article shall apply to smokestacks, water towers, silos and other similar structures.

§ 275-179. Permitted signs for which a permit is not required.

A. The following signs, whether located on public or private property and exactly as described below, are exempt from the need to secure a permit, but are subject to the provisions of §§ 275-176 to 275-178.

(1) Decorations for a recognized officially designated holiday, provided they do not create a traffic or fire hazard.

(2) Official and governmental signs which shall include safety signs, trespassing signs, signs indicating scenic or historical points of interest and traffic signs.

(3) Signs designated the name of the owner or occupant of a property, the address of such property, the private ownership or roadways or other property provided:

(a) Such sign is not in excess of one square foot in area.

(b) Not more than one such sign is erected for each use.

(4) Temporary yard sale or garage sale signs, provided such signs:

(a) Do not exceed two square feet in area.

(b) Shall be removed within 24 hours after said sale.

(5) Temporary signs announcing a political, public, educational, charitable, civic, religious or similar campaign or event provided:

(a) Such sign may be erected for a period not to exceed 30 days in any calendar year.

(b) Such sign shall not exceed in size the area permitted for permanent signs as provided for each zoning district.

(c) Such sign shall not be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

(d) Such sign shall be no closer than 10 feet to the curbline of a public street, unless specifically approved by the Township Council.

(6) Window signs. Such signs, excluding neon signs, shall be used to serve as an accessory sign to the sign associated with the principal use.

(a) Window signs shall be permitted in Commercial Districts and where nonconforming commercial uses occur in other districts.

(b) The total area of window signs shall not exceed 25% of the total glass area of the window in which it is placed.

(7) Official traffic signs.

(8) Trespassing signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet.

(9) Real estate signs which do not exceed six square feet.

(a) Signs advertising the sale or rental of the premises or lot upon which they are erected provided that:

[1] No more than one such sign shall be erected for any premises or lot held in single and

separate ownership.

[2] No such sign shall be illuminated.

[3] All such signs shall be removed on the date of settlement.

(10) Signs of contractors, mechanics and artisans, provided that:

(a) Such signs shall be erected only on the premises or lot where such work is being performed.

(b) The size of any such sign shall not exceed 12 square feet.

(c) No such sign shall be illuminated.

(d) Such signs shall be removed promptly upon completion of the work by the contractor, mechanic or artisan.

(e) Not more than one such sign shall be erected for any premises or lot held in single and separate ownership.

(11) Signs advertising sale of farm products grown on the premises, provided that:

(a) The size of any such sign shall not exceed six (6) square feet.

(b) Not more than one such sign shall be erected on the premises, unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.

(c) No such sign shall be illuminated.

(d) Such signs shall be displayed only when farm products are on sale.

(12) Informational signs such as: "entrance," "exit," "no parking," "visitor's parking," "no hunting," "no trespassing," "keep off the grass" and the like, on the same lot as the use to which the sign relates or the prohibition of the use to which the sign relates, provided that:

(a) The area of said sign shall not exceed six square feet in area.

(b) Such sign shall not contain any advertising.

(13) Signs installed at an athletic field or other exterior athletic facility owned, operated or utilized by a governmental or not-for-profit entity, advertising a product, business or activity not provided or conducted on the premises where such signs are installed, provided:

(a) A plan depicting the location, number and size of all signs proposed to be installed pursuant to this section shall be submitted to the Township of Middletown for review and approval by the Zoning Officer prior to the installation of such signs.

(b) Such signs shall be installed so that the message face side of each sign is directed toward the playing surface or spectator seating area, or both;

(c) Such signs shall be attached to a fence, wall or other surface within the athletic facility so that the message face of the sign is not visible from the nearest public street or residential property;

(d) The side of a sign opposite the message face when installed on a fence or other structure which is open to view from outside the athletic field or facility shall be painted or otherwise colored the same as the color of the fence or other structure on which the sign is installed;

(e) No individual sign shall exceed 15 square feet;

(f) No such sign shall be illuminated or animated;

(g) All such signs shall advertise legal products, businesses or activities.

§ 275-180. Permits.

A. Except as otherwise provided in § 275-179, no sign shall be erected in the Township until a permit therefor has been obtained in the following manner:

(1) An application in writing shall be made to the Township's Zoning Officer by the person desiring the permit.

(2) The application submitted to the Township's Zoning Officer shall give full particulars regarding the size, shape, material and supports of the sign as well as a sketch or sketches showing the location of the sign on the building or lot, the distance from the curbline and the height of the sign. The application shall be sufficiently specific to enable the Township's Zoning Officer to determine if the sign complies with the Township Zoning Ordinance as well as any other ordinance or regulation of the Township relating thereto.

(3) If the person submitting the application is not the owner of the property upon which the sign is to be erected, the written consent of the owner of the property on which the sign is to be erected shall accompany the application.

B. Except as otherwise provided in § 275-179, whenever any sign is replaced by another sign, enlarged in any manner or altered, dismantled, damaged or otherwise destroyed to the extent of more than 75% of its value, a permit shall be required as provided in Subsection A(1) above before the sign is replaced, enlarged, altered or repaired.

§ 275-181. Permitted signs by Zoning District.

The following signs, exactly as described under each specific district are permitted, provided a sign permit has been obtained for such sign.

A. Signs in Residential Districts. The following types of signs and no other shall bepermitted in R-1A, R-1, R-2, R-3, R-4, and Planned Residential Development Districts.

(1) Signs of a permanent nature.

(a) Signs indicating the name, profession or activity of the occupant of a dwelling, provided that:

[1] The size of any such sign shall not exceed two (2) square feet.

[2] Not more than one (1) such sign shall be erected for each permitted use or dwelling.

[3] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(b) Identification signs for permitted uses other than dwellings, provided that:

[1] The size of any such signs shall not exceed 20 square feet.

[2] Not more than one (1) such sign shall be erected on the premises.

[3] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(2) Signs of a temporary nature.

(a) Real estate signs from six (6) to 20 square feet.

[1] Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that:

[a] Not more than one such sign shall be erected for any premises or lot held single and separate ownership.

[b] No such sign shall be illuminated.

[c] All such signs shall be removed on the date of settlement or lease, or within one year from the date the application for such signs was approved, whichever occurs first. Such signs shall be permitted for additional periods of six months upon application to the Township Zoning Officer.

[2] Signs advertising the development of the premises upon which they are erected, provided that:

[a] The size of any such sign shall not exceed 20 square feet.

[b] Not more than one (1) such sign shall be erected on the premises or lot unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.

[c] No such sign shall be illuminated.

[d] All such signs shall be removed upon settlement of all lots on the premises in all approved phases of the development.

[3] Signs indicating the location and direction of premises in the process of development,

provided that:

[a] The size of any such sign shall not exceed six (6) square feet.

[b] Nor more than one (1) such sign shall be erected on each 500 feet of street frontage.

[c] No such sign shall be illuminated.

[d] All such signs shall be removed upon settlement of all lots in all approved phases of development.

B. Signs in the I-1 and I-2 Institutional Districts.

(1) Signs identifying such uses as general medical or surgical hospitals, mental health care agencies or facilities, public or private educational or human services organization campus-type institutions, governmental uses and community centers.

(a) One (1) sign shall be permitted at the main entrance to the property, provided that it meets the following:

[1] Ground sign only.

[2] Maximum area: 100 square feet.

[3] Maximum height: 17 feet 6 inches.

[4] If desired, two ground signs may be installed, one on either side of the main entrance.

[5] If two signs are installed, the maximum combined sign area of both signs shall not exceed 100 square feet.

(b) One sign shall be permitted at each public vehicular entrance to the property other than the main entrance provided that it meets the following:

[1] Ground sign only.

[2] Maximum area: 50 square feet.

[3] Maximum height: 14 feet.

(c) In addition to Section 275-181.B.(1)(a) above, one changeable message board sign shall be permitted along the principal street frontage of the property provided that it meets the following:

[1] Ground sign only.

[2] Maximum area: 40 square feet.

[3] Maximum electronic/ digital message area: 20 square feet.

[4] Maximum height: eight (8) feet.

[5] The sign shall also comply with Section 275-178.A.(1) and (2).

(d) Wall signs shall be permitted provided that they meet the following requirements:

[1] For a building with one (1) internal street or parking lot frontage one (1) wall sign shall be permitted.

[2] For a building with more than one (1) internal street or parking lot frontage, one (1) wall sign per frontage shall be permitted.

[3] Wall signs shall be attached to the wall of the building on the side of the frontage.

[4] Maximum area: 50 square feet.

(e) Directional signs shall be permitted provided that they meet the following requirements:

[1] Directional signs for the purpose of directing vehicular and pedestrian traffic within the complex shall be permitted.

[2] The directional signs shall be for the convenience and safety of vehicular and pedestrian traffic.

[3] Maximum area: 50 square feet.

[4] The height of any freestanding or ground sign shall not exceed 10 feet above ground level.

[5] No such sign shall be illuminated, except by lighting concealed or indirectly attached to the sign itself.

[6] Not such sign shall advertise any particular item, program or product.

[7] The location and placement of directional signs as permitted by this subsection shall be pursuant to a master plan depicting all such signs within the complex.

[8] Signs depicting “entrance”, “exit’, “pick-up”, “loading area”, and similar signs of a directional nature shall be permitted to be installed on a building wall provided that no such sign shall exceed forty square feet and shall contain letters and numbers only.

(2) Signs identifying Continuing Care Retirement Communities.

(a) One (1) sign shall be permitted at the main entrance to the property provided that it meets the following:

[1] Ground sign only.

[2] Maximum area: 50 square feet.

[3] Maximum height: 17 feet 6 inches .

[4] If desired, two (2) ground signs may be installed, one on either side of the main entrance.

[5] If two (2) signs are installed, the maximum combined sign area of both signs shall not exceed 50 square feet.

(b) Wall signs shall be permitted provided that they meet the following requirements:

[1] For a building with one (1) internal street or parking lot frontage one (1) wall sign shall be permitted.

[2] For a building with more than one (1) internal street or parking lot frontage, one (1) wall sign per frontage shall be permitted.

[3] Wall signs shall be attached to the wall of the building on the side of the frontage.

[4] Maximum area: 36 square feet.

(c) Directional signs shall be permitted provided that they meet the following requirements:

[1] Directional signs for the purpose of directing vehicular and pedestrian traffic within the complex shall be permitted.

[2] The directional signs shall be for the convenience and safety of vehicular and pedestrian traffic.

[3] Maximum area: 35 square feet.

[4] The height of any ground sign shall not exceed eight (8) feet above ground level.

[5] No such sign shall be illuminated, except by lighting concealed or indirectly attached to the sign itself.

[6] Not such sign shall advertise any particular item, program or product.

[7] The location and placement of directional signs as permitted by this subsection shall be pursuant to a master plan depicting all such signs within the complex.

[8] Signs depicting “entrance”, “exit’, “pick-up”, “loading area”, and similar signs of a directional nature shall be permitted to be installed on a building wall provided that no such sign shall exceed forty square feet and shall contain letters and numbers only.

(3) Signs identifying elementary and secondary schools:

(a) One (1) sign shall be permitted at the main entrance to the property provided that it meets the following:

[1] Ground sign only.

[2] Maximum area: 25 square feet.

[3] Maximum height: 10 feet .

(b) One (1) manual changeable copy sign not to exceed 25 square feet installed along the principal road frontage of the facility shall be permitted, or, in the alternative, one (1) sign consisting of an identification portion not to exceed 20 square feet and the changeable copy portion not to exceed 25 square feet within a single structure.

(c) Wall signs shall be permitted provided that they meet the following requirements:

[1] For a building with one (1) internal street or parking lot frontage one (1) wall sign shall be permitted.

[2] For a building with more than one (1) internal street or parking lot frontage, one (1) wall sign per frontage shall be permitted.

[3] Wall signs shall be attached to the wall of the building on the side of the frontage.

[4] Maximum area: 36 square feet.

(d) Directional signs shall be permitted provided that they meet the following requirements:

[1] Directional signs for the purpose of directing vehicular and pedestrian traffic within the complex shall be permitted.

[2] The directional signs shall be for the convenience and safety of vehicular and pedestrian traffic.

[3] Maximum area: 20 square feet.

[4] The height of any ground sign shall not exceed eight (8) feet above ground level.

[5] No such sign shall be illuminated, except by lighting concealed or indirectly attached to the sign itself.

[6] Not such sign shall advertise any particular item, program or product.

[7] The location and placement of directional signs as permitted by this subsection shall be pursuant to a master plan depicting all such signs within the complex.

[8] Signs depicting “entrance”, “exit’, “pick-up”, “loading area”, and similar signs of a directional nature shall be permitted to be installed on a building wall provided that no such sign shall exceed forty square feet and shall contain letters and numbers only.

C. Signs in the Commercial and Special Use Districts. The following types of signs shall be permitted in C-1, C-2, C-3, SU-1, SU-1-A, and SU-2.

(1) General provisions.

(a) Any sign permitted in Residence Districts which relates to a use permitted in such districts.

(b) Real estate signs advertising the sale or rental of the premises upon which they are erected, provided that:

[1] Not more than one (1) such sign shall be erected for any premises held in single and separate ownership, unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.

[2] The size of any such signs shall not exceed 24 square feet.

[3] No such sign shall be illuminated.

[4] All such signs shall be removed on the date of settlement or lease, or within one year from the date the application for such signs was approved, whichever occurs first. Such signs shall be permitted for additional periods of six (6) months upon application to the Township Code Enforcement Officer

(c) Real estate development signs advertising the development of the premises upon which they are erected, provided that:

[1] Not more than one (1) such sign shall be erected on any premises held in single and separate ownership, unless such premises fronts on more than one (1) street, in which case one such sign may be erected on each street frontage.

[2] ii. The size of any such sign shall not exceed 50 square feet. No such sign shall be illuminated. All such signs shall be removed when all the buildings, stores or lots on the premises have been rented or sold, or within one year from the date the application for such signs was approved, whichever occurs first. Such signs shall be permitted for additional periods of six (6) months upon application to the Township Code Enforcement Officer provided that at the time said application is filed not more than 90% of the buildings, stores or lots on the premises have been rented or sold.

(2) Signs advertising and identifying businesses or permitted commercial uses in the C-1 and C-2 Commercial Districts.

(a) General Commercial Uses.

[1] Freestanding Signs. Except as provided in Subsection C.2.(b) below, not more than one (1) Freestanding Sign for each building or combination of buildings on the premises held in single and separate ownership shall be erected regardless of the number of uses or businesses in each building or combination of buildings, provided that:

[a] The height of any ground sign shall not exceed eight (8) feet above ground level. In the interest of public safety, a sign of greater height may be permitted by unanimous vote of Township Council.

[b] The size of any sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[2] Direct Public Entrance Wall Signs. Each occupant in the building or combination of buildings on the premises with a direct public entrance from a parking lot or street shall be permitted one sign, provided that:

[a] Such sign shall be attached to the wall of the building or combination of buildings on the premises.

[b] The size of any such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[3]No Direct Public Entrance Wall Signs. All occupants in the building or combination of buildings on the premises with no direct public entrance from a parking lot or street shall be permitted one (1) sign, which sign shall identify all such occupants, provided that:

[a] Such sign shall be attached to the wall of the building or combination of buildings on the premises and shall be located in the immediate vicinity of the public entrance to the building or combination of buildings.

[b] The size of any such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(b) Drive-through Restaurants. In addition to signage provided per Section 275-181.C.(2)(a)[1],

[2] and [3], a restaurant with drive-through service may erect no more than two (2) freestanding menu board signs, of a maximum size of 25 square feet per sign, and no more than two (2) preview board signs, of a maximum size of 8 square feet per sign.

(c) Shopping Centers.

[1]Freestanding Signs. Not more than one (1) freestanding sign advertising and identifying each shopping center held in single and separate ownership shall be erected for each arterial road, as designated in the Comprehensive Plan, upon which the shopping center has frontage, provided that:

[a] The height of any ground sign shall not exceed 15 feet above ground level In the interest of public safety, a sign of greater height may be permitted by unanimous vote of the Township Council.

[b] The size of any such sign shall not exceed 50 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[2]Direct Public Entrance Wall Signs. Each occupant in the shopping center with a direct public entrance to a parking lot or street shall be permitted one sign, provided that:

[a] The sign shall be attached to the wall of the building or combination of buildings on the premises.

[b] The size of any such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[3]No Direct Public Entrance Wall Signs. All occupants in the shopping center with no direct public entrance to a parking lot or street shall be permitted one sign, which sign shall identify all such occupants, provided that:

[a] Such sign shall be attached to the wall of the building or combination of buildings on the premises and shall be located in the immediate vicinity of the public entrance to the shopping center.

[b] The size of any such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(d) A motel or hotel that regularly provides as part of its operation banquet facilities and/or conference and meeting rooms for group social functions shall be permitted, in addition to other permitted signage, a 50 square-foot reader board sign to advertise special functions on such hotel or motel premises.

(3) C-3 Major Shopping Center District. Signs advertising and identifying a major shopping center and occupants of a major shopping center in the C-3 District.

(a) Design Guidelines. The signage referenced in the concept signage program set forth in the Promenade at Granite Run Design Guidelines in Appendix C approved by Township Council

shall be permitted.

(b) Pylon Center Advertising Signs. Not more than two freestanding signs identifying or advertising the shopping center shall be erected; one for each arterial road upon which the shopping center has frontage, provided that:

[1] The height of the freestanding signs shall not exceed 70 feet above the grade of the center line of the nearest public roadway.

[2] The size of any one (1) of such signs on any given street frontage shall not exceed 600 square feet.

[3] The freestanding signs may contain an electrical changeable copy display sign or manual changeable copy display sign as part of the overall pylon sign display, provided that the changeable copy portion of the sign is of a maximum size of 75 square feet.

[4] No such sign shall have a distance between the faces thereon in excess of six (6) feet.

[5] All such signs shall be set back at least 15 feet from any street or highway right-of-way line.

[6] No such sign shall be illuminated except by lighting concealed or indirectly attached to the sign itself, and may remain continuously illuminated.

(c) In addition to the freestanding signs provided for in Subsection above, one freestanding sign shall be permitted at each access drive into the shopping center, provided that:

[1] The size of any such sign shall not exceed 25 square feet.

[2] No such sign shall exceed six (6) feet in height. In the interest of public safety, a sign of greater height may be permitted by unanimous vote of the Township Council.

(d) Multi-Purpose Visual Display Sign. A property in the C-3 District containing 25 acres or more shall be permitted to install one multipurpose visual display exterior wall-mounted sign of a maximum size of 200 square feet, provided that any such display sign may not be affixed to a building wall which faces a public street.

(e) Commercial Tenant Signage. Each occupant of a commercial building with a direct public entrance from a parking lot or street shall be permitted signage on the exterior of the building occupied by such occupant, provided that the total square footage of such occupant's signage shall not exceed the lesser of 2,000 square feet or 3% of the gross floor area of the space occupied by such occupant, or 100 square feet in the case of an occupied space which is less than 3,333 square feet.

[1] Occupied spaces having multiple building facades shall be permitted one (1) or more signs on each exterior wall of the building, subject to the following limitations:

[a] No single sign shall exceed 400 square feet; and

[b] The total area of such occupant's signage shall not exceed the maximum square footage of signage permitted for the occupied space.

[c] Not more than two (2) signs shall be permitted on the wall of any one (1) side of the building.

[d] All tenant advertising signage shall be turned off within ½ hour after the close of business.

(f) A restaurant with drive-through service may erect no more than 2 freestanding menu board signs, of

a maximum size of 25 square feet per sign, and no more than 2 preview board signs, of a maximum size of 8 square feet per sign.

(g) Signage in C-3 District pertaining to a multifamily residential building shall be subject to the following:

[1] Each multifamily residential building may have up to four (4) building identification signs affixed to the façade of the building, provided that the aggregate area of such signs shall not exceed 150 square feet.

[2] One (1) ground-mounted monument sign shall be permitted which shall not exceed a height of 10 feet above the grade at the base of such monument sign, and each face of such monument sign shall not exceed a total area of 50 square feet.

(h) Directional Signage. Directional signs for the purpose of directing vehicular and pedestrian traffic within the shopping center shall be permitted in proximity to the entrances to the shopping center and at selected locations within the shopping center. The directional signs shall be for the convenience and safety of vehicular and pedestrian traffic, giving direction to specific stores and buildings within the shopping center.

[1] The size of any such sign shall not exceed 25 square feet.

[2] The height of any such sign above grade immediately surrounding same shall not exceed six feet.

[3] No such sign shall advertise any particular item, program or product but rather shall be limited to the giving of directions to particular stores or buildings within the shopping center.

[4] The location and placement of directional signs as permitted by this subsection shall be pursuant to a master plan depicting all such signs filed with the Township.

[5] "Entrance," "exit," "pick-up," "loading area" and similar directional signs shall be permitted by the Township Code Enforcement Officer if necessary for the safety and protection of the public, provided no such sign shall exceed six square feet in area and no such sign shall contain any advertising.

(4) Special use districts. Signs advertising and identifying businesses and permitted uses in Special Use Districts SU-1 and SU-2.

(a) The following types of signs advertising conforming special uses on conforming lots shall be permitted:

[1] When the use of business is other than an office building or office complex, not more than one sign for the building or combination of buildings on the premises held in single and separate ownership shall be erected for each street upon which the special use has frontage, regardless of the number of uses or businesses in the building or combination of buildings, provided that:

[a] Where the sign is a freestanding sign:

[i] The height of any ground sign shall not exceed 15 feet above ground level

[ii] The size of any such sign shall be determined as follows:

[A] One (1) square foot of sign shall be permitted for every four (4) linear feet of street frontage on the street where the sign is erected up to a maximum size of 125 square feet.

[B] Where a special use has street frontage on more than one street, the linear feet along all streets where the special use has frontage may be used to calculate the size of such sign up to a maximum size of 125 square feet, provided that the Township Council unanimously agrees to permit the use of this type of calculation, and further provided that if this method of calculating the size of a sign is used, only one freestanding sign shall be permitted.

[b] Where the sign is attached to the wall of the building on the premises, the size of such sign shall be determined as follows:

[i] One (1) square foot of sign shall be permitted for every four linear feet of building on the side facing the street where the sign is erected, up to a maximum size of 125 square feet.

[ii] Where the special use has street frontage on more than one street, the linear feet of building on all sides with street frontage may be used to calculate the size of such sign, up to a maximum size of 125 square feet, provided that Township Council unanimously agrees to permit the use of this type of calculation, and further provided that if this method of calculating the size of a sign is used, only one wall sign shall be permitted.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[2] When the use of a business is an office building or office complex, the following types of signs are permitted:

[a] One (1) freestanding sign designating the name and address of the building or combination of buildings, and identifying the occupants of said building or buildings, provided that:

[i] The size of such sign shall not exceed 36 square feet.

[ii] The height, setbacks and construction of the sign must comply with Section 275-178.D. Freestanding Signs. No such sign shall be illuminated except by lighting, concealed or indirect,
attached to the sign itself.

[b] One (1) sign for each occupant on the exterior of the office building identifying the occupant and his business or occupation, provided that:

[i] Such sign is attached to the wall of the building where the occupant is located.

[ii] The size of such sign shall not exceed 500 square inches.

[iii] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[c] Such directional signs as are necessary to promote the safe and convenient movement of traffic within the driveways and parking areas, provided that:

[i] The size of such sign shall not exceed the product of the number of occupants listed on such directory multiplied by 250 square inches.

[ii] Such sign shall be erected perpendicular to the driveway nearest their location.

[iii] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(b) The following types of signs advertising nonconforming uses on conforming lots, or conforming uses on nonconforming lots or nonconforming uses on nonconforming lots shall be permitted:

[1] Not more than one (1) freestanding sign designating the name and address of the building or combination of buildings on the premises held in single and separate ownership and identifying the occupants of said building or combination of buildings shall be erected, provided that:

[a] The height, setbacks and construction of the sign must comply with Section 275-178.D. Freestanding Signs. In the interest of public safety, a sign of greater height may be permitted by unanimous vote of Township Council.

[b] The size of such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

[2] Each occupant in the building or combination of buildings on the premises with a direct public entrance from a parking lot or street shall be permitted one sign, provided that:

[a] The sign shall be attached to the wall of the building or combination of buildings on the premises.

[b] The size of any such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect,

[3] All occupants in the building or combination of buildings on the premises with no direct public entrance from a parking lot or street shall be permitted one sign which sign shall identify all such occupants and tenants, provided that:

[a] Such sign shall be attached to the wall of the building or combination of buildings and shall be located in the immediate vicinity of the public entrance to the building or combination of buildings.

[b] The size of any such sign shall not exceed 25 square feet.

[c] No such sign shall be illuminated except by lighting, concealed or indirect, attached to the sign itself.

(c) Signs identifying conditional uses in SU Special Use Districts.

[1] One (1) freestanding sign, provided that:

[a] The size of such sign shall not exceed 36 square feet.

[b] The height, setbacks and construction of the sign must comply with Section 275-178.D. Freestanding Signs. In the interest of public safety, a sign of greater height may be permitted by Township Council.

(5) Signs advertising and identifying businesses and permitted uses in Special Use Districts SU-1A

(a) The following types of signs advertising conforming special uses on conforming lots shall be permitted:

[1] One (1) freestanding sign advertising and identifying a mixed-use development, or a major tenant within a mixed-use development shall be permitted to be erected at each driveway intersection with an existing street, provided that:

[a] If mounted on a background, freestanding signs shall not be less than seven (7) feet nor more than 13 feet in height above the grade of the center line of the nearest public roadway. In cases where individual letters are separately braced to the ground, each letter shall be no more than 10 feet high measured from grade.

[b] If mounted on a background, freestanding signs shall not exceed 96 square feet in sign area. In cases where individual letters are separately braced to the ground, the maximum total sign area shall be no more than 1,000 square feet.

[c] No such sign shall be illuminated except by lighting which is concealed, internally illuminated, or indirect.

[d] All such signs shall be set back at least 15 feet from any street or highway right-of-way line.

[2] Directional signs for the purpose of directing vehicular and pedestrian traffic within the tract shall be permitted in proximity to the entrances to buildings. The directional signs shall be for the convenience and safety of vehicular and pedestrian traffic, giving direction to specific buildings and uses within the development.

[a] The size of any such sign shall not exceed 24 square feet.

[b] The height of any such sign above grade immediately surrounding same shall not exceed four feet six inches (4’-6”).

[c] No such sign shall be illuminated, except by lighting which is concealed, internally illuminated, or indirect.

[d] No such sign shall advertise any particular item, program or product but rather shall be limited to the giving of directions to particular buildings or uses within the development.

[e] "Entrance," "exit," "pick-up," "loading area" and similar directional signs shall be permitted by the Township Code Enforcement Officer if necessary for the safety and protection of the public, provided no such sign shall exceed six square feet in area and no such sign shall contain any advertising.

(b). Signs advertising and identifying single-occupancy nonresidential buildings in the SU-1-A Mixed Use District.

[1] The occupant of a single-occupancy nonresidential building shall be permitted the exterior wall signs, provided that:

[a] Not more than two (2) signs shall be permitted on the wall of any one side of the building.

[b] No one wall sign shall exceed 240 square feet or have a length of more than 50 feet, and no sign shall be closer than 10 feet to another wall sign unless it is deemed part of the same sign.

[c] The total square footage of wall signage on each building face shall not exceed 3% of the gross floor area of the space occupied by such occupant, or 100 square feet in the case of an occupied space which is less than 3,333 square feet.

[d] No wall sign shall be illuminated except by lighting which is concealed or indirect.

(c). Signs advertising and identifying multi-tenant office buildings in the SU-1-A Mixed Use District.

[1] Multi-tenant office buildings are permitted to have one freestanding sign designating the name and address of the building, and identifying the occupants of said building or buildings, provided that:

[a] The size of such sign shall not exceed 100 square feet.

[b] No such freestanding sign shall exceed 10 feet in height measured from the mean grade at the base of the sign.

[c] No such sign shall be illuminated except by lighting, concealed, internally illuminated or indirect.

[2] Multi-tenant office buildings are permitted to have one wall sign designating the name and address of the building, provided that:

[a] The sign area shall not exceed two square feet for each linear foot of building length;

[b] There shall be no more than one sign per building face;

[c] No such sign shall be illuminated except by lighting which is concealed, internally illuminated or indirect.

[3] In addition to wall signs designating the name and address of the building, multitenant office buildings are permitted to have additional wall signs on the exterior wall of an office building as follows:

[a] Multitenant office buildings having at least 200,000 square feet of gross leasable area are permitted to have three additional wall signs of a maximum of 200 square feet per sign on the exterior wall of the building.

[b] Multitenant office buildings having 100,000 square feet of gross leasable area up to 200,000 square feet of gross leasable area are permitted to have two additional wall signs of a maximum of 200 square feet per sign on the exterior wall of the building.

[c] Multitenant office buildings having 50,000 square feet of gross leasable area up to 100,000 square feet of gross leasable area are permitted to have two additional wall

signs of a maximum of 100 square feet per sign on the exterior wall of the building.

[d] Multitenant office buildings having less than 50,000 square feet of gross leasable area are permitted to have two (2) additional wall signs of a maximum of 50 square feet per sign on the exterior wall of the building.

[e] No such sign shall be illuminated except by lighting which is concealed, internally illuminated or indirect.

[4] Multi-tenant office buildings are permitted to have such directory signs as are necessary to promote the safe and convenient movement of traffic within the driveways and parking areas, provided that:

[a] The size of such sign shall not exceed the product of the number of occupants listed on such directory multiplied by 250 square inches.

[b] Such sign shall be erected perpendicular to the driveway nearest their location.

[c] No such sign shall be illuminated except by lighting which is concealed, internally illuminated or indirect.

[5] A master signage plan depicting the type, approximate location and approximate size of each proposed sign shall be submitted at the time of both preliminary and final plan submission.

D. O-R Outdoor Recreation Districts.

(1) One (1) identification sign shall be permitted on a property or properties under single ownership and management. The sign shall not exceed 50 square feet in area.

E. Manufacturing and Industrial Districts. In M Manufacturing and Industrial Districts, the regulations provided for in Section 275-181.C.(2)(a) related to C-1 and C-2 Commercial Districts shall apply.

F. Signs which are nonconforming and signs which identify and advertise nonconforming uses shall be permitted in accordance with the following regulations, except as otherwise provided in this chapter:

(1) A sign which is nonconforming at the effective date of this chapter may be continued although such sign does not conform with the provisions of this chapter, but the size of any such nonconforming sign shall not be enlarged.

(2) A nonconforming sign may be changed to or replaced by another nonconforming sign, when authorized as a special exception by the Zoning Hearing Board. Whenever a nonconforming sign has been changed to a more restricted nonconforming sign, such sign shall not thereafter be changed to a less restricted nonconforming sign.

(3) No nonconforming sign which has been dismantled, damaged or otherwise destroyed to the extent of more than 75% of its value shall be repaired or rebuilt, except as a conforming sign, except when authorized to be repaired or rebuilt as a nonconforming sign as a special exception by the Zoning Hearing Board.

(4) If a nonconforming use of a building ceases or is discontinued for a continuous period of one year or more and such nonconforming use is deemed to be abandoned by virtue of the applicable provisions of other ordinances and regulations of the Township of Middletown, any nonconforming sign or any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this chapter.

(5) Signs which are conforming at the effective date of this chapter and which identify and advertise

nonconforming uses shall be maintained as conforming signs in accordance with the provisions of this chapter.

G. Off-premises signs. Signs may be erected and maintained that advertise a product, activity or business not conducted on the premises where the business is located, provided that:

(1) No such sign shall be permitted in the R-1, R-1A, R-2, R-3, R-4, or PRDDistrict.

(2) Each off-premises sign shall be subject to the number, size, setback, height and lighting of the signage provisions of the zoning district in which it is located and shall be included in the total signage permitted on the premises where the sign is located.

H. Changeable signs. Changeable signs shall be permitted subject to the following restrictions and limitations:

(1) The maximum square footage of the portion of a changeable sign dedicated to electrical changeable copy display or manual changeable copy display for any property is limited to a maximum of 50% of the freestanding signage permitted for the property in the zoning district in which the property is located; provided, however, that the electrical changeable copy display or manual changeable copy display shall not exceed 50 square feet.

(2) Each property permitted to install a changeable sign shall be limited to one (1) on-premises changeable sign, subject to the limitations herein, which may only be installed along the principal road frontage of the property.

(3) The following restrictions and limitations shall apply to all permitted changeable signs with an electrical changeable copy display:

(a) All signs constructed or erected hereunder shall comply with the Commonwealth of Pennsylvania regulations related to outdoor advertising. See 36 P.S. § 2718.101 et seq.; 67 Pa. Code, Chapter 445.

(b) All signs constructed or erected hereunder shall be subject to the prohibitions and restrictions set forth in § 275-178.A(1) and (2).

(c) All signs constructed or erected hereunder shall maintain a minimum static display time of 30 seconds.

(d) No sign shall display a message which changes in intensity or color during the fixed display period.

(e) The display message shall contain only words, numbers, pictures and/or symbols, none of which may be animated.

(f) Message change sequence. The time interval used to change from one complete message display to the next complete message display shall be a maximum of one second.

(g) All signs constructed or erected hereunder shall utilize automatic dimming controls in response to changing ambient light conditions and be equipped with light intensity limit via manual controls.

(h) All signs constructed or erected hereunder shall have a maximum luminance level of 4,000 nits during daylight hours, and, if illuminated at night, must have a maximum luminance level at 750 nits, regardless of the method of illumination, at least 1/2 hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA) and throughout the night, if the sign is energized, until apparent sunrise, as determined by

the NOAA.

ARTICLE XXVI: OPEN SPACE REGULATIONS

§ 275-182. Purpose.

These provisions are designed to:

A. Provide an effective means for identifying, organizing and maintaining open space.

B. Provide for necessary active and passive recreation areas to complement existing open space and recreational uses.

C. Preserve natural environmental resources and maintain ecological stability by:

(1) Encouraging the preservation of land contiguous to floodplains and thus supplementing existing floodplain district regulations;

(2) Limiting the development of steep slopes;

(3) Encouraging the preservation of open areas for groundwater recharge (aquifers);

(4) Limiting the disruption of existing woodlands;

(5) Encouraging the preservation of land surrounding natural resources as open space.

D. Encourage the preservation of existing and potential agricultural land, particularly land with prime agricultural soils.

E. Preserve historic and cultural resources by:

(1) Encouraging the use of historic sites as open space.

(2) Protecting the character of historic and cultural sites and structures by encouraging the preservation of surrounding land as open space.

F. Aid in the implementation of the Comprehensive Plan and the attainment of its goals, objectives and strategies.

§ 275-183. Applicable Districts.

A. The provisions of this article are applicable to:

(1) The cluster option where open space is required in the R-1 and R-2 Districts.

(2) The association with townhouses and apartments in the R-4 Districts.

(3) Common open space in the PRD Districts.

(4) Designated open space within a mobile home park in the SU-2 Overlay District.

(5) Designated open space as it relates to the redevelopment of the Franklin Mint in the SU-1A

District.

B. Open space shall be provided in subdivisions and land developments in accordance with §§ 210-40 and 210-41 of Chapter 210, Subdivision and Land Development.

§ 275-184. Use regulations.

A. Land designated as open space may be used for any of the following purposes and no other:

(1) Permitted principal open space uses:

(a) Conservation uses including woodlands and other natural areas such as grassland, marshes, lakes, ponds, streams and floodplains.

(b) Agricultural uses, including cropland, pasture, silvaculture and nurseries.

(c) Passive recreational uses such as parks and natural trails.

(d) Active recreational uses including playing fields and playgrounds.

(e) Planted areas used for visual screening purposes and noise control.

(f) Presently existing structures may be used only in connection with the open space.

(g) Boundary fences and walls.

(h) Recreational structures

(2) Accessory uses:

(a) No new parking facilities shall be located in designated open space areas.

(b) Retail sales of agricultural products, including those grown or raised on the premises, shall not be located in designated open space areas.

B. Cluster Option as a conditional use where open space is required in the R-1 & R-2 Districts. A landowner or developer may be allowed to reduce the requirements of § 275-23A or § 275-27A, provided the following conditions are met:

(1) The area of the tract to be subdivided must be at least 15 acres.

(2) A minimum of 30% of the tract shall be designated as restricted to open space uses.

(3) Designated open space areas shall be owned, maintained and administered in accordance with the provisions in this Article.

(4) The cluster subdivision shall be served by public sewer, which shall be constructed and operational at the time when residential occupancy begins, except as hereinafter provided:

(a) Single-family detached dwellings on lots of one acre or more may be served by an on-lot sewage disposal system.

(5) The proposed development must conform to all standards and criteria for Conditional Uses in Article XXVII and all other articles, sections, ordinances and regulations referred to therein. If, in

the opinion of Township Council, the proposed development does not conform to such standards and criteria or to the requirements of this section, the application for the approval of the conditional use may be denied.

(6) When the cluster subdivision option is exercised, the area and bulk regulations for lots for single-family detached dwellings may be reduced as follows, provided that the gross density shall not be greater than that permitted for a single-family detached dwelling unit under § 275-27A(1).

(7) Lots with public water.

(a) Minimum lot area: 1/2 acre.

(b) Minimum lot width at building line: 100 feet.

(c) Minimum lot width at street line: 50 feet.

(d) Maximum impervious surface area: 45%.

(e) Maximum building coverage area: 20%.

(f) Minimum depth of each front and rear yard: 35 feet.

(g) Each lot shall have a minimum of two side yards.

(h) Minimum aggregate width of side yards: 40 feet.

(i) Minimum width of each side yard: 15 feet.

(j) For corner lots, the minimum width for yard abutting a street shall be 35 feet and the minimum width for the other side yard shall be 15 feet.

(8) For lots with public sewer and public water.

(a) Minimum lot area: 1/4 acre for each principal permitted building.

(b) Minimum lot width at building line: 70 feet.

(c) Minimum lot width at street line: 50 feet.

(d) Maximum impervious surface area: 50% of the area of the subdivision tract.

(e) Maximum building coverage area: 25% of the area of the subdivision tract.

(f) Minimum depth of each front and rear yard: 30 feet.

(g) Minimum aggregate width of side yards: 30 feet.

(h) Minimum width of each side yard: 10 feet.

(i) Minimum width for yard abutting a street on corner lot: 30 feet.

§ 275-185. Calculating open space areas.

When computing open space areas for purposes of determining compliance with open space standards,

the following shall not be counted as open space:

A. The surface area of existing bodies of water, areas with seasonal high water table soils as designated in the soil survey, utility easements, rights-of-way, buffer areas to be used for permanent sedimentation and erosion control or stormwater management facilities.

B. When land with slopes of 15% or more is designated as open space, only 1/2 of such land may be counted, provided that only one-quarter of the land with slopes of 25% or more may be counted.

C. When land which is in the floodplain, is designated as open space, only one-quarter of such land may be counted.

D. Areas used for retail sales of agricultural products or areas of uses accessory thereto.

E. Parking areas, streets, driveways and parking lots.

F. Perimeter buffers up to 25 feet in width.

G. Areas that have not been permanently protected by deed restriction, private conservation easement, or grant of fee title to the Township.

§ 275-186. Delineating open space areas.

A. Locational criteria. Land designated for open space must be suitable for the proposed open space use. The location and proposed use of land designated to meet open space requirements must be shown on a preliminary and final subdivision and land development plans and on planned residential development plans.

B. In planning a development, land with the following characteristics should be given a high priority for designation as open space:

(1) Land contiguous to floodplains, or as depicted on the Flood Hazard Map;

(2) "Important farmlands," as defined by the United States Department of Agriculture (USDA), Soil Conservation Service, including prime farmlands and additional farmlands of statewide importance. Areas with steep and very steep slopes as depicted on the Steep Slope Conservation District Map;

(3) Prime woodlands, as defined in Article II, and stands of trees where the majority of trees are greater than 12 inches in caliper;

(4) Land surrounding surface water resources such as lakes, ponds, streams and springs;

(5) Significant groundwater recharge areas (aquifers);

(6) Land surrounding historic and cultural sites and structures including:

(a) Residential, farm and other structures on sites on, or candidates for, the National Register of Historic Places, the Pennsylvania Inventory of Historic Places or the Historic Building Survey;

(7) Lands already used for various passive or active recreational purposes and land surrounding such areas.

§ 275-187. Design standards.

The open space designated within a development area shall not be only left over or otherwise unusable land. Such open space areas shall be laid out according to sound site design principles and shall provide appropriate access for residents and occupants of the development. Open space designated to meet minimum open space area requirements must meet the following design standards:

A. Minimum contiguous area. A designated open space parcel shall have a contiguous area of not less than 1/2 acre.

B. Minimum parcel width. An open space parcel shall have a minimum width of 30 feet at all points and a minimum average width of 50 feet.

C. Maximum impervious coverage. Not more than 5% of the total designated open space area shall be covered by impervious surfaces.

D. Minimum setback.

(1) Any buildings within the designated open space shall be located no less than 100 feet from the perimeter property lines; and no less than 50 feet from any new lot line created within a tract.

(2) New structures, including recreational structures, but not signs, boundary fences, walls, benches, light standards and landscaping, shall have a setback of at least 100 feet from all property lines.

E. Minimum active recreational area.

(1) At least 25% of the required open space shall be designed, improved and maintained for playgrounds, or other active recreational facilities, unless the applicant or developer pays the recreational fee in lieu thereof, in accordance with § 210-40 of Chapter 210, Subdivision and Land Development.

(2) Areas within a development designated as open space for recreational use shall be contiguous to the developed area and not separated from it by existing roads, railroads, or public ways unless safe pedestrian access can be demonstrated. Whenever practical, such recreational uses shall be proposed on a single parcel, or minimum number of parcels, linked by a common means of circulation and access.

(3) Whenever practical, designated open space shall be arranged to supplement other designated open space or similar areas on adjacent properties, either by providing direct contact or some common means of circulation and access. In open space areas, provision of pedestrian pathways, to be available for general public use, is encouraged, where appropriate, in order to create an interconnected open space network throughout the Township.

F. No new parking facilities shall be located in designated open space areas.

G. Retail sales of agricultural products, including those grown or raised on the premises, shall not be located in designated open space areas.

§ 275-188. Open space ownership and maintenance.

A. The developer shall restrict the open space areas so that their use will be limited to the use which is

proposed and ensure that it will be appropriately maintained in perpetuity. The developer shall also identify who will own the open space.

B. The Township Solicitor shall review the open space ownership and legal method used to ensure compliance with the provisions and shall determine whether it is effective. It is important to the Township that the open space owner be financially responsible and have both the means and incentive to pay the taxes and maintain the property.

C. The following are some specific criteria applicable to alternative methods for restricting open space use:

(1) Fee simple dedication. The Township may, but shall not be required to, accept an offer of a deed of dedication, provided that:

(a) Such land is accessible to the residents of the Township.

(b) The Township shall be reimbursed for all costs pursuant to the transfer of ownership. The Township will have access to the open space.

(c) The Township may require a maintenance escrow and a title certificate.

(2) Homeowners' association: the establishment of a nonprofit homeowners' association. Such an association may dedicate an easement for public use of the open space land. The Township Council may, but shall not be required to, accept such an easement if an agreement is reached concerning the scope of public use and the future maintenance of the easement area.

(3) Condominium agreement. The open space may be controlled through the use of condominium agreements. All open space land so controlled shall be held as "common element."

(4) Dedication of easements. The Township may, but shall not be required to, accept easements for public use of any portion of open space land, provided that:

(a) Such land is accessible to the residents of the Township.

(b) The Township incurs no cost pursuant to the transfer.

(c) There is a satisfactory maintenance agreement with the owner of the open space.

(5) Transfer to a private conservation organization. With permission of the Township Council, the landowner or developer may transfer either the fee simple title with appropriate deed restrictions running in favor of the Township, or the development rights or easements, to a private, nonprofit organization among whose purposes are to conserve open space land, provided that:

(a) The organization is acceptable to the Township Council and is a bona fide conservation organization with perpetual existence.

(b) The organization is chartered under the laws of the Commonwealth of Pennsylvania to administer deed restrictions limiting eventual disposition of such property for the purposes stated in their Articles of Incorporation.

(c) The conveyance contains appropriate provisions for reversion of title in the event that the organization becomes unwilling or unable to continue to function.

D. If a homeowners' association is formed, it shall be governed according to the following regulations:

(1) The landowner or developer shall provide Township Council with the legal framework for the association, including its bylaws and methods for maintaining open space, which shall be acceptable to the Township Solicitor.

(2) The association is to be organized by the landowner or developer and operating before the sale of any lots within the development.

(3) Membership in the association is mandatory for all purchasers of dwelling units therein and their successors.

(4) The members of the association shall share equitably the costs of maintaining the open spaces. If a member fails to pay his pro rata share, then a lien against an individual property may be made in accordance with the provisions for same in the bylaws of the organization.

(5) The association shall be responsible for maintenance of insurance and taxes on open space.

(6) The association shall have or hire adequate staff to administer common facilities and maintain the open space to the satisfaction of the Township Council.

(7) The association shall have the authority and ability to promptly correct hazard conditions in the open space areas.

E. The Township shall have the right to the documents creating the association and shall acknowledge that in the event that the association established to own and maintain open space, or any successor organization, shall at any time after designation fail to maintain the open space in reasonable order and condition in accordance with any and all approved plans, the Township may serve written notice upon such organization or upon the residents and owners, setting forth the manner in which the organization has failed to maintain the open space in reasonable condition; and said notice shall include a demand that such deficiencies be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice.

(1) At such hearing, Township Council may modify the terms of the original notice as to the deficiencies and may give an extension of the time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties and to prevent the open space from becoming a public nuisance, may enter upon said open space and maintain the same for a period of one year at the expense of the organization. The cost of any such maintenance shall be borne by the owners of lots within the development from which the open space was derived. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the residents and owners.

(2) Before the expiration of said year, Township Council shall, upon its initiative or upon the request of the organization thereto before responsible for the maintenance of the open space, call a public hearing upon notice to such organization, or to the residents and owners of the project, to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said open space in reasonable condition, the Township shall cease to maintain said open

space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Township may, at its discretion, continue to maintain said open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the Township, in any such case, shall constitute a full administrative decision subject to judicial review at the expense of the homeowners' association.

(3) The cost of such maintenance by the Township shall be assessed ratably against the properties within the project that have a right of enjoyment of the open space and shall become a municipal lien on said properties. The Township, at the time of entering upon said open space for the purpose of maintenance, shall file a notice of such lien in the office of Judicial Support of Delaware County, upon the properties affected.

F. The landowner of any subdivision or land development which is proposed to contain open space or common open space shall, when applicable, arrange with the Delaware County Board of Assessment a method of assessment of the open space which will allocate to each tax parcel in the development a share of the total assessment for such open space.

ARTICLE XXVII: ADMINISTRATION

§ 275-189. Administration and enforcement.

A. Provisions of this Chapter shall be enforced by a Zoning Officer and any Deputy Zoning Officer(s) appointed by the Township Council. The Zoning Officer shall meet qualifications established by the Township and shall demonstrate to the satisfaction of the Township experience and a working knowledge of municipal zoning, subdivision and land development standards and construction principles. The Zoning Officer shall not hold any elected office in the Township. The duties of the Zoning Officer shall include, but not be limited to, the following:

(1) Administer this Chapter's provisions contained herein, including the enforcement thereof.

(2) Receive and examine all applications for building and use and occupancy permits, referring applications to the Planning Commission for review and recommendation when deemed advisable, record and file all applications for permits with any accompanying plans and documents.

(3) Issue permits only when there is compliance with the provisions of this Chapter.

(4) Receive applications for special exception and/or variances and forward these applications to the Zoning Hearing Board for action thereon.

(5) Receive applications for appeals from alleged error of the Zoning Officer and forward these applications to the Zoning Hearing Board for action thereon.

(6) Receive applications for conditional uses and forward these applications to the Planning Commission and Township Council for action thereon.

(7) Issue permits resulting from decisions on special exception or variance applications, or from decisions on conditional use applications, only upon written order of the Zoning Hearing Board or the Township Council, respectively.

(8) Conduct inspections or surveys to determine compliance or noncompliance with the terms of this Chapter.

(9) Issue cease and desist orders, in writing, to require correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Chapter.

(10) Coordinate with the Building Code Official as necessary in the issuance of building and use and occupancy permits.

(11) Upon the request of the Township Council, the Planning Commission, or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests to assist such bodies in making decisions.

(12) Maintain the official Zoning Map, showing the current zoning classification of all land. Make such reports as the Township Council may require.

§ 275-190. Requirements for zoning permits.

A zoning permit shall be required prior to the use or change in use of a building or land, expansion of any existing building, and prior to the change or extension of a nonconforming use and for the following accessory structures:

(1) Class A or B Accessory structure of less than 1,000 square feet, including, but not limited to, carport, detached private garage, greenhouse, poolhouse, pavilion, shed and the like.

(2) Class C Accessory structures, including, but not limited to, swimming pool, sports court, deck, patio, fence, ground-mount solar panel and the like.

(3) Signs, per Article XXV

B. A zoning permit shall be required for an agricultural building as defined by the Pennsylvania Construction Code Act of 1999, No. 45.

C. A zoning permit shall be required for manufactured or industrialized housing certified by the manufacturer to conform to applicable federal and state construction and safety standards, as identified in Section 901 of the Pennsylvania Construction Code Act of 1999, No. 45.

§ 275-191. Application for zoning permits.

A. An application for a zoning permit shall be made, in writing, by the landowner or his authorized agent to the Zoning Officer on forms furnished by the Township and shall be accompanied by a plot plan drawn to scale, showing the exact size and location of any buildings or other structures existing on the subject lot and the setback lines within which the proposed building or other structure shall be erected or altered and the location of any easements or rights-of-way existing on the lot. In addition, there shall be included with the application such other plans, documents and information as may be necessary to enable the Zoning Officer to ascertain compliance with this chapter and all other pertinent ordinances, codes and regulations.

§ 275-192. Issuance of zoning permits.

Zoning permits shall be granted or denied within 30 days after the written application has been filed with the Zoning Officer.

§ 275-193. Permit Close-out.

A. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit and prior to occupancy 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 chapter and other applicable ordinances and regulations, including permits by other agencies.

§ 275-194. Requirement for use and occupancy permit.

A. A use and occupancy permit shall be required prior to any of the following:

(1) Use and occupancy of any building or other structure hereafter erected or altered, for which a building permit is required.

(2) Change in use of any building or other structure or any part thereof.

(3) Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a use and occupancy permit.

(4) Change in use or extension of a nonconforming use.

B. It shall be unlawful for any person to use or occupy any building or other structure or land until a use and occupancy permit, if required, has been duly issued.

§ 275-195. Applications for use and occupancy permits.

All applications for use and occupancy permits shall be made, in writing, by the landowner or his authorized agent on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer, in coordination with the Building Code Official, to ascertain compliance with this chapter.

§ 275-196. Issuance of use and occupancy permits.

No use and occupancy permit shall be issued until the Zoning Officer has certified that the proposed use complies with all the provisions of this chapter and all other ordinances, regulations and codes of Middletown Township; provided, however, that a temporary use and occupancy permit may be issued by the Zoning Officer for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such a temporary permit requires any needed conditions and safeguards which will protect the safety of the occupants and the public.

§ 275-197. Issuance or refusal of permits.

If the Zoning Officer determines that an application is in compliance with the provisions of this chapter, it shall be his/her duty to issue the appropriate permit, and, if he/she determines that an application is not in compliance with the provisions of this chapter, it shall be his/her duty to refuse the permit, in which case, he/she shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board or the Township Council, whichever is applicable. No permit shall be issued to any applicant until any and all fees incurred, which are payable to the Township, are paid in full.

§ 275-198. Fees.

A. The Township Council shall establish, by resolution, a schedule of fees, charges and expenses and collection procedures for building permits, occupancy permits, sign permits, special exceptions, variances, appeals, conditional uses, amendments and others pertaining to this chapter.

B. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Township Council.

C. No action shall be taken on any application for any special exception, variance or appeal until all application fees, charges and expenses have been paid in full.

§ 275-199. Enforcement notice.

A. If it appears to the Township that a violation of any provision of this chapter occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. 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.

C. An enforcement notice shall state the following:

(1) The name of the owner of record and any other person against whom the Township intends to take action.

(2) The location of the property in violation.

(3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provision of this chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) 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 this chapter.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 275-200. Causes of action.

In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this chapter, the Township Council or, with the approval of the Township Council, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township Council. No such action may be maintained until such notice has been given.

§ 275-201. Enforcement remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of a provision of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500, plus all court costs, including reasonable attorneys' fees and costs incurred by the Township as a result of enforcement thereof.

(1) No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge.

(2) If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

(3) Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating the ordinance to have believed that there was not such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and, thereafter, each day that a violation continues shall constitute a separate violation.

(4) All judgment, costs and reasonable attorneys' fees collected for the violation of the ordinances shall be paid over to the Township. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to granting to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section. Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.

§ 275-202. Standards and criteria for approval of conditional uses by Township Council and special exceptions by Zoning Hearing Board.

A. In evaluating an application before the Township Council for a conditional use or before the Zoning Hearing Board for a special exception, the Council and the Board shall require the applicant to provide reports, maps, plans and other related papers to ensure that the proposal:

(1) Will be consistent with the community development objectives articulated in this chapter (pursuant to Section 606 of the Municipalities Planning Code).

(2) Will be consistent with the statement of purpose articulated for the district in which the use is proposed.

(3) Will be consistent with the Middletown Township Comprehensive Plan and serves the health, safety, and welfare of the Township.

(4) Will conform to all requirements of Chapter 210, Subdivision and Land Development, and all other applicable ordinances, codes or regulations.

(5) Will promote the harmonious and orderly development of the zoning district involved.

(6) Will be compatible with the character and type of development existing in the area which surrounds the site in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of buildings and other structures.

(7) Will not detract from or cause harm to neighboring properties by creating a negative impact on the aesthetic character of the community.

(8) Will be compatible with the uses permitted in the surrounding area in terms of the density and/ or intensity of land use.

(9) Will reflect effective site planning and design in terms of energy efficiency, environmental protection and aesthetic composition.

(10) Will be reflective of sound engineering and land development design and construction principles, practices and techniques.

(11) Will be 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 of the Township, as a whole, in terms of public water, sewers, police and fire protection and schools.

(12) Will include proposals for the effective disposal of solid waste.

(13) Will provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes.

(14) Will be developed so as to limit the number of access points along a major public street and to develop frontage of buildings on access roads which are parallel or perpendicular to a major public street.

(15) Will provide any improvements needed to guarantee compatibility with adjoining roads.

(16) Will provide continuity of existing circulation systems including roads, sidewalks, trails and other walkways.

(17) Will provide adequate off-street parking and loading which will be minimally visible from adjoining public streets.

(18) Will utilize effective stormwater management techniques and soil erosion and sedimentation control techniques which are in character with and complementary to the proposed site grading and landscaping.

(19) Will provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage.

(20) Will preserve, to the maximum extent possible, woodlands and other trees existing at the site.

(21) Will not be disruptive to existing topography, surface water resources and groundwater resources.

(22) Will include proposals for effective mitigation of potential adverse environmental impacts through a satisfactory environmental impact assessment report.

(23) Will provide landscaping to buffer and screen the use from surrounding properties, to complement buildings and other structures on the site and to enhance the overall character of the development.

(24) Will include proposed landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible such as along roads, walks or trails and in other places where the use of trees, shrubs and ground cover would be functional and appropriate.

(25) Will provide fencing, walls, berming, terraces, walkways and other site improvement features to complement the proposed landscaping.

(26) Will provide effective, subdued lighting using light posts and fixtures complementary to the proposed architecture and the character of the surrounding properties.

B. The Township Council and the Zoning Hearing Board may attach such conditions and safeguards, in addition to those already required by this chapter, as they may deem necessary to implement the purposes of the Municipalities Planning Code and this chapter and to protect the public welfare, which conditions and safeguards may relate to, but are not limited to, the design of buildings, roads and parking areas, landscaping and its maintenance as a sight or sound screen, lighting, noise, safety and the prevention of noxious, offensive or hazardous conditions.

C. Special exceptions shall also be evaluated in accordance with the provisions of Article XXVIII.

§ 275-203. Procedures for special exceptions and conditional uses.

A. The Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and Article XXVIII.

B. In the case of an application for conditional use, the Planning Commission shall perform a review and provide counsel to the Township Council concerning the grant of approval or disapproval of the proposed use. Such review shall be conducted within 45 days of the date of the first Planning Commission meeting following the date the complete details of the plan have been filed. The Planning Commission shall discuss the application at least one of its regularly scheduled public meetings during the review period.

C. The Township Council shall, in the case of an application for conditional use, schedule a hearing for public review and comment pursuant to public notice as defined in Article II of this chapter. Should the Township Council deem it necessary, a second public hearing shall be held, at which time the public record may be enlarged. Within 90 days, the Township Council, at a regularly scheduled meeting or special meeting, shall take action to either approve or disapprove the use.

D. The Planning Commission and Township Council shall be responsible for providing notification to the applicant, no less than 20 days prior to the occurrence of any hearing at which testimony will be heard and/or action taken upon approval or disapproval in order that he/she may present his/her case at such hearing. Subsequent to the receipt of such notification, the applicant shall be responsible for notifying, no less than 10 days prior to such hearing, all abutting property owners.

E. Proof of proper notification shall be required as a precondition before any formal action on the application.

F. Notification of the action taken by the Township Council shall be made, in writing, to the applicant. In the event of disapproval, it shall be accompanied by a statement of the reasons therefor. In the event of disapproval, the applicant may file a new application for conditional use or for subdivision and/or land development for another use of the subject property.

G. In the event of conditional use approval, should the applicant fail to obtain all the necessary final plan approvals and building and related permits within 12 months of notification or, having obtained the necessary approvals and permits, fail to commence work thereunder within six additional months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned his/her appeal or application, and all provisions, conditional uses(s) and permits granted to him/her shall be deemed automatically rescinded by the Township Council. If the Township Council finds that a good reason exists for the failure to comply with the time periods specified above, an extension may be granted.

H. The grant of approval by the Township Council for a conditional use shall in no way release the applicant from his/her obligation to comply with the applicable provisions of this chapter, Chapter 210, Subdivision and Land Development, or any other applicable Township, state and federal regulations.

I. All notices, hearings and orders shall be made or shall occur in conformance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ARTICLE XXVIII: ZONING HEARING BOARD

§ 275-204. Creation of Board.

A Zoning Hearing Board is hereby established by the Township Council in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, as amended. Hereinafter, as used in this article, the term "Board" shall refer to the Zoning Hearing Board, and the term "Planning Code" shall refer to the Pennsylvania Municipalities Planning Code.

§ 275-205. Membership and organization of Board.

A. The membership of the Board shall consist of five residents of the Township appointed by the Township Council. Their terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term of the member whose seat was vacated.

B. The Township Council may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this section, an alternate shall be entitled to 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 chapter and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Code Enforcement Office. Any 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 pursuant to the Municipalities Planning Code unless designated as a voting alternate member pursuant to this section.

C. Removal of members. Any Board member may be removed for cause by a majority vote of the Township Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it, in writing.

D. Organization of Board.

(1) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. As provided for by the Planning Code, the Board shall appoint a hearing officer(s) from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in § 275-208 below.

(2) The Zoning Hearing Board shall adopt rules and forms for its procedure in accordance with the provisions of this chapter. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman

or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Hearing Board shall be open to the public.

(3) The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Township Manager and shall be a public record.

(4) If, by reason of absence or disqualification of 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 may be needed to provide a quorum. 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.

(5) Within the limits of funds appropriated by the Township Council, the Board shall employ or contract for secretaries, clerks, attorneys, consultants and other technical and clerical services. However, the Solicitor for the Zoning Hearing Board shall be a different individual and from a different firm than the Solicitor for the Township Council.

§ 275-206. Functions of Board.

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) Challenge to the validity of the Zoning Ordinance or Zoning Map. The Zoning Hearing Board shall hear challenges to the validity of the Zoning Ordinance or Map as follows:

(a) A landowner who, on substantive grounds, desires to challenge the validity of the ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge to either the Zoning Hearing Board or the Township Council.

(b) Persons aggrieved by a use or development permitted on the land of another by the ordinance or map or any provision thereof who desire to challenge its validity shall:

[1] Submit their challenge pursuant to the Sections 909.1 and 609.1 of the Planning Code, as amended.

(c) In addition to the procedures set forth in Section 916.1 of the Municipalities Planning Code, in all such challenges, the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact and of interpretation and submit such findings as part of the record on appeal to the court.

(2) Substantive challenges to the validity of this chapter, except those brought before the Board pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code, as amended.

(3) Challenges to the validity of this chapter 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.

(4) 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 therefor or the issuance of any cease-and-desist order.

(5) Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of the provisions of Chapter 120, Floodplain Management, of the Middletown Township Code of Ordinances.

(6) Appeals from the Zoning Officer's determination under Section 916.2 of the Municipalities Planning Code.

(7) Appeals from the determination of the Township Engineer or the Zoning Officer in the administration of this chapter or provision thereof with reference to sedimentation and soil erosion control and stormwater management, insofar as the same relate to development.

(8) Requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant, subject to the standards prescribed by law and contained in § 272-209 below.

(9) Requests for special exceptions where this chapter states that a special exception may be granted or denied by the Board in accordance with express standards and criteria contained in this chapter.

(10) In granting any variance or special exception, the Board shall comply with the provisions and standards of § 275-209 below and Article XXVII.

§ 275-207. Hearings and decisions.

The Board shall conduct hearings and make decisions in accordance with the requirements of the Planning Code and any pertinent provisions of this chapter or the Rules of the Board:

A. Upon the filing of an appeal with the Board, an application for a special exception or variance from the terms of this chapter or a challenge, the Board shall fix a time and place for a public hearing thereon, subject to the provisions of the Planning Code, and shall give notice thereof in accordance with the provisions of Subsection E below.

B. 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; but the parties may waive decision or findings by the Board and accept the decisions or findings of the hearing officer as final. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance or record before the Board and any other person including civic or community organizations permitted to appear by the Board.

C. The Chairman, Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues. At the hearing, any party may appear in person, by agent or by attorney.

D. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings; and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party requesting such materials. In the absence of a stenographer, the hearing may be recorded for purposes of transcribing the record at a later time.

E. Notice requirements. In any case where the Zoning Hearing Board shall hold a public hearing, the Board shall, at the minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

(1) By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Township, provided that the first publication shall be not more than 30 days or less than 14 days from the date of the hearing.

(2) By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question, to the Township Council, the Township Manager, and to every association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board for the current year.

(3) Notice of hearings, both published and written, shall state, in addition to the time, place and purpose of the hearing, the location of the lot, tract or structure involved and the nature and extent of the relief sought and the general nature of the question involved. Notice of said hearing shall be conspicuously posted at least one week prior on the affected tract of land. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.

F. Notice of decision.

(1) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer, subject to all additional requirements of the Planning Code. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing, to an extension of time.

(2) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(3) Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within one year from the date of authorization thereof. The opinion of the Zoning Hearing Board shall set forth the date on which relief granted shall expire.

(a) The applicant shall have the right to seek an extension of the one-year limitation for a period not to exceed one additional year by making a written request to the Zoning Hearing Board at least 30 days prior to the expiration date set forth in the Zoning Board opinion or decision. The case shall be thereafter promptly scheduled for review on the request for an extension. Applications for a one-year extension shall be granted unless opposition is registered in person

or by letter.

(b) The Zoning Hearing Board shall consider whether the evidence presented demonstrates a change of circumstances which has occurred since the time relief was originally granted and whether such change in circumstances would have an adverse impact on the health, safety and welfare of the citizens of the Township of Middletown. Evidence offered by the applicant at the prior hearing shall be received into evidence as prima facie proof of the applicant's right to relief.

(c) In no event shall the Zoning Hearing Board extend the relief granted more than one time. The relief granted is void, not voidable, two years beyond the date relief was first granted.

§ 275-208. Zoning appeals.

A. Appeals before Zoning Board and to court. All appeals, applications or challenges which properly come before the Board in accordance with the requirements of the Planning Code and all appeals to courts shall be subject to the time limitations and requirements of Article X and any other applicable provision of said code. Appeals and proceedings to challenge an ordinance may be filed with the Board, in writing, by the landowner affected, any officer or agency of the Township or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

B. Time limitations. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by the appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

§ 275-209. Standards for variances and special exceptions.

In any instance where the Zoning Hearing Board is required to consider a special exception or variance in the Zoning Ordinance or Zoning Map in accordance with the provisions of this chapter, the Board shall, among other things, consider the following standards:

A. In the case of a variance:

(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 generally created by the provisions of this chapter 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 this chapter 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 or adjacent property, not be detrimental to the public welfare; and

(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.

B. In the case of a special exception, the Board shall consider all standards and criteria as set forth in Article XXII and the following matters in determining whether or not the proposed special exception is appropriate and in harmony with the general purpose and intent of the ordinance:

(1) The size, scope, extent and character of the exception desired.

(2) The character and type of development in the area surrounding the location for which the exception is desired.

(3) Whether or not the proposed exception would be an appropriate use in the area or whether it would be detrimental to the surrounding area.

(4) The zoning classification of the area affected.

(5) The number, extent and scope of nonconforming uses, if any, in the area.

(6) The anticipated future development of the area.

(7) The effect, if any, of the proposed exception on other properties in the area.

(8) Whether or not the proposed exception would affect the health, safety, morals and general welfare of the people of the residents in the surrounding area.

(9) The effect of the proposed exception on traffic in the area and the nature of the surrounding traffic conditions, so that appropriate regulations may be imposed on any proposed uses to provide for off-street parking either equal to or greater than the off-street parking facilities required within the area by any other then applicable ordinance.

(10) Whether the special exception authorized will represent the minimum modification to use the area requirements to afford necessary relief.

(11) The effect of the proposed exception upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police, fire protection and schools.

C. In granting any variance or special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Planning Code and Zoning Ordinance, which conditions and safeguards may relate to, but are not limited to, the harmonious design of buildings, planting and its maintenance as a sight or sound screen, lighting, noise, safety and the minimizing of noxious, offensive or hazardous elements.

D. In the case of a special exception or variance, it shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria and standards set forth in this section.

§ 275-210. Fees and charges.

A. When any person, firm or corporation shall appeal to the Zoning Hearing Board or shall apply to the Zoning Board for a variance and/or special exception, each such application and/or appeal, as the case may be, shall be accompanied by the payment of an application fee, which shall be payable to the Township of Middletown. Said fee shall be in accordance with the Township fee schedule and be used by the Township of Middletown to defray the costs for each hearing held in connection with the application and/or appeal. The fee for all other applications to the Zoning Hearing Board relating to

zoning, including challenges to the Zoning Ordinance or Map, shall be governed by the Township fee schedule.

B. Fees are to be used to defray costs such as:

(1) The appearance fee for a stenographer, which shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(2) Advertising required by law for hearing or hearings.

(3) Postage and photocopy costs incurred by the Township of Middletown.

(4) Salaries of Township Council or Zoning Hearing Board members in attendance at hearing or hearings, as the case may be.

(5) Such other reasonable and necessary costs incurred by the Township Council or Zoning Hearing Board, as the case may be, in connection with the application or appeal. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. In the event that a hearing on an application or appeal is conducted by the Township Council or the Zoning Hearing Board on the same date as another hearing or hearings which are subject to the provisions of this section and there are costs incurred by the Township which are not assignable to one particular application or appeal, said common costs shall be prorated by the Township among the various applicants in accordance with the Municipalities Planning Code and other applicable law.

D. In the event that the costs set forth above exceed the payment made to the Township as required by this section, said applicant shall, upon demand by the Township, make payment to the Township of such additional costs as have been or will be incurred by the Township in connection with the application or appeal.

E. In the event that the total costs payable to the Township authorized therein do not exceed payment or payments made by an applicant to the Township, the balance shall be returned to the applicant at the conclusion of the application or appeal.

ARTICLE XXIX: AMENDMENTS

§ 275-211. Authority.

The Township Council may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by amending the ordinance in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code and this section. Hereinafter, as used in this article, the term "Planning Code" shall refer to the Pennsylvania Municipalities Planning Code. In the case of a curative amendment submitted by a landowner, the special requirements of Section 609.1 and Article X of the Planning Code shall apply, as well as all other applicable provisions of the Planning Code and of this article.

§ 275-212. Amendment procedures.

A. Before voting on the enactment of an amendment, the Township Council shall hold a public hearing thereon, pursuant to public notice as defined by this chapter.

B. At least 30 days prior to the Township Council's hearing on a proposed zoning amendment, the Council shall submit:

(1) Any amendment other than one prepared by the Township Planning Commission to the Township Planning Commission in order to provide the Commission with an opportunity to submit its recommendations prior to final action;

(2) A copy of any proposed amendment to the County Planning Department. Whenever the Township Council has adopted a Comprehensive Plan or any part thereof, the recommendations of the County Planning Department shall include a specific statement as to whether or not the proposed action on any zoning amendment is in accordance with the intent of the formally adopted portion of said Comprehensive Plan; and

(3) If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

C. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Township Council shall hold another public hearing before proceeding to vote on the amendment.

D. Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Department.

§ 275-213. Amendment standards.

A. All amendments should be decided in accordance with the following standards to ensure that:

(1) The proposed use is consistent with the purpose of the article whereby it is permitted, the overall purpose of the zoning as contained in Article I and all other applicable provisions of this chapter.

(2) The proposed use will satisfy all of the relevant provisions and requirements of Chapter 210, Subdivision and Land Development, and any other applicable codes, ordinances and/or regulations.

(3) The proposed use and its location are consistent with the Comprehensive Plan.

(4) There is a demonstrated need for the proposed use and the use is in the best overall interest of the Township. (The applicant or petitioner shall have the burden of proof to so demonstrate.)

(5) That the proposed use will contribute to the maintenance of the health, safety, morals and general welfare of the Township.

(6) The proposed use is consistent with the nature of the uses existing on any immediately adjacent properties and it will not detract from or cause harm to neighboring properties and will be maintained in a manner in keeping with the character of the neighborhood.

(7) The proposed use is consistent in concept and design with other amendments for which approval has been heretofore granted.

(8) The proposed use is consistent with the logical extension of public services and will not measurably affect the public services and utilities of the surrounding properties.

(9) If the use is one which traditionally adheres to some unique location criteria, the site for which the use is proposed is not one which obviates such criteria.

(10) Any proposed construction will be consistent with good design principles and sound engineering and land development practices and is in keeping with the character of any existing construction within the neighborhood.

(11) The proposed use will provide safe and adequate access to roads and public services (existing or proposed) and will not result in excessive traffic volumes or will make any improvements needed to guarantee compatibility with adjacent roads and public services.

(12) The proposed use has provided for adequate sanitation.

(13) The proposed use will provide for adequate screening and environmental controls as required under Article XXI or otherwise specified by the Township Council, parking according to Article XXIV, and signage according to Article XXV.

(14) The proposed use is judged to have minimal adverse environmental impact, based on a satisfactory Environmental Impact assessment Report in accordance with §275-131.

(15) The proposed use will conform with all standards and criteria as set forth in Article XXVII regarding conditional uses.

ZONING DISTRICT	MINIMUM											MAXIMUM		
	TRACT SIZE	OPEN SPACE	LOT				YARD					COVERAGE		HEIGHT
	Area Acres	Area Percent	Area Acres	Square Foot	Width at Bldg Line	Width at St Line	Front	Rear	Side	Aggregate Side	Side Abutting Street	Impervious Surface Percent	Building Percent	Structure
R1-A														
on-lot			2 ac.	87,120	200	100	50	50	25	60	50	35	20	35
			1 ac.	43,560	120	50	50	50	25	60	50	40	20	35
R-1														
w/ sewer			1 ac.	43,560	120	50	50	50	25	60	50	40	20	35
Cluster Option	15	30	1/2 ac.	21,780	100	50	35	35	15	40	35	45	20	35
R-2														
w/ sewer			1/2 ac.	21,780	100	50	35	35	20	45	35	45	20	35
Cluster Option	15	30	1/4 ac.	10,890	70	50	30	30	10	30	30	50	25	35
R-3														
w/ sewer			1/2 ac.	21,780	100	50	35	35	20	45	35	45	20	35
public S/W			1/4 ac.	10,890	70	50	30	30	10	30	30	50	25	35
R-4														
w/ sewer			1/2 ac.	21,780	100	50	35	35	20	45	35	45	20	35
public S/W				7,500	70	50	20	25	10	30	30	50	35	35
Townhouse	15	30				150						40	20	35
Apartment	15	30												4-story
Campus M/U	50	35												40
PRD	70	50					100	100	100	200	100			35

ZONING DISTRICT	MINIMUM											MAXIMUM		
	TRACT SIZE	OPEN SPACE	LOT				YARD					COVERAGE		HEIGHT
	Area Acres	Area Percent	Area Acres	Square Foot	Width at Bldg Line	Width at St Line	Front	Rear	Side	Aggregate Side	Side Abutting Street	Impervious Surface Percent	Building Percent	Structure
I-1														
Hospital			35	1,524,600	200	150	190	100	100	200		60	30	80
Med. Office			1	43,560	100	100	60	60	25	60	60	65	25	35
Campus			100	4,356,000	200	150	200	100	100	200	200	35	20	45
Comm. Ctr.			4	174,240	100		150	100	50	125		35	20	35
CCRC			25	1,089,000	150	75	100	100	100	200	200	50	20	40
I-2														
			(Maximum density 3,875 square foot gross linear area per acre)				200	100	200	200	200	35		35,45,55
OR														
	10		10	435,600		200	150	100	50	125		35	25	35
M														
			2	87,120	150	150	90	90	75	160	90	60	40	45
C-1														
			1	43,560	100	100	60	60	25	60	60	60	25	35
C-2														
			1	43,560	100	100	60	60	25	60	60	60	25	45
C-3														
Multi-Family	75		400/tract		max bldg. length: 225		various	30	30			85	25	70
Commercial	75						various	30	30			85	25	55
SU-1														
	5		2.5	108,900	200	150	100	100	100	200	100	50	20	40
SU-2														
By-right	10		4	174,240	200	150	100	100	100	200	100	50	20	40
Mobile Home	10	10 to 20	5.5 d.u/ac.				100	50	50		50			35
Townhome	25	30	4 d.u./ac.	2,400/unit			100	25	50		50			35
SU-1A														
Tract-wide	100		various				100/30/20	100	15			60	20	various

275 Attachment 3

Township of Middletown

Appendix A
SU-1-A Mixed Use District
Design Standards
December 23, 2011

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Section 1: Design Standards Introduction

These Design Standards are intended to ensure that mixed use development and redevelopment within the SU-1-A Mixed Use District is accomplished in a manner that provides for high quality buildings and other physical features that can become an amenity for Middletown. Contained within the Design Standards are regulations governing building materials, landscaping, buffers, open space, lighting, sidewalks and pedestrian amenities which will shape the form of development.

These standards are intended as a supplement to Ordinance No. 725, governing the SU-1-A Mixed Use District. The standards are not intended to supersede any existing Building Code or Fire Code regulations which relate to life/safety issues.

Township Council shall have the right to modify any of the design requirements contained herein upon demonstration by the applicant that an alternative design provides an equal or better result.

Section 2: Overall Design Goals and Objectives

The overall Design Goals and Objectives of the SU-1-A Mixed Use District are outlined below:

A. To guide future development and redevelopment within the SU-1-A Mixed Use District;

B. To protect and preserve historical and cultural resources while integrating these resources into the neighborhood through adaptive reuse.

C. To encourage mixed uses to maximize opportunities for pedestrian movement to, from, and within a development.

D. To promote and create livable transportation alternatives.

E. To enhance the community setting through the unified use of materials, landscaping and lighting.

F. To create a streetscape along Baltimore Pike.

G. To protect and preserve natural open space.

Section 3: Land Use Plan

A. Development within the SU-1-A Mixed Use District shall be generally consistent with the Land Use Plan attached as Exhibit "A" to these Design Standards. The Land Use Plan depicts the types of uses permitted within different areas of the SU-1-A Mixed Use District, the general locations of streets and accessways, the general traffic circulation pattern, and the potential future connection to adjacent properties.

Section 4: Architectural Character

A. The architectural style of development within the SU-1-A Mixed Use District shall be designed to be generally consistent with the character of the surrounding community.

B. Architectural diversity is required in order to provide visual interest and some distinctive character to each building. Diversity should include changes in materials, colors, proportion, form, and scale.

C. The use of architectural detailing is required to provide scale and interest to the buildings. Building façade articulation and parapets to screen roof-top elements are required. Other detail elements such as awnings, railings (except where required by Code), parapets, balconies, recessed entries and arcades are encouraged.

Section 5: Building Materials

The relationship and use of materials, textures, details, and color of a new building's facade should be visually compatible with façades of adjacent buildings.

Exterior building materials shall be composed of one (1) dominant facing material and not more than two (2) additional materials. The dominant material shall comprise sixty (60%) percent or greater of each building elevation (not including fenestration). The fronts of all buildings and all sides facing public streets must have an Architectural appearance. On all facades, the heavier (physically or aesthetically) material shall be located below the lighter material.

A. Exterior building materials may include:

1. Horizontal lap, wood or composition board siding (such as vertical wood board and batten)
2. Brick
3. Stone (including manufactured stone, cultured stone or cast stone)
4. Pre-cast Masonry
5. Split Faced Block
6. Glass
7. Smooth stucco
8. Architectural metal panels
9. Vinyl Siding (residential buildings only)

10. EIFS, limited to 90%

B. Exterior building materials may not include:

1. Un-faced Concrete Block

2. Highly Reflective Glass

3. Textured Exterior Plywood

4. Unfinished Concrete

5. Aluminum Siding

Section 6: Retail and Supermarket Facades

Special attention should be given to the architecture of the buildings to ensure that the buildings are in keeping with the scale and character of the other buildings within the development.

A. Features such as piers, pilasters, paneling, corbelling and/or other crenellation-type elements of articulation are encouraged.

B. Other enhancements such as material and color variation, façade articulation in the form of pilasters, offsets/projections, and recesses shall be required on the fronts of the buildings and all sides facing public streets.

Section 7: Architectural Design of Parking Structures

A parking structure, being a building or structure of two or more stories used for the parking of motor vehicles. Special attention should be given to the architecture of parking structures to ensure that such structures are compatible with adjacent buildings.

A. Parking structures shall have the following minimum dimensional standards:

1. Dimensional standards.

Angle of Parking Space	Width of Parking Space	Depth of Parking Space	Aisle Width	Total Parking Module
60, one-way aisle	8 feet 6 inches	18 feet 6 inches	16 ft.	53 ft.
60, two-way aisle	8 feet 6 inches	19 feet	17 ft.	55 ft.
90, two-way aisle	8 feet 6 inches	18 ft.	24 ft.	60 ft.

2. Columns of a combined dimension of two feet may protrude into the module dimension.

B. Parking structures shall be compatible in color, form and quality with the architectural details of adjacent buildings.

C. Parking structures shall conceal views of parked cars from public streets and public spaces.

D. Signage and light sources internal to the parking structure should not be visible from outside the parking garage. Lighting, particularly on parking decks, should not illuminate or produce glare to adjacent properties.

Section 8: Sidewalks, Crosswalks, & Trails

Sidewalks are the principal place of pedestrian movement and provide the means of connecting uses within a development and along Baltimore Pike. Every development within the SU-1-A Mixed Use District shall be required to have a sidewalk along the length of its frontage on Baltimore Pike.

A. Sidewalks shall be a minimum of four and one-half (4½) feet in width with a predominantly textured or broom finish.

B. Whenever a sidewalk is interrupted by a street, road or accessway, a crosswalk shall be articulated with a minimum width of six (6) feet.

C. Nature trails are a critical means of providing for use of natural open space. Where existing nature trails exist within undeveloped areas of the SU-1-A Mixed Use District, such nature trails shall be preserved.

Section 9: Curbing

Curbing is critical for channeling pedestrian and vehicular movement as well as for grading and stormwater management.

A. Curbing shall be installed and maintained where necessary to protect and channel pedestrian and vehicular movement, and/or to contain grades and/or direct stormwater.

B. Curbing shall be provided throughout a mixed use development, along streets and access drives, and within and around parking areas except where recharge opportunities exist and will not conflict with safe pedestrian and vehicular movement.

C. Curb cuts shall be installed to promote barrier-free access, and to accommodate pedestrians with disabilities, in accordance with ADA requirements.

Section 10: Landscaping and Buffers

A. Extensive and well designed and maintained landscaping is the first sign of a quality community and one of the most critical elements in softening the appearance of those areas where parking, pavements, and service areas predominate.

B. Landscaping shall be used to soften views of buildings, screen sections of buildings, parking areas, storage areas, service areas, site utilities, and similar spaces. Landscaping should take into consideration existing and proposed topography and existing vegetative conditions.

C. In addition to the specific landscaping standards for surface parking lots and streets contained in these Design Standards, other landscaping, including trees, shrubs and groundcovers shall be provided along all walkways, at the entrance to the site and other highly visible locations, at the entrance to buildings, and around structures for service, storage or maintenance purposes. Trees and shrubs shall be grouped in accordance with specific needs and objectives.

D. Landscaping shall be installed and maintained in accordance with an Overall Landscaping Plan to be submitted as part of a preliminary land development plan application.

E. Buffer areas shall be required as follows:

1. On parcels on which the existing Franklin Mint buildings are located, a minimum buffer of 100 feet shall be provided along Baltimore Pike and along the rear property line.

2. On all other parcels within a Tract, a minimum buffer of 25 feet shall be provided along Baltimore Pike, Pennell Road, and along the rear property line.

3. Buffer yards shall comply with the following standards:

A. The buffer yard shall be measured from the right-of-way line of Baltimore Pike and/or Pennell Road. **[Amended 9-26-2016 by Ord. No. 771]**

B. The buffer yard may be part of the required front, or rear yards.

C. All buffer yards shall be planted with trees, shrubs, grasses and/or ground covers and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations; provided, however, if such land is naturally wooded, it may continue in its natural state.

D. Except as provided in Subsection E.3.E. of this Section 10, no structures, manufacturing or processing activity or storage of materials

shall be permitted in the buffer yard. **[Amended 9-26-2016 by Ord. No. 771]**

E. Buffer areas shall be required as follows: **[Amended 9-26-2016 by Ord. No. 771; 7-24-2017 by Ord. No. 780]**

For the residential portion of the Mint Parcel within the Tract, benches, retaining walls, lighting standards, sidewalks, fencing, underground utilities, signs, ground-level parking, interior roads and streets, including appurtenant structures associated with interior roads and streets and ground-level parking, such as curbs and curb stops, other structures associated with the Baltimore Pike Streetscape Requirements set forth in Section 12 of Appendix A to Chapter 275 shall be permitted in the buffer yard. Stormwater management structures shall also be permitted within the required buffer.

For the Pennell Parcel, the Granite Parcel and the nonresidential portion of the Mint Parcel within the Tract, the following shall be permitted in the required buffer yard: (i) roads and driveways which provide direct ingress/egress for the Tract, including appurtenant structures within such road rights-of-way, such as curbs, sidewalks, signs, lighting standards and benches, shall be permitted in the buffer yard; (ii) in the case of buildings occupied by municipal or governmental uses, driveways which provide supplemental access and parking areas which provided supplemental parking, including appurtenant structures such as curbs, sidewalks, signs, lighting standards, flagpoles and benches; and (iii) stormwater management structures.

F. Complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials and the placement, size, materials and types of fences to be placed in such buffer yard shall be submitted as part of the preliminary plan submission and final plan submission.

F. Surface Parking Lot Landscaping Requirements

1. All off-street parking areas which provide more than five (5) parking spaces shall be screened from any abutting property or adjacent roadway. Effective screens may be accomplished through the use of plant materials, fencing or walls and/or mounding through the use of an earthen berm(s) forming a continuous visual screen.

2. The area for fencing, walls or earthen berms shall not extend into clear sight triangles or block sight distances. No off-street parking facilities shall be located within twenty (20) feet of the curb/cartway edge of Baltimore Pike and/or Pennell Road. No off-street parking facilities shall be located within ten (10) feet of the curb/cartway edge of any interior road or accessway.

3. Where the Tract abuts a residential zoning district, no off-street parking facilities shall be located closer than 20 feet to the property line unless the parking area is fully screed by landscaping and/ or a fence.

4. When planting screens are employed, a planting strip of at least eight (8) feet in width shall be provided. Sidewalks shall be permitted within the area of the planting screen.

5. At all intersections of streets, roads and/or access drives low level landscaping shall not be greater than twenty-four (24) inches in height and tree canopies should not extend below nine (9') feet within the clear sight triangle of any intersecting streets, roadways and/or access drives.

6. Whenever earthen berms are employed the effective height of the continuous visual buffer shall be no less than five (5) feet in height, except within the clear sight distance of any intersecting streets, roadways and/or access drives.

7. Off-street surface parking lots shall be landscaped: to reduce wind and air turbulence, heat and noise and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to ameliorate stormwater drainage problems; and to provide for a more attractive setting.

8. Each off-street surface parking area providing access to more than five (5) parking spaces shall have a minimum of one (1) two to two and one-half (2 to 2½) inches caliper shade tree for every five (5) parking spaces, if there are no existing shade trees. Shrubs, groundcovers and other plant materials are encouraged to be used to complement the trees but shall not be the sole contribution to the landscaping. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot and around the perimeter of the parking lot. If there is insufficient room for the placement of the required number of trees throughout and around the parking lot, the trees may be placed at alternative locations within the Tract.

9. Landscaped islands within surface parking lots shall be provided to enhance the appearance of the parking area and to control access and movement. Landscape islands shall be provided at the end of each parking bay and no more than twenty (20) consecutive parking stalls are permitted without the installation of a landscape island. Landscape islands shall be a minimum of eight (8) feet in width and extend the full length of the stalls. All landscape islands within a parking lot shall be surfaced with groundcovers and/or dwarf shrubs. Grass and mulch may be used as surface materials along with shrubs and groundcovers. Shredded hardwood mulch shall only be used beneath the shrubs and groundcover and to form the plant saucers.

10. Landscape strips may be provided in lieu of interior landscape islands between bays of either ninety degree (90º) or angle parking. When landscape strips are used in the design, the length of the end islands shall extend to the full length

of the parking stalls inclusive of the width of the landscape strip. Landscape strips shall be a minimum of eight (8) feet in width, exclusive of sidewalks. A minimum of one (1) tree shall be provided for every sixty (60) feet of length of the landscape strip. All landscape strips within a parking lot shall include groundcovers and/or dwarf shrubs. Grass and mulch may be used as surface materials along with shrubs and groundcovers. Shredded hardwood mulch shall only be used beneath the shrubs and groundcover and to form the plant saucers.

SECTION 11: SURFACE PARKING LOT LIGHTING REQUIREMENTS

A. All parking lot areas shall be adequately lighted with lighting fixtures of such quality and type and with such shielding as will not present direct glare to any adjoining lot or residential area.

B. All driveways providing access to parking areas providing five (5) or more parking spaces shall be adequately illuminated using the same illumination criteria as required on the adjacent/bordering street(s), unless adequate illumination is provided by the parking lot lighting itself.

C. All lighting within parking areas for five (5) or more parking spaces shall be directed in such a way as not to create a nuisance, and all such lighting shall be arranged so as to protect the street or highway and adjoining property(ies) from direct glare or hazardous interference of any kind. All lighting sources shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private streets and neighboring properties from direct glare, light radiation, or light pollution which may create a safety hazard or a nuisance.

D. All lighting fixtures shall meet IES cut-off criteria, except for decorative lighting, which shall be full cut-off. No lighting shall be permitted which shines directly into residential units, or results in glare beyond an angle of 30º from a vertical plane, measured from the light source.

E. Lamp types and lamp colors shall be consistent with the adjacent street and pedestrian areas, and shall be consistent with the task and setting.

F. The outdoor pole-mounted illumination for the interior of parking areas providing twenty (20) or more spaces shall be a design that best satisfies the lighting illumination levels specified herein, by IES standards, and recommended practices and also controls glare which might otherwise be visible from adjacent properties or streets.

G. Illumination levels - All parking lot illumination shall have intensities and uniformity ratios consistent with the standards in the current edition of the Lighting Handbook and/or Recommended Practices of the Illuminating Engineering Society of North America (IES) and as set forth below. "Illumination levels" shall be defined as maintained horizontal footcandles on the task/ground level area, and average

illumination values shall not exceed minimum values by more than the product of the minimum value and the specified IES uniformity ratio for the use/task in question.

H. Illumination levels and uniformity ratios for all parking areas are as follows:

Use (MFC)		Maintained Footcandles	Uniformity Ratio
Parking: Multi-Family Residential Vehicular/ Pedestrian Activity	0.2 - 0.6 (min.)	4:1	
Parking: Retail Commercial	0.9 (min.)	4:1	
Parking: Hotel/Offices/ and Civic/Governmental	0.6 (min.)	4:1	
Non-Residential Walk-Ways	0.5 (avg.)	5:1	

I. In no case shall illumination exceed 0.2 footcandle measured at the Tract boundary or at property lines, except at driveway entrances, provided further that the amount of illumination projected onto a residential zoned property or use shall not exceed 0.1 footcandle at the property line.

J. In no instance shall the height of any light source exceed the following:

1. The height of any light source at an off-street parking lot for twenty (20) or more spaces shall not be more than forty (40) feet.

2. The height of any light source at an off-street parking lot for less than twenty (20) spaces shall not be more than thirty (30) feet; and

3. The height of any light source at the top (open to the sky) level of any parking structure shall not be more than sixteen (16) feet.

Section 12: BALTIMORE PIKE STREETSCAPE REQUIREMENTS

Street trees, planting strips and other forms of landscaping are required along Baltimore Pike to promote a cohesive "green" streetscape.

A. Continuous sidewalks and crosswalks shall be provided along Baltimore Pike frontages.

B. Surface parking lots adjacent to Baltimore Pike shall be screened with hedges, berms and/or walls.

C. No less than one (1) two to two and one-half (2 to 2½") inch caliper tree shall be planted for each fifty (50) feet of roadway length.

D. Deciduous trees shall be used as street trees and deciduous and evergreen trees and shrubs shall be used in other areas.

E. Street trees shall be selected from the approved list from the Pennsylvania Department of Conservation and Natural Resources.

F. Street trees shall have enough canopy height to provide clear passage for pedestrians and shall not interfere with visibility within each clear sight triangle.

G. Benches shall be installed along the Baltimore Pike Streetscape at an interval of no more than 250 feet on center.

H. Pedestrian-scaled ornamental street lights shall be installed along the Baltimore Pike Streetscape. Pedestrian-scaled ornamental street lights shall be no greater than 24 feet in height.

I. All Baltimore Pike Streetscape improvements shall be dedicated to the Township and shall be owned and maintained by the Township.

Section 13: Outdoor Dining

Outdoor dining areas shall be permitted, subject to the following:

A. Outdoor dining shall be located on a smooth, paved surface (poured-in-place concrete, brick pavers, other unit pavers) with a maximum gradient cross-slope of approximately 2 to 3%.

B. Accessory structures such as tables, chairs, umbrellas and waster receptacles shall be positioned to enable maximum pedestrian circulation and enjoyment, and shall not block entry/exit doors or pedestrian movement along the building frontage. Serving stations, busing stations and/or hostess stations shall be positioned and maintained in a safe and clean manner.

C. At least four feet six inches (4' 6" of clear sidewalk area (clear of tables, chairs, planters, etc.) shall be maintained for the passage of pedestrians.

D. Convenience stores may have an outdoor seating patio.

Section 14: Open Space

Open Space within the SU-1-A Mixed Use District shall be designed to:

A. Encourage the preservation of natural environmental resources such as woodlands, wetlands and waterways, and maintain ecological stability by:

1. Encouraging the preservation of land contiguous to floodplains and thus supplementing existing floodplain district regulations;

2. Limiting the development of natural steep slopes;

3. Encouraging the preservation of open areas for groundwater recharge (aquifers);

4. Limiting the disruption of existing woodlands;

5. Encouraging the preservation of land surrounding natural resources as open space.

B. Encourage the linkage of open space land to existing contiguous open space areas;

C. Encourage the preservation of existing view sheds;

D. Encourage the preservation and character of historic resources and surrounding land as open space;

E. Provide for passive recreation areas to serve the development and the general public. Passive recreation areas shall create opportunities for quiet enjoyment, closeness to nature and a high degree of interaction with the natural environment which require no organization, rules of play, facilities or improvements.

F. Land designated as open space may be used for such purposes as:

1. Conservation uses including woodlands and other natural areas such as grassland, marshes, lakes, ponds, streams and floodplains.

2. Passive recreational uses such as parks and natural trails.

3. Planted areas used for visual screening purposes, noise control and buffering.

4. Historic resources.

5. Stormwater management.

Section 15: Waste Receptacles and Planters

A. Waste receptacles should be placed adjacent to building entrances, in selected locations along streets, and in other locations determined by the property owners.

B. Waste receptacles shall be a dark color (to reduce their visibility), easy to open and placed to be convenient to service.

C. Waste receptacles shall be constructed of architectural metal with a powder-coated paint or anodized finish.

D. Waste receptacles shall be anchored to a concrete pad, the sidewalk, or other hard surface to aid in their restriction from movement. Waste receptacles may also be mounted on street light poles.

E. Where planters are used to enhance pedestrian areas such as sidewalks, such planters shall be a minimum of 30 inches and a maximum of 42 inches in height.

Section 16: Dumpsters and Enclosures

A. Dumpster enclosures shall be architecturally compatible with the buildings on a site.

B. Dumpsters shall be in enclosed areas with convenient vehicular and pedestrian accessibility.

C. Dumpster enclosures shall not be constructed of chain-link fencing.

Exhibit A
Land Use Plan
[Amended 9-26-2016 by Ord. No. 771; 3-27-2023 by Ord. No. 847]

LAND USE TYPE - SU-1-A MIXED USE DISTRICT

A. OPEN SPACE / BUFFER

B. RESIDENTIAL AND RELATED (275-117. 3 - B. C.)
- Single-family semidetached dwellings (B.1.)
- Single-family attached dwellings (B.2.)
- Single-family detached dwellings (B.3.)
- Multi-family dwellings (B.4.)
- Parking structures (C.19)

C. NON-RESIDENTIAL: GENERAL, RETAIL, AND OFFICE (275-117. 3 - C.)
- Convenience store (C.1.)
- Convenience store with fuel pumps (C.2.)
- Bank or other financial institutions with or with out drive up window and/or accessory ATM facilities (C.3.)
- Commercial greenhouse, nursery or garden center (C.4.)
- Cultural, religious or charitable uses (C.6)
- General or professional offices (C.7.)
- Governmental use (C.8.)
- Health and fitness centers including ancillary services such as wellness, physical, rehabilitation facilities and prevention health education activities (C.9.)
- Medical laboratories, outpatient or training facilities or offices for doctors and other medical personnel (C.11.)
- Municipal uses (C.12.)
- Pharmacy, with or without drive-up window (C.13.)
- Research and / or testing facility (C.14.)
- Restaurant and taverns, including those with musical entertainment, dancing (excluding adult entertainment or dancing) and / or outdoor service of food and / or alcohol (C.15.)
- Restaurants, fast food (C.16.)
- Retail stores, including discount department stores (C.17.)
- Supermarket, with or without drive-up windows (C.18.)
- Parking structures (C.19.)
- Wholesale membership club (C.21.)
- Stand alone assisted living, independent living, memory care facilities, skilled nursing and/ or rehabilitation centers (C.22.)
- Daycare (C.23.)
- Communication antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings subject to the regulations set forth in Section 275-216 of Article XXXIV. (C.24.)
- Indoor storage building or warehouse, to include warehousing known as "mini storage", consisting of multiple warehouses which are either leased or sold. (C.25.)

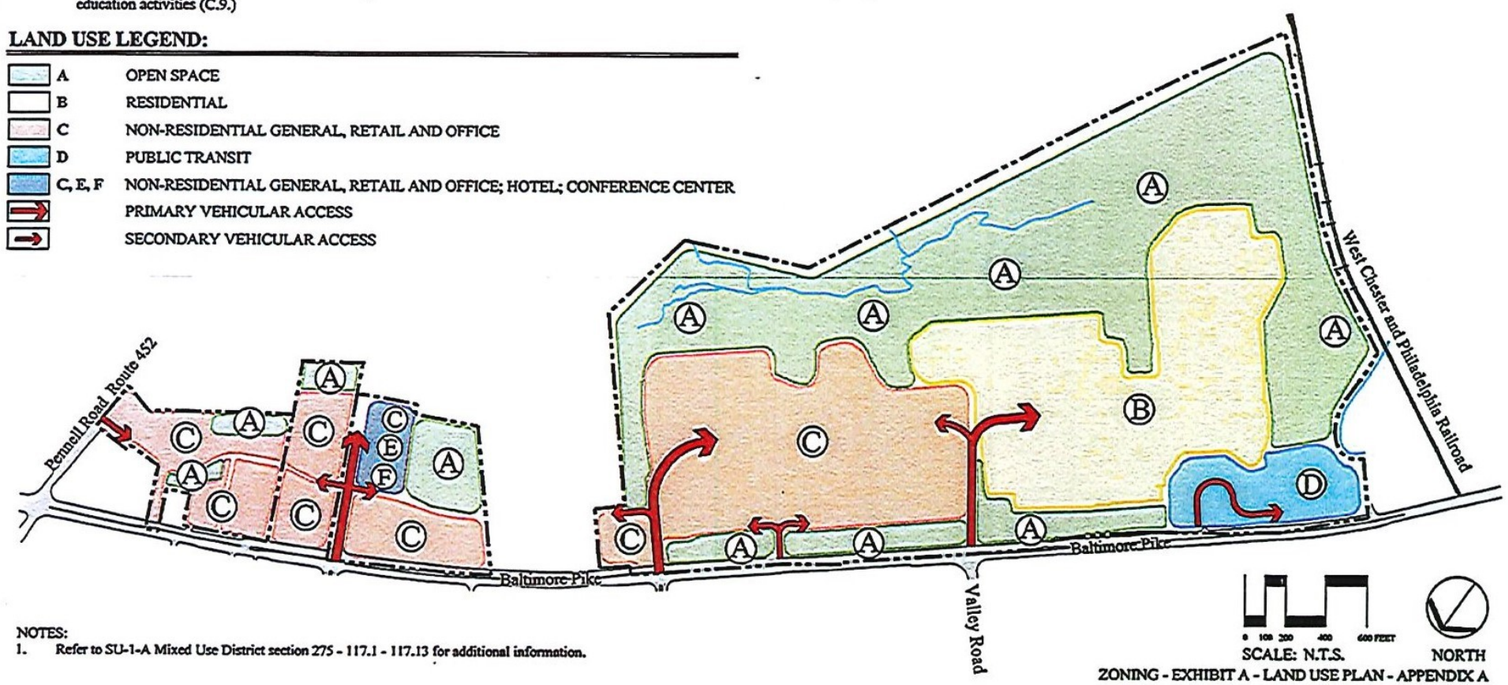
D. PUBLIC TRANSIT (275-117. 3 - C.)
- Public transit facilities (C.20.)
- Parking structures (C.19.)

E. NON-RESIDENTIAL: HOTEL AND RELATED (275-117. 3 - C.)
- Hotel (C.10.)
- Conference centers (C.5.)
- Parking structures (C.19.)

F. NON-RESIDENTIAL: CONFERENCE CENTER (275-117. 3 - C.)
- Conference centers (C.5.) (without either overnight lodging or ancillary entertainment uses)

LAND USE LEGEND:

A	OPEN SPACE
B	RESIDENTIAL
C	NON-RESIDENTIAL GENERAL, RETAIL AND OFFICE
D	PUBLIC TRANSIT
C, E, F	NON-RESIDENTIAL GENERAL, RETAIL AND OFFICE; HOTEL; CONFERENCE CENTER
	PRIMARY VEHICULAR ACCESS
	SECONDARY VEHICULAR ACCESS



NOTES:
1. Refer to SU-1-A Mixed Use District section 275 - 117.1 - 117.13 for additional information.

SCALE: N.T.S. NORTH
ZONING - EXHIBIT A - LAND USE PLAN - APPENDIX A
275 Attachment 3:13

ZONING - EXHIBIT A - LAND USE PLAN - APPENDIX A
SU-1-A Mixed Use District
MIDDLETOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA

DATE: 07/07/16
REV.: 08/08/16
03/02/21
05/04/21
01/26/22
06/23/22

Appendix ‘A’

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

December 6, 2012
Revised: October 28, 2013
Sheets 9.1, 11.1 and 11.2

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

Outline of Contents:

1. Streetscape and Street Walls

2. Vehicular Circulation

3. Pedestrian Gathering Areas

4. Public Open Space and Amenities

5. Building Frontages

6. Landscape and Lighting

7. Pedestrian Circulation

8. Utilities and Stormwater Management

9. Roadway Cross-Sections: Boulevard & Two-Way Street

9.1 Alley Cross-Sections: One-Way and Two-Way Travel

10. Site Details: Typical Residential Cluster

10.1 Site Details: Knee Wall

11. Revised Concept Plan

Notes:

a. All Public Improvement Enhancements shall be subject to Township review and approval.

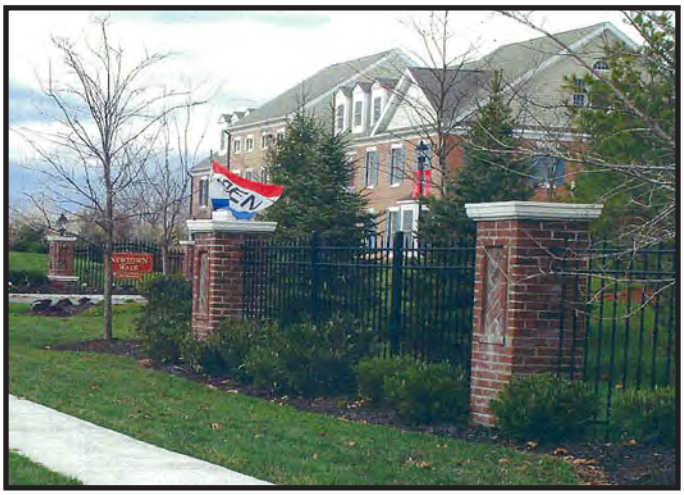
b. All Public Improvement Enhancements shall be delineated on Preliminary and Final Subdivision and Land Development Plans, and shall be addressed in the Land Development Agreement and Public Improvements Security Agreement.

Streetscape and Street Walls

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

Streetscape with Street Wall formed by Retail Building located close to the sidewalk.



A Street Wall formed by a combination of Piers, Fences and Shrubs, where the building is not located close to the sidewalk.

Legislative Intent:

1.1 The Streetscape is intended to be formed by buildings located close to sidewalks.

1.2 The Streetscape is intended to be enhanced with such features as Street Trees, Street Lights, Sidewalks, and like-type amenities.

1.3 Whenever the Streetscape can not be formed by Buildings located close to Sidewalks, a Street Wall solution is intended to form a Street Edge.

1.4 Public Improvement Enhancements to the Streetscape are intended to provide additional neighborhood connectivity, minimize traffic impacts, and improve landscape aesthetics.

Design Guidelines:

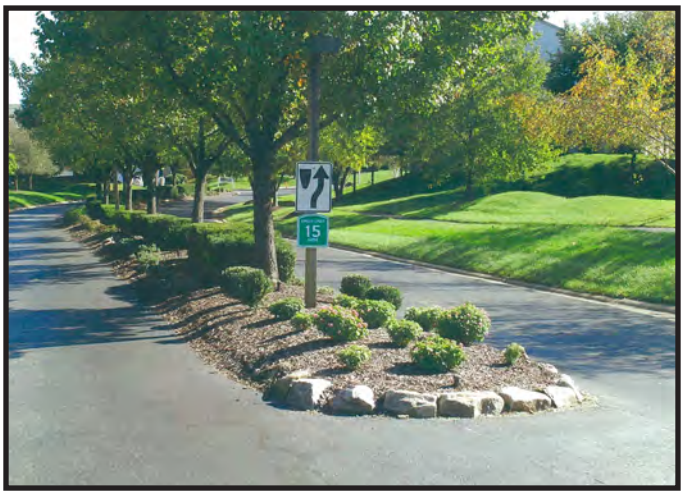
1.5 A Street Wall with buildings located close to Sidewalks shall be created.

1.6 Whenever buildings cannot form the Street Wall, a combination of piers, fences or walls, shrubs, and other landscaping shall form the Street Wall and screen parking.

1.7 Street Furniture with features similar to the overall neighborhood character shall be built and maintained.

1.8 If a Boulevard Configuration is utilized on main drives, it shall consist of a variety of plant materials, maintained to promote visibility.

Street Furniture such as Benches and Planters that enhance, and are consistent with, the overall neighborhood character.

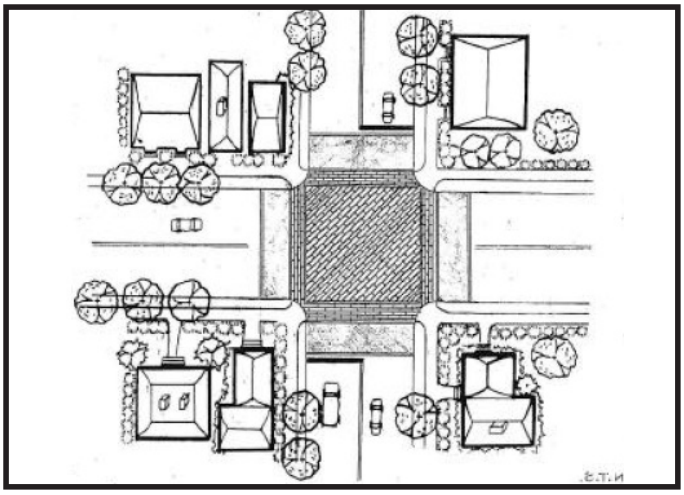


A Boulevard Configuration on a Main Drive, with a variety of plant materials and directional signage in a central median.

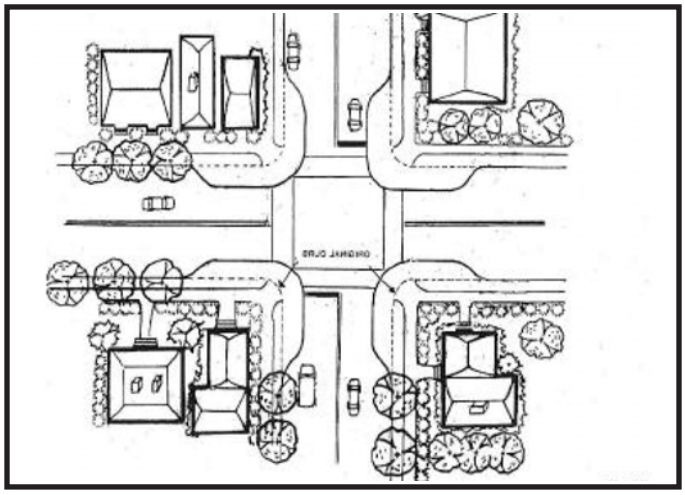
Vehicular Circulation

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA



Speed Table & Crosswalk at Street Intersection as traffic-calming devices.



Curb bulb-outs are an effective traffic-calming device, and help to define on-street parking.

Legislative Intent:

2.1 Traffic calming devices are intended to make a more pedestrian-friendly setting.

2.2 Off-street parking lots are intended to be screened from view.

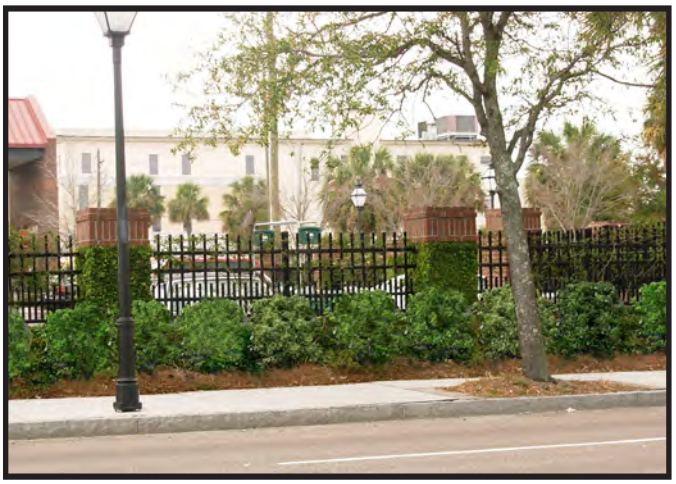
2.3 Wayfinding signage is intended to aid in navigation for motorists.

Design Guidelines:

2.4 Traffic calming devices such as horizontal and vertical deflections in road geometry, speed tables, and/or curb bulb-outs shall be utilized.

2.5 Off-street parking visible from a street shall be screened with walls, fences, hedges and other landscaping at 30 inches in height.

2.6 Wayfinding Signage shall be installed and maintained in the R-4 District.



Brick Piers, Fence, and Shrubs as parking lot screening.

Wayfinding signage as a navigation aid to motorists.

Pedestrian Gathering Areas

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

A Green with gazebo, shade trees, ornamental plantings, and lighting as a Pedestrian Gathering Area.

A Green Court as Pedestrian Gathering Area that provides central open space in contrast with adjancent homes.

Legislative Intent:

3.1 Pedestrian Gathering Areas are intended to provide viable opportunities to celebrate the public realm.

3.2 Pedestrian Gathering Areas are intended to enhance the appearance and pedestrian function of the R-4 District.

3.3 Pedestrian Gathering Areas are intended to provide opportunities for sitting to the maximum extent possible.

Design Guidelines:

3.4 Install and maintain shade trees, benches, plantings, and lighting in Greens and Green Courts to enhance attractiveness and safety.

3.5 Install and maintain decorative pavers, benches, sitting walls, shade trees, plantings, and lighting in Plazas and Pocket Parks to enhance attractiveness and safety.

3.6 Integrate Pedestrian Gathering Areas with the sidewalks and trails in the R-4 District.

3.7 Maintain Pedestrian Gathering Areas to provide year-round attractiveness.

Plaza as Pedestrian Gathering Area with fountain, benches, and plantings adjacent to a Green with “bookend” pergolas.

Pocket Park as a Pedestrian Gathering Area with brick pavers, benches, planters, and other plantings.

Public Open Space and Amenities

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

Attractively designed and maintained Public Open Space area as a link between buildings.

A well-maintained Green.

Legislative Intent:

4.1 The spaces between buildings are intended to be connected to better enable pedestrian use and visual enjoyment.

4.2 Open spaces are intended to provide a distinctive contrast to building clusters.

4.3 Perpetual maintenance of all Public Open Space areas and common Amenities is intended to maintain quality control in the R-4 District.

Design Guidelines:

4.4 The massing of buildings shall be balanced with useful Public Open Space, in order to promote the amenities of light, air, and visual enjoyment.

4.5 Public Open Spaces, walkways, and view corridors shall be connected to better enable spaces to be used, accessed, and/or viewed.

4.6 Public Open Space and common Amenities, including areas otherwise kept in a natural state, shall be cleared of rubbish and debris, and painted, cleaned, etc.

Common amenities include benches, tables, gazebos, and the like.

Common Amenities include areas maintained in a natural state.

Building Frontages

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

Facade and roof articulation, and variation in building color & materials create a compelling corner anchor.

Facade articulation and a variety of window styles and roof pitches create visual interest.

Legistlative Intent:

5.1 Facade articulation, variation in roof lines, and vertical expression of buildings, is intended to promote consistency with the scale and proportion of traditional streetscapes and neighborhoods.

5.2 The appearance of Garage Doors is intended to be minimized by painting them non-white, preferably dark green, brown, taupe, terra cotta, black, etc, and recessing them under a balcony overhang, pent roof, or the like.

Design Guidelines:

5.3 A primarily vertical expression to buildings shall be created through the use of facade articulation in the form of windows, doors, pilasters, columns, colonnades, and the like.

5.4 Roof lines of buildings shall be varied through the use of dormers, gables, and changes in roof pitch, to the maximum extent possible.

5.5 Garage doors shall be a non-white color.

5.6 Plantings, low fences and low walls along driveways shall be installed and maintained to beautify the space in front of the front-loaded garages.

Variations in residential design create visual interest along the Streetscape.

Recessed, non-white garage door helps to minimize the appearance of the front-loaded garage.

Landscape and Lighting

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

A variety of plantings and landscape features complement the building design and materials.

Street Trees and Decorative Lighting installed in a green strip along a residential cartway.

Legislative Intent:

6.1 Landscape features are intended to be designed to help achieve a balance between man-made and natural materials, objects, and spaces.

6.2 Street trees, shrubs, groundcovers, and perennials are intended to provide attractive layering and color in the R-4 District.

6.3 Pedestrian-scaled street lights are intended to provide a safe and attractive complement to the Streetscape.

6.4 Building lighting is intended to promote safety and security, and to complement the facade design.

Design Guidelines:

6.5 Building design shall be complemented with landscape features and materials.

6.6 A complete expression of design intent shall be created through the use of continuous materials and/or the massing of materials.

6.7 Plant materials shall be selected to be tolerant of prevailing climatic, hydrologic and soil conditions.

6.8 Pedestrian-scaled Street Lights shall be installed and maintained along both sides of all streets.

6.9 Building lighting shall promote safety and security, and complements the architecture.

Pedestrian-scaled, decorative lighting.

Wall lights complement the building architecture by accenting the piers.

Pedestrian Circulation

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

A sidewalk flanked by street trees and ornamental plantings.

A well-maintained sidewalk as part of a network of pedestrian connections.

Legislative Intent:

7.1 Development in the R-4 District is intended to promote and foster pedestrian connectivity and to encourage walking to the maximum extent possible.

7.2 Sidewalks and Crosswalks are intended to facilitate safe, secure, and convenient connections between destinations.

7.3 Public Trails are intended to provide a recreational amenity and to function as part of the network of trails in Middletown Township.

Design Guidelines:

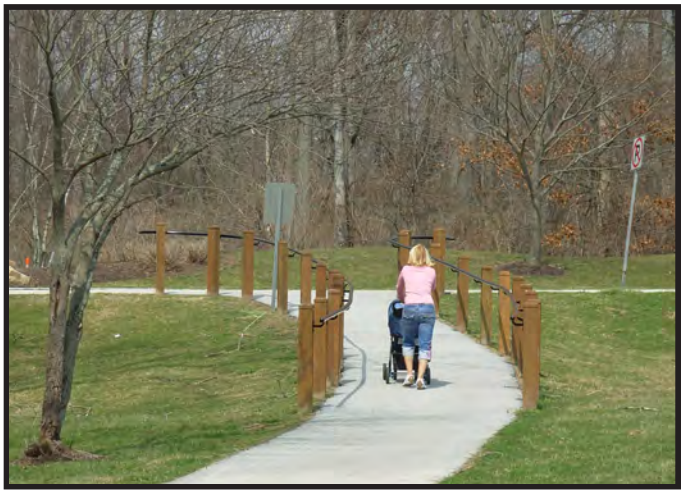
7.4 Sidewalks at 4'-6" shall be built and maintained

7.5 Crosswalks shall be installed where sidewalks and trails cross all cartways and entrances to common parking areas.

7.6 A Trail system shall connect internal residential and non-residential destinations and existing Township-owned Open Space and/or trails on adjacent properties. The Trail shall be a minimum of eight (8) feet in width.

7.7 All sidewalks, trails, pathways, etc. shall be paved and ADA compliant.

A decorative crosswalk contrasts with the cartway surface in order to promote visibility.



A paved trail in a Common Open Space accommodates strollers and wheelchairs. Handrails are located adjacent to segments of sloping trail.

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA

Attractively enclosed dumpster area.

A covered common mail area with community message board, bench, and integrated sitting walls.

Legislative Intent:

8.1 Dumpster enclosures and enclosures for common mailboxes, HVAC Units, Utility Boxes, and the like, are intended to be architecturally compatible with the buildings on a tract.

8.2 Stormwater Management systems are intended to be accommodated in context with the proposed environments of the R-4 District, and in accordance with the Middletown Township Stormwater Management Ordinance, Chapter 198.

Design Guidelines:

8.3 Accessory structures with architectural features similar to the overall neighborhood character shall be built and maintained.

8.4 Decorative enclosed dumpster areas, and enclosures for other utilities, shall be installed and maintained.

8.5 Common mail areas shall be within an attractive structure (such as shown above).

8.6 “Light imprint” stormwater management solutions shall be constructed and maintained, such as through the use of Porous Asphalt Pavement/Unit Pavers and naturalized Stormwater Basins.

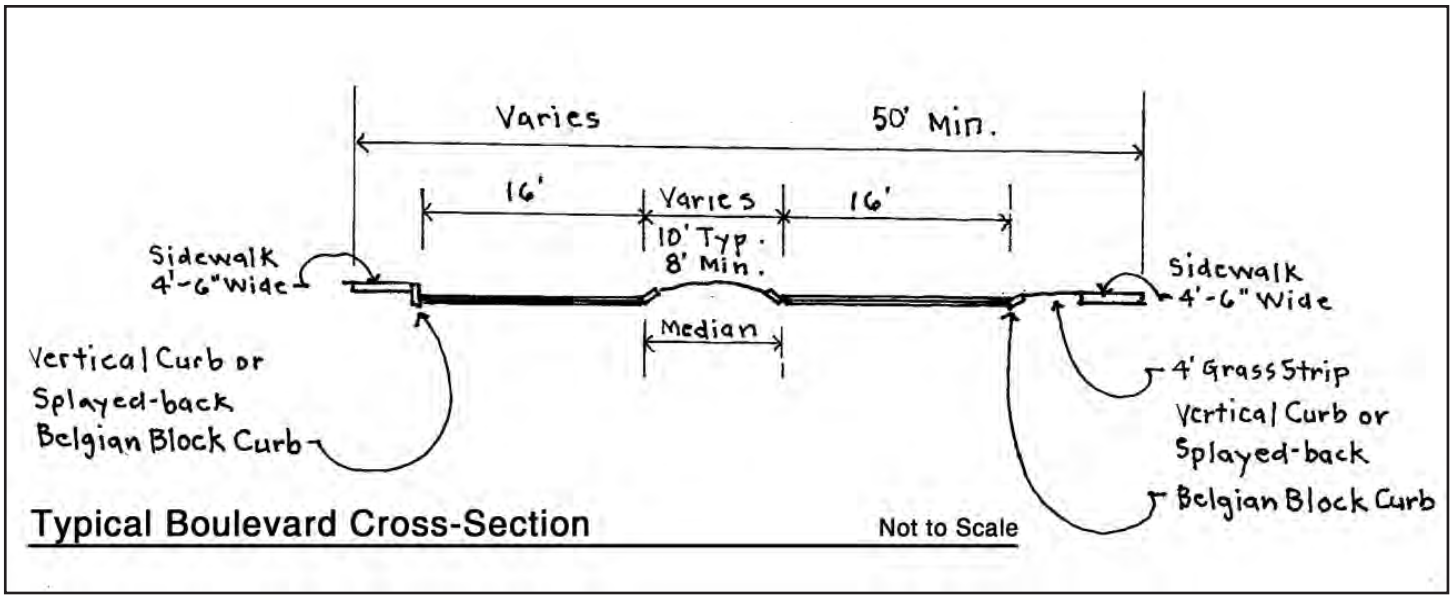
Parking area surfaced with porous Unit Pavers.

Naturalized Stormwater Basin with indigenous plants.

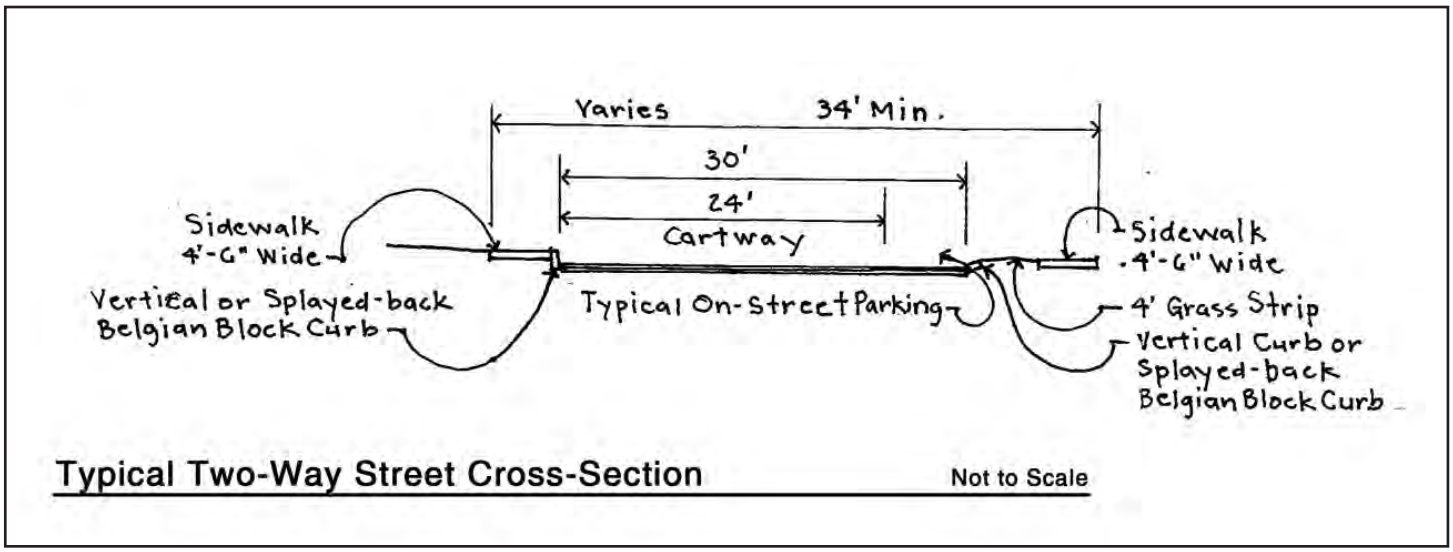
Roadway Cross-Sections: Street & Boulevard

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA



Typical Boulevard Cross-Section Not to Scale

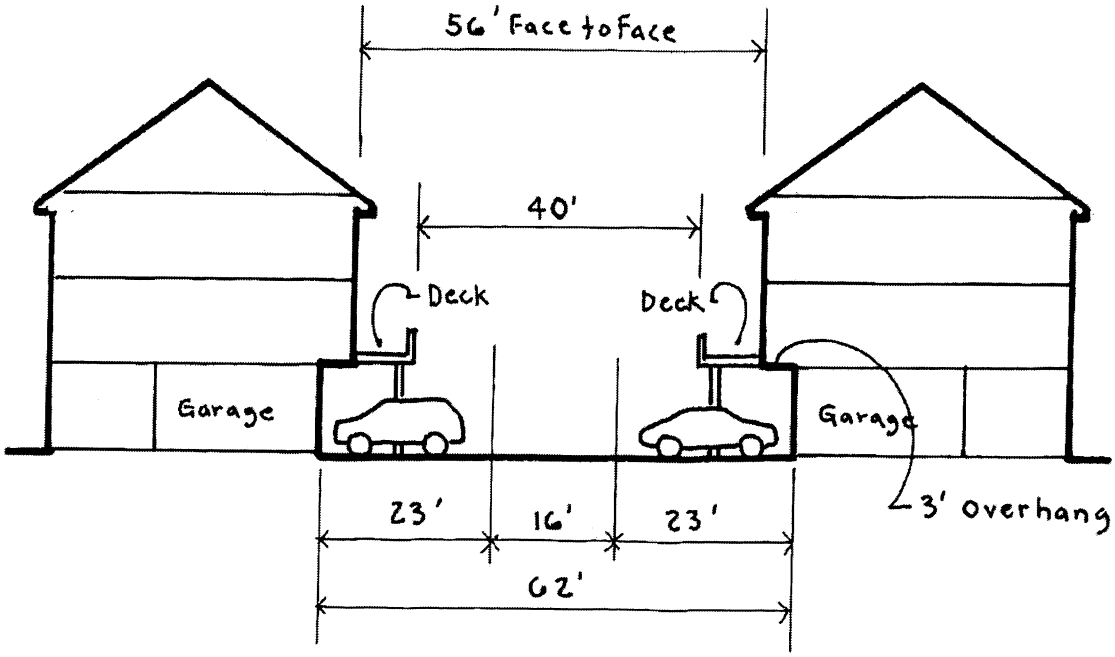


Typical Two-Way Street Cross-Section Not to Scale

Alley Cross-Sections: One-Way & Two-Way Travel

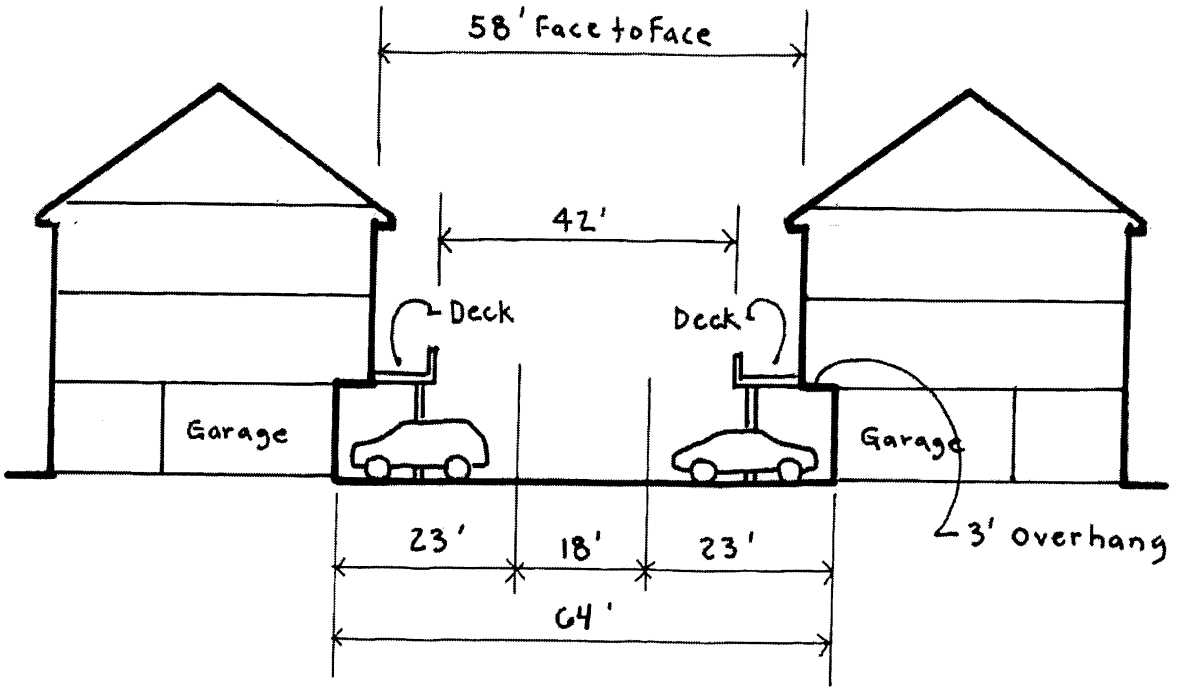
R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA



Alley Cross Section: One-way Travel

Not to Scale



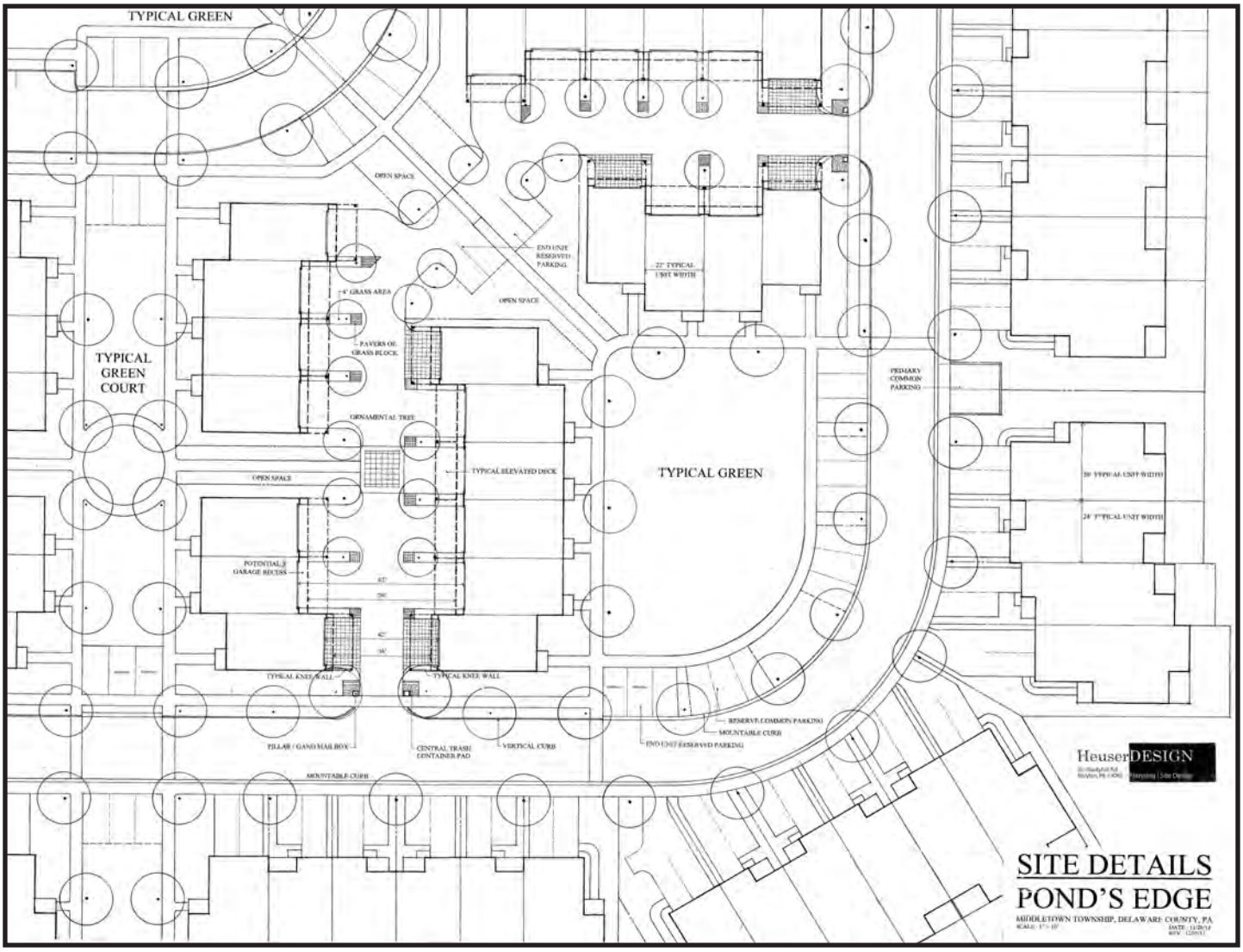
Alley Cross Section: Two-way Travel

Not to Scale

Site Details: Typical Residential Cluster

R-4 Campus Mixed Use Development: Design Guidelines

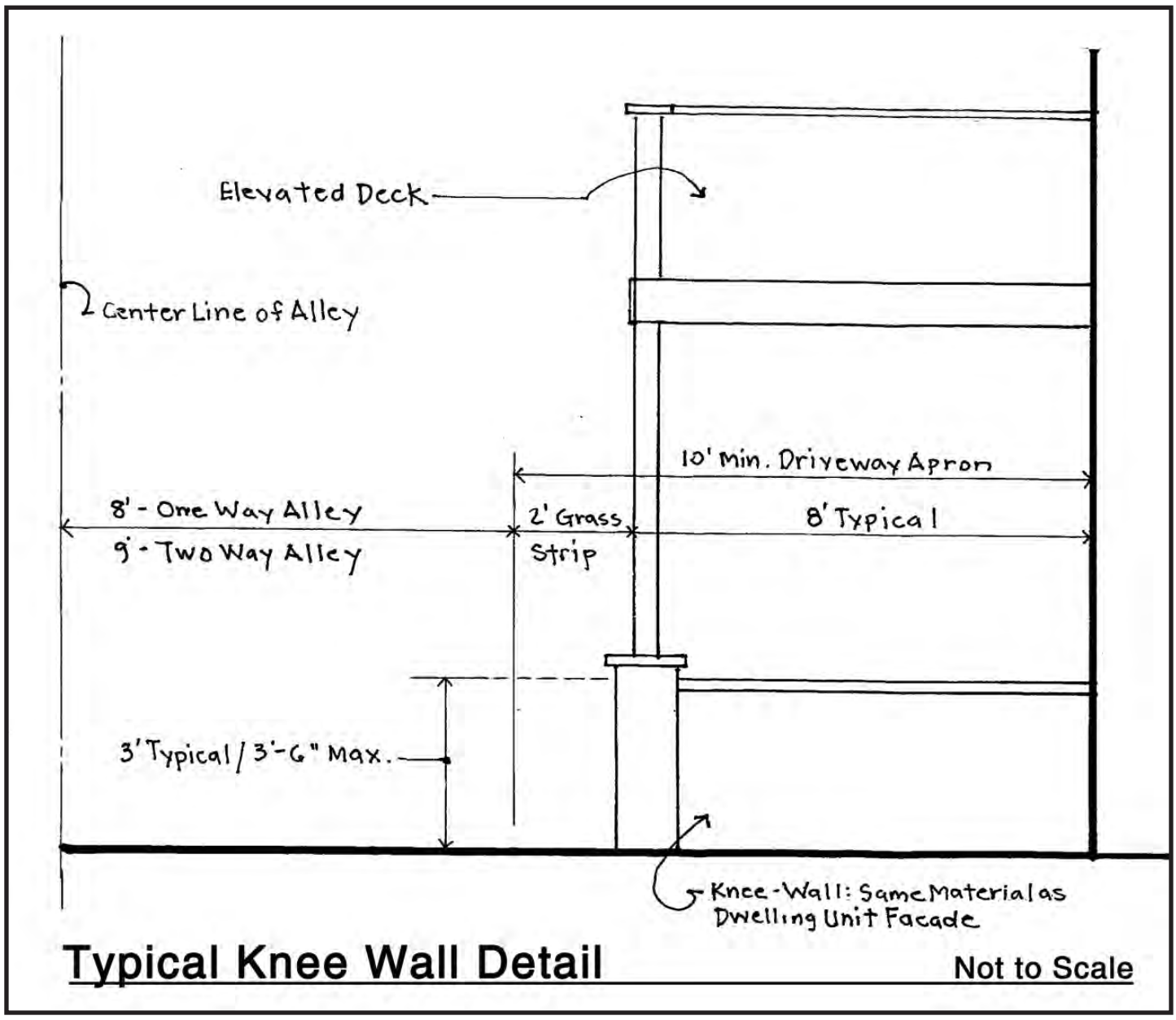
Middletown Township, Delaware County, PA



Site Details: Typical Knee Wall

R-4 Campus Mixed Use Development: Design Guidelines

Middletown Township, Delaware County, PA



Typical Knee Wall Detail — Not to Scale

Revised Concept Plan (See Attached)

R-4 Campus Mixed Use Development: Design Guidelines
Middletown Township, Delaware County, PA

State of Pennsylvania
County of Delaware

On this ____ day of ____ A.D. 2013, before me the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in Delaware County, Pennsylvania, personally appeared ____ being a General Partner of ____ LP, a Pennsylvania limited partnership, who being duly sworn according to law disposes and says that ____ LP is the equitable owner of the property shown on this plan, that the said Plan was made at its direction, and acknowledges the same to be its Lot and Plan and desires the same to be recorded according to law.

Witness my hand and seal the day and year above written.

_____ LP by its General Partner

_____ NOTARY PUBLIC

_____ My Commission Expires _____

By: _____

President of _____

The owner(s) of the Commercial Section and the Residential Homeowners Association will be made aware of their obligation in perpetuity to maintain the Storm Sewer Network, The Underground Stormwater Detention Facilities and the Underground Stormwater Seepage Beds in working order at all times in accordance with Middletown Township Ordinance, and acknowledges the Stormwater Management facilities to be permanent fixtures that can be altered or removed only after approval of a revised Plan by Middletown Township. This acknowledge and responsibility shall survive the sale of each of the properties and become the continuing obligation of all future Owners of the Commercial Section and the Residential Homeowners Association. The owners of Commercial Section and the Residential Homeowners Association also recognize that should they be unable or unwilling to maintain the proposed storm water management facilities in proper working order, that Middletown Township has the right but not the obligation, to make such repairs and lien the property in order to recoup all incurred expenses. Any revision to the approved drainage plan must be approved by Middletown Township, and a revised erosion and sediment control plan must be submitted to the Conservation District for a determination of adequacy.

_____ Present Owner _____ Date

_____ Present Owner _____ Date

Parking Requirements
Residential: A minimum overall parking ratio of 4.5 ps per DU.
Each DU shall have a minimum of 3 on-lot ps

Proposed Residential parking:

Two car garages:	211 x 2	=	422 ps
Driveway parking:	196 x 2	=	392 ps
Off Lot common Parking:		=	128 ps
Off Lot Designated Parking:		=	15 ps
Total parking spaces provided		=	957 ps Proposed ratio 4.574 PS per DU

Required Commercial:
(1) Retail stores and warehouse membership clubs shall require one parking space for each 250 square feet of gross floor area, enclosed by a roof and four walls and heated;

Proposed commercial parking:

Retail Use 31,250 sf/250		=	125 ps
Total required ps		=	125 ps
Total ps provided		=	125 ps including 4 HC spaces – 2 for each building

Loading/unloading: The two Retail buildings will share a Loading/unloading space.

OPEN SPACE AREA TABLE

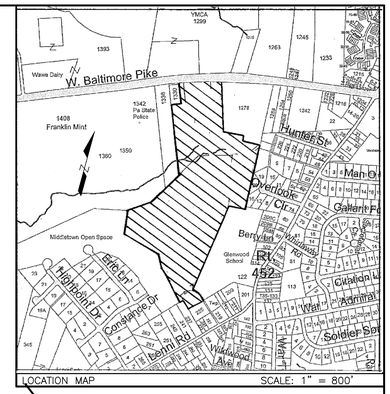
Commercial Area	3.981 Ac Gross	
	3.493 Ac. Net Blatimore Pike ROW	
Residential	53.396	

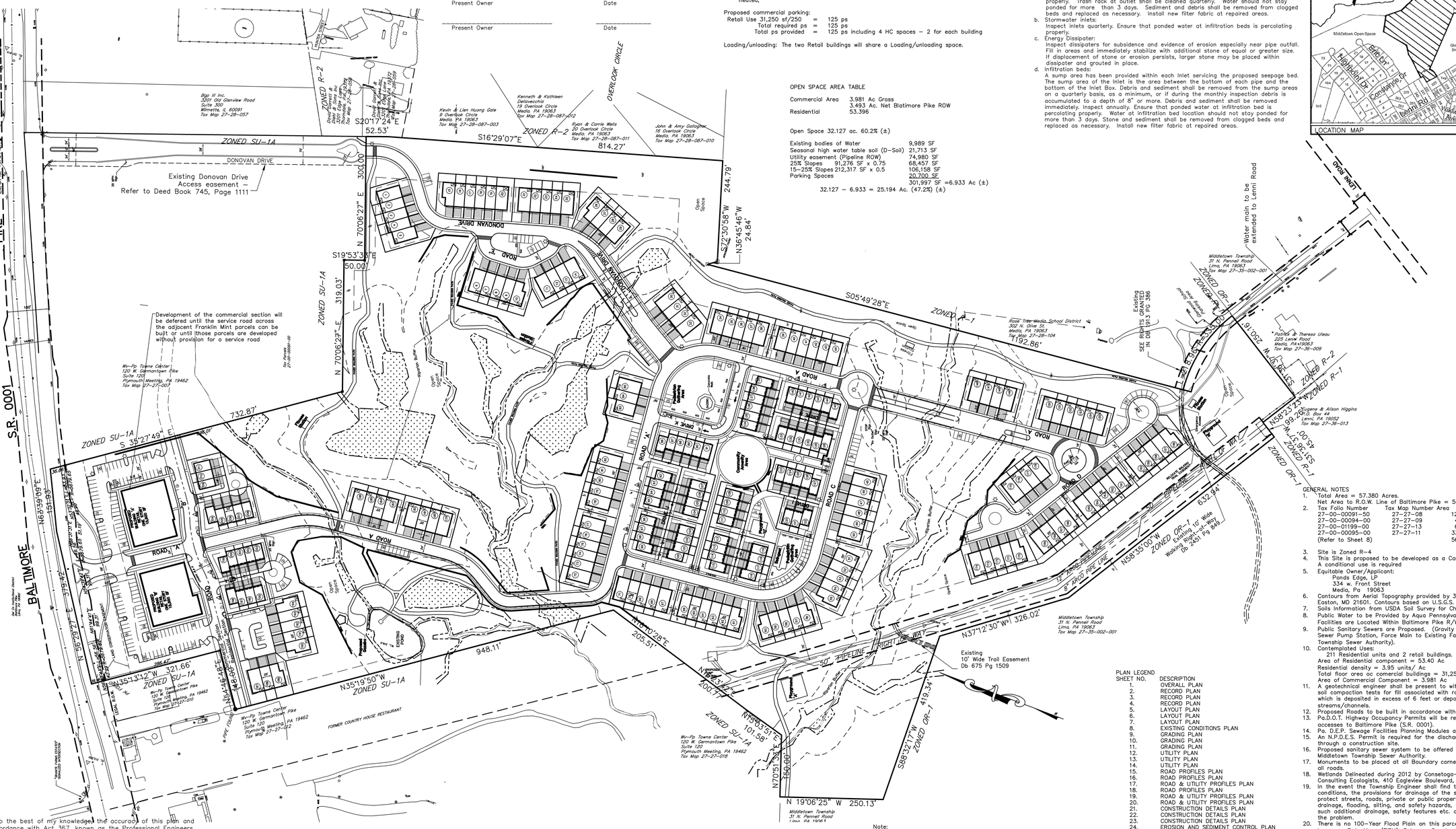
Open Space 32.127 ac. 60.2% (±)

Existing bodies of Water	9,989 SF	
Seasonal high water table soil (D–Soil)	21,713 SF	
Utility easement (Pipeline ROW)	74,980 SF	
25% Slopes 91,276 SF x 0.75	68,457 SF	
15–25% Slopes 212,317 SF x 0.5	106,158 SF	
Parking Spaces	20,700 SF	
	301,997 SF	=6.933 Ac (±)

32.127 – 6.933 = 25.194 Ac. (47.2%) (±)

Post–construction Stormwater Management Notes:
1. Post development stormwater management facilities at the property consist of the following:
   A. Underground stormwater detention infiltration basin.
   B. Stormwater Inlets
   C. Energy Dissipaters
   D. Underground Seepage Beds.
2. Maintenance responsibilities for stormwater management facilities located on the commercial tract shall be that of the owner(s) of the commercial section on which the facilities are located. The Maintenance responsibilities for the stormwater management facilities located within the residential development shall be that of the Residential Home Owners Association
3. Maintenance program:
   a. Underground Detention/Infiltration Basin:
      Inspect inlets quarterly. Ensure that ponded water at infiltration beds is discharging properly. Trash rack at outlet shall be cleaned quarterly. Water should not stay ponded for more than 3 days. Sediment and debris shall be removed from clogged beds and replaced as necessary. Install new filter fabric at repaired areas.
   b. Stormwater inlets:
      Inspect inlets quarterly. Ensure that ponded water at infiltration beds is percolating properly.
   c. Energy Dissipater:
      Inspect dissipaters for subsidence and evidence of erosion especially near pipe outfall. Fill in areas and immediately stabilize with additional stone of equal or greater size. If displacement of stone or erosion persists, larger stone may be placed within dissipater and grouted in place.
   d. Infiltration beds:
      A sump area has been provided within each inlet servicing the proposed seepage bed. The sump area of the inlet is the area between the bottom of each pipe and the bottom of the Inlet Box. Debris and sediment shall be removed from the sump areas on a quarterly basis, as a minimum, or if during the monthly inspection debris is accumulated to a depth of 8" or more. Debris and sediment shall be removed immediately. Inspect annually. Ensure that ponded water at infiltration bed is percolating properly. Water at infiltration bed location should not stay ponded for more than 3 days. Stone and sediment shall be removed from clogged beds and replaced as necessary. Install new filter fabric at repaired areas.




S.R. 0001
PIKE
BALTIMORE
LEGAL R.O.W.
ZONED SU–1A
DONOVAN DRIVE
Existing Donovan Drive Access easement – Refer to Deed Book 745, Page 1111
OVERLOOK CIRCLE
ZONED R–2
Kevin & Lien Huong Gale 9 Overlook Circle Media, PA 19063 Tax Map 27–28–087–003
Kenneth & Kathleen Dellavecchia 19 Overlook Circle Media, PA 19063 Tax Map 27–28–087–012
Ryan & Corrie Wells 20 Overlook Circle Media, PA 19063 Tax Map 27–28–087–011
John & Amy Gallagher 16 Overlook Circle Media, PA 19063 Tax Map 27–28–087–010
Bgo III Inc. 1201 Old Glenview Road Suite 300 Wilmette, IL 60091 Tax Map 27–28–057
S20°17'24"E 52.53'
S16°29'07"E 814.27'
S22°30'58"W 244.79'
N36°45'46"W 24.84
N 70°06'27" E 300.00'
S19°53'33"E 50.00'
N 70°06'27" E 319.03'
ROAD E
ROAD A
ROAD B
ROAD C
ROAD D
DRIVE K
SHARE PAVEMENT
Open Space
Development of the commercial section will be defered until the service road across the adjacent Franklin Mint parcels can be built or until those parcels are developed without provision for a service road
Wa–Pa Towne Center 120 W. Germantown Pike Suite 120 Plymouth Meeting, PA 19462 Tax Map 27–27–007
Wa–Pa Towne Center 120 W. Germantown Pike Suite 120 Plymouth Meeting, PA 19462 Tax Map 27–27–010
Wa–Pa Towne Center 120 W. Germantown Pike Suite 120 Plymouth Meeting, PA 19462 Tax Map 27–27–012
FORMER COUNTRY HOUSE RESTAURANT
ZONED SU–1A
S 35°27'49" E 732.87'
N35°13'12"W 321.66'
N54°46'48"E 346.69'
N 35°29'39" E 322.93'
N35°19'50"W ZONED SU–1A
948.11'
N 19°06'25" W 250.13'
N70°51'35"E 150.00'
N19°03'51"E 101.58'
N 19°06'28"E 205.51'
N 20°53'32" E 200.77'
S68°32'17"W ZONED OR–1 419.34'
N57°12'30"W 326.02'
Middletown Township 31 N. Pennell Road Lima, PA 19063 Tax Map 27–35–002–001
Existing 10' Wide Trail Easement Db 675 Pg 1509
50' PIPELINE RIGHT OF WAY
8" AFCO PIPE LINE
12" ENERGY PIPE LINE
Water main to be extended to Lenni Road
INLET
POND
Middletown Township 31 N. Pennell Road Lima, PA 19063 Tax Map 27–35–002–001
ZONED OR–1
ZONED R–1
Rose Tree Media School District 302 N. Olive St. Media, PA 19063 Tax Map 27–28–104
1192.86'
Existing EASEMENT AS NOTED IN DB 1913 PG 386
SEE RIGHTS AS NOTED
Patrick & Theresa Ulzeu 225 Lenni Road Media, PA 19063 Tax Map 27–36–009
S 25°55'35"E 230.16'
S25°55'35"E 45.00'
N58°23'23"W 99.26'
Eugene & Alison Higgins P.O. Box 44 Lenni, PA 19052 Tax Map 27–36–013
6.32.34"
Existing 10' Wide Walkway Right–of–way Db 2451 Pg 849
N58°35'00"W
Water Valve
Gas Valve
Storm Sewer
Sanitary Sewer
Telephone Pedestal
Electric Pedestal
Fire Hydrant
Light Pole
Sign
Inlet
Manhole
Curb Inlet
Existing Tree
Rock Outcrop
Wetlands
Wetlands Buffer
Existing Pond
Existing Building
Proposed Building
Proposed Parking
Proposed Sidewalk
Proposed Curb
Proposed Inlet
Proposed Manhole
Proposed Storm Sewer
Proposed Sanitary Sewer
Proposed Water Line
Proposed Gas Line
Proposed Telephone Line
Proposed Electric Line
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Proposed Parking Setback
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Proposed Swale
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Proposed Silt Fence
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Proposed Temporary Sediment Basin
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PROMENADE AT GRANITE RUN

Mall Conversion Overlay (MCO) District

Middletown Township, Delaware County, PA

Design Guidelines

Issued 5.08.15

Revised 11.09.15

BET Investments
Real Estate Investors & Developers

MARTIN ARCHITECTURAL
ARCHITECTS & LAND PLANNERS
240 N. 22nd Street Philadelphia PA 19103

AND

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Architectural Guidelines **Pages 14— 53**

Commercial/Retail

Residential—Luxury Apartments

Signage

Landscape Guidelines **Pages 54—56**

Planting design

Hardscape and Site Furnishing Guidelines **Pages 57—72**

Materials

- Hardscape/Pavements
- Walls and Piers
- Fencing

Trash & Service Enclosures

Gazebos, Pergolas, Trellis and Shade Structures

Street Furnishings

- Bicycle Racks
- Trash Receptacles
- Tree Grates
- Bollards
- Benches
- Planters
- Banners

Site Lighting

OBJECTIVE

Promenade at Granite Run is planned to revitalize this struggling retail center into a vibrant mixed use commercial/ residential lifestyle town center.

The plan integrates the principles of village style land planning with a goal of integrating luxury residential apartments into a commercial retail development with an emphasis on the pedestrian realm.

Like most traditional shopping malls , The Granite Run Mall has experienced a decline in occupancy as a result of the changing economy and shopping preferences of today's consumers.

Traditional interior based shopping malls have given way to exterior access, interconnected centers which offer shoppers an opportunity to experience public spaces and interaction outside of the store. This creates a more vibrant, "streetscape" style character with an emphasis on the outside environment and experience.

The intent of the Promenade at Granite Run is to create a more vibrant and economically successful lifestyle community where people can live, eat, shop and enjoy entertainment, consistent with the Middletown Township Comprehensive Plan.

Design Guidelines have been prepared to represent the desired character and overall aesthetic feel for those areas of the site which are to be redeveloped or substantially modified from their current state to facilitate new building development and site circulation modifications.

Applicability of these guidelines shall run with the site regardless of ownership status and remain in effect for all current and future redevelopment projects or pad site developments which may occur under the Mall Conversion Overlay (MCO) District.

Alternatives; Where specific products or design styles are noted, alternatives that meet the intent of Design Guidelines and provide equivalent or better results, may be permitted subject to review and approval by the Township and or it's designated agent.

Maintenance of design elements represented in the Design Guidelines which are part of common public areas as part of the development shall be maintained by the Developer. Maintenance shall include inspecting, servicing and otherwise keeping all improvements in a first class condition.

Design Guideline Review Process: The Design Guidelines will be implemented and administered by the Design Guideline Review Committee ("Review Committee") which shall be comprised of three (3) persons: a representative of the Township Council; the Township's Land Planning and Landscape Architect Consultant; and the Township Manager. Prior to the filing of an application for a building permit for any proposed structure on the Property or an application for a sign permit for any proposed sign on the Property, the applicant shall submit schematic architectural elevations together with material specifications with respect to such structure or sign to the Review Committee for review and decision (each a "Plan Approval Request").

Following substantial completion of the conversion of the Property from an enclosed mall to an unenclosed shopping center, changes to the façade

or frontage of any building on the Property and/or new signage shall not require review and approval of the Review Committee so long as the applicant's Architect certifies in writing to the Review Committee that such modification and/or new signage is considered to be consistent with the Design Guidelines and so long as a request for an exemption from a Plan Approval Request is submitted to the Review Committee ("Exemption Request").

The Review Committee shall review and act upon each Plan Approval Request or an Exemption Request within fifteen (15) days of submission. In the event one or more components of a Plan Approval Request are rejected by the Review Committee or in the event an Exemption Request is denied, the reason for such rejection or denial, in terms of the inconsistency or conflict with the Design Guidelines shall be specifically stated in a written determination. In circumstances where a Plan Approval Request is subject to one or more rejection comments, the plan details shall be revised and resubmitted for review and decision by the Review Committee in accordance with the above procedure. In circumstances where an Exemption Request is denied, the applicant shall submit a Plan Approval Request in accordance with the above procedure. In the event of a dispute between the applicant and the Review Committee regarding conformity of a Plan Approval Request with the Design Guidelines or the rejection of an Exemption Request, the matter shall be presented to Township Council for resolution at a public meeting. An applicant shall have the right to appeal an adverse decision of the Township Council to the Delaware County Court of Common Pleas as a land use appeal in accordance with the Municipalities Planning Code.

Upon approval of a Plan Approval Request or an Exemption Request, the Review Committee shall notify the Township official who issues building permits and/or sign permits, as applicable, of such approval and shall provide such official with a copy of the approved Plan Approval Request or an Exemption Request together with authorization to such official to accept and process the building permit application or the sign permit application, as applicable.

OBJECTIVE

Overall Site Plan Rendering

Detail of Pedestrian Promenade & Retail Core

Luxury Apartment Building

PUBLIC REALM FEATURES

The Master Plan for The Development is based on the inclusion of mixed uses into a traditional regional shopping center model. The proposed plan envisions a mix of commercial and retail buildings and uses with an overlay of luxury apartment uses incorporated into the development. The development is strengthened by an interior network of sidewalks and new public outdoor spaces suggestive of a town center, thereby transcending from typical regional/destination shopping experience to a modern mixed use destination.

Public Open Space Features at the Development shall incorporate a variety of public spaces composed of sidewalks, outdoor cafes, and public gathering areas situated throughout the development in both residential and commercial areas.

Plazas or nodes shall:

Create a pedestrian gathering area

Provide opportunities for outdoor dining

Use materials consistent with and complimentary to adjacent architecture

Provide opportunities for seating

Be linked to the overall development sidewalk network

Be well lit with energy efficient, night sky friendly fixtures complimentary to the adjacent architecture and be of pedestrian scale.

Be sized in proportion to adjacent architecture and in relationship to the desired intimacy of the space.

Encourage the use and incorporation of public art in various forms to enliven the user experience and provide visual interest.

Representative pedestrian gathering area - Concordville Town Centre, Glen Mills, PA

Representative pedestrian gathering area - Main Street at Exton, Exton, PA

PUBLIC REALM FEATURES

Pedestrian Nodes/Gathering Area Examples: Gathering areas shall blend together both landscape planting treatments as well as hardscape elements to create spaces which provide visual interest, seating opportunities with or without tables, and may or may not contain water features for additional interest. Nodes may be located along primary circulation routes or set off in between building groupings but shall be "visually accessible" to all pedestrians.

Representative pedestrian gathering area - Main Street at Exton, Exton, PA

Representative pedestrian gathering area - with water feature - The Shoppes at North Brunswick, North Brunswick , NJ

Representative pedestrian gathering area - with amphitheater - Concordville Town Centre, Glen Mills, PA

Representative pedestrian gathering area - water feature - Concordville Town Centre, Glen Mills, PA

PUBLIC REALM FEATURES

Outdoor Dining Area Examples: Outdoor dining areas may be designed as common areas or be associated with a specific eatery/restaurant. Dining areas may be located in adjacent areas such as a patio extension of the specific eatery or along the common sidewalk along the eatery façade. Dining areas shall be designed as festive, colorful and enjoyable spaces with lush landscaping and pedestrian scaled features.

When located along the sidewalk adjacent to an eatery façade, a minimum clear sidewalk width of no less than 6' must be maintained to allow for safe passage of pedestrians.

The use of moveable furniture is encouraged in eatery specific outdoor dining areas, whereas fixed, securely anchored furniture is encouraged in common outdoor dining areas.

The use of colorful outdoor umbrellas is encouraged to provide shade and visual interest. Umbrellas may contain graphics associated with a specific eatery. In lieu of umbrellas, shade type structures, pergolas or other roofed structures consistent with the Design Guidelines may be used to provide shade and shelter for patrons.

In "self serve" outdoor dining areas, sufficient trash and or recycling receptacles are to be provided consistent with examples in the Design Guidelines. Where wait staff is utilized trash collection and disposal shall be handled by staff and no common receptacles are required.

The use of decorative pavements and or colored concrete pavements are encouraged to add visual interest and differentiate the outdoor dining areas from other public realm spaces especially for common outdoor dining areas.

The use of landscaping and or fencing consistent with the Design Guidelines shall be used to further define and enhance any outdoor dining area.

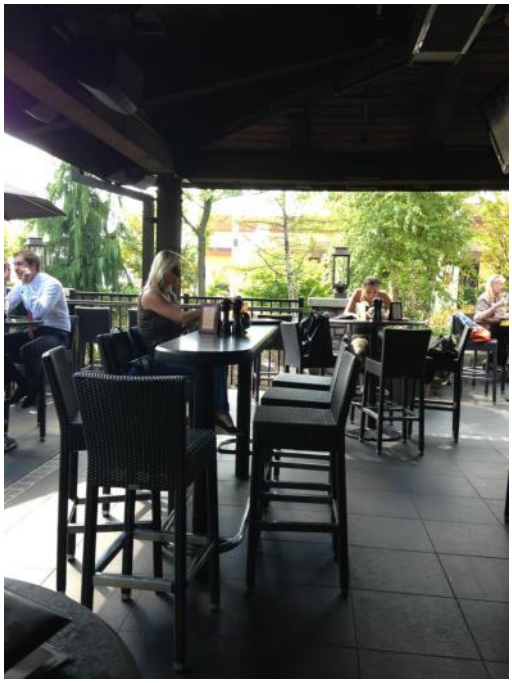
Outdoor dining areas may be lit in accordance with the Design Guidelines and decorative "twinkle" lights or LED strip lighting is permissible subject to review and approval by the Township.

Example of eatery specific outdoor patio dining area - The Shoppes at North Brunswick, North Brunswick , NJ

Representative common outdoor dining area - The Shoppes at North Brunswick, North Brunswick , NJ

PUBLIC REALM FEATURES

Outdoor Dining Area Examples:



Example of eatery specific outdoor dining area - Redstone Grill, Plymouth Meeting Mall, Plymouth Meeting PA

Example of eatery specific outdoor sidewalk dining area - The Shoppes at North Brunswick, North Brunswick , NJ

Example of eatery specific outdoor patio - Main Street at Exton, Exton, PA

CIRCULATION GUIDELINES

The circulation system at the Property will incorporate a variety of public sidewalks and crosswalks to promote interconnectivity between various uses. The circulation system will provide functional visual links within the residential and commercial areas and be connected to external Township sidewalk systems where applicable. The project's adjacency to Riddle Hospital and Riddle Village should be enhanced to the greatest extent possible and feasible.

Convenient pedestrian circulation systems that promote walking shall be provided throughout the development. Sidewalks shall be located in a manner that reduces pedestrian vehicular conflict and provides the greatest extent of walkability and connectivity between various uses and areas of the development.

Sidewalks in residential areas shall be well lit and be a minimum of 4'-6" in width and connect to adjacent public sidewalks where feasible. Sidewalk materials may include plain or colored stamped concrete, brick, concrete unit pavers and or exposed aggregate.

Concrete finish shall include twice tooled edges with a broom finish as a minimum.

Sidewalks in commercial areas shall be well lit and be a minimum of 10' in width at storefronts and connect building entrances to adjacent public sidewalk, plazas, outdoor cafes and associated parking areas. Wider sidewalks may be used where necessary to accommodate heavier pedestrian traffic, to enhance the comfort level of people walking and shopping within the development, and to provide space for outdoor dining.

Disabled Accessibility for sidewalks and ramps shall comply with all applicable local, state and federal regulations for meeting ADA requirements.

Sidewalk materials may include plain or colored stamped concrete, brick, concrete unit pavers and or exposed aggregate. A mix of materials especially in larger fields is encouraged.

Concrete finish shall include twice tooled edges with a broom finish as a minimum.

Mix of pavers and clay brick - Main Street at Exton, Exton PA

Colored concrete - Plymouth Meeting Mall, Plymouth Meeting , PA

CIRCULATION GUIDELINES

Typical interconnecting sidewalk (min. 4-6” wide) - Main Street at Exton, Exton PA

Typical storefront sidewalk (min. 10’) - Shoppes at Brinton Lake, Glen Mills, PA

Storefront sidewalk with mix of materials - Main Street at Exton, Exton PA

Interconnecting sidewalk thru parking area—the Shoppes at North Brunswick, North Brunswick , NJ

CIRCULATION GUIDELINES

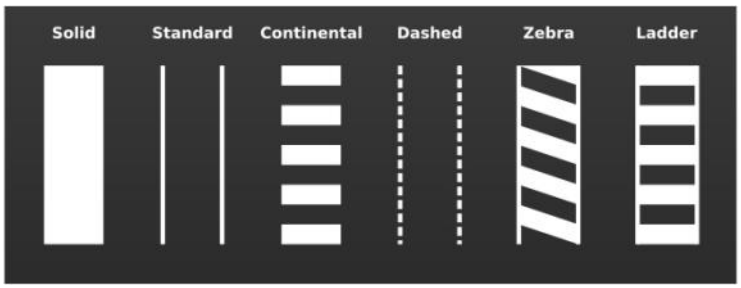
Crosswalks at intersections of sidewalks and with internal roadways shall be designed with clearly defined edges. As a minimum, crosswalks shall be "painted" with traffic appropriate paint or thermoplastic striping and be sized and designed consistent with the Manual on Uniform Traffic Control Devices (MUTCD) and or PennDOT 408 specifications as appropriate.

Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges where traffic paint or thermoplastic striping is not used. Where applicable the use of raised crosswalks is encouraged to assist with traffic calming.

Materials for crosswalks may include:

1. Painted/colored asphalt
2. Thermoplastic striping
3. Street Print or similar stamped asphalt type applications
4. Brick or Concrete unit pavers,
5. Stamped concrete
6. "Dura-therm" type applications.

Street Print—stamped asphalt crosswalk - Goodnoe's Corner—Newtown Twp. PA



Typical MUTCD painted crosswalk styles

Stamped concrete crosswalk - Shoppes at Brinton Lake, Glen Mills, PA

"Piano Key" painted crosswalk - Plymouth Meeting Mall Plymouth Meeting, PA

CIRCULATION GUIDELINES

Proposed plan excerpt showing pedestrian circulation areas

ARCHITECTURAL GUIDELINES (RETAIL/COMMERCIAL)

Martin Architectural Group

Architectural Guidelines—Retail/Commercial

Proposed Commercial/Retail Center Perspective

Representative Commercial/Retail Building Elevation - Hunt Valley Towne Centre

RETAIL /COMMERCIAL GUIDELINES

A. Overview and Statement of Intent

The following architectural standards are not intended to prescribe specific architectural styles or images. Instead, they are intended to provide a set of good design principles for generating consistency and compatibility within a healthy diversity of styles.

These standards seek to raise the quality of architectural design within the Development to bring about a transformation in character from the current condition of highway-oriented, auto-dominated developments to a more urban, community-oriented, and pedestrian friendly pattern of development. As a result, these standards do not require new buildings to emulate the design of existing buildings to fit into the existing neighborhood. New development is generally required to set a new aesthetic standard and may be required to set a new pattern to be added to over time by other new projects and renovations. *The use of large expanses of white colored exterior siding material finishes on building bases and lower floors is prohibited and shall be limited to trim and accent details only.*

B. Provisions

The provisions outlined below could apply to Commercial and Retail Areas:

1. **Service Areas**

Intent:

Service areas for loading, trash collection, and outdoor storage are to be screened from neighboring properties and vehicular access drives to mitigate visual and noise impacts to the maximum extent possible.

a. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized and out of view from adjacent properties and public streets to the maximum extent possible; and minimum attention is attracted to the functions by the use of screening materials that are different from the principal materials of the building and landscape.

b. All commercial developments, if required, shall provide loading areas to the design standards and quantity established by the Middletown Township Zoning Regulations or one of the following alternative approaches.

(1) Designated truck parking areas in locations where trucks will not back into vehicular access drives or obstruct site circulation to the maximum extent possible.

(2) Permanent or time-specified loading zone spaces for trucks in neighboring parallel spaces along vehicular access drives.

(3) Loading access through public or private alleys.

(4) Designated loading areas in parking garages.

c. Electrical transformers installed as part of a new project shall be located to the rear of the site or the side of the building. New or existing transformers located at the front of the site shall be screened by substantial landscaping or an architectural barrier such as a wall or fence.

d. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 10 feet of any public street (except public alleys), public side walk, or internal pedestrian way.

2. Outdoor Storage

Intent:

Outdoor storage is not encouraged in the Development. Where used outdoor storage shall be hidden from public view as much as possible.

Requirements:

a. Non-enclosed areas for the storage or sale of merchandise, such as outdoor garden centers or lumber yards, are not encouraged in the development.

3. Facades

Intent:

The aesthetic character of the Development shall be a pedestrian-friendly town scale. A unified architectural design intention shall be incorporated into each planned commercial development and each development shall be in harmony with surrounding developments. All facades of large buildings which are visible from adjoining properties or public streets shall be designed in a manner that visually reduces the bulk and uniform appearance typical of such buildings.

RETAIL /COMMERCIAL GUIDELINES

Requirements:

a. General

(1) All buildings shall be designed and detailed consistently on all sides including the rear and side elevations.

(2) All buildings shall feature a distinct base, middle, and top. Each base, middle, and top division shall be proportionate to the scale of the building.

(3) Base features are intended to visually ground the building and relate it to pedestrians along the sidewalk. Each building is encouraged to incorporate a mix of the following elements into the base design:

(a) A change in material;
(b) A change in color;
(c) A cornice line;
(d) Windows that are different from, but compatible with the main body of the building;
(e) A stepped façade;
(f) Facade articulations that are different from, but compatible with, the main body of the building; or
(g) Other approved detail.

(4) The middle area of the façade design shall feature a consistency in materials, windows, rhythm, and colors whether the middle area is one-story or many stories.

(5) Top area features shall be designed to relate proportionally to the rest of the building design and visually tie the building to the skyline. The top is encouraged to include a mix of the following elements:
(a) A change in material;
(b) A change in color;
(c) Cornice lines;
(d) Eaves;
(e) Detailed rooflines; or
(f) Other approved detail.

RETAIL /COMMERCIAL GUIDELINES

(6) New buildings more than two stories taller than their neighboring buildings shall provide architectural features such as cornice lines, material changes, and other complementing features to visually coordinate the facades and lessen the impact of the height differential on the pedestrian environment.

(7) While not as highly detailed as ground level floors, upper floors on a façade need to have fenestrations, detailing, and material changes to create rhythmic face design that relates to the ground floor as well as maintains the proportions relative to the height of each story.

(8) In the Development, non-residential facades greater than 40 feet in length, measured horizontally, shall be articulated by incorporating varying architectural elements extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 225 horizontal feet.

(9) Faux detailing may be created with paint to simulate three-dimensional relief on side facades located in areas away from pedestrian activity or on blank facades in service areas, when approved. Realistic architectural style detail similar to that on the other façades is recommended. Such murals may not be used as signage.

(10) Side and rear walls shall be articulated with windows, recesses, chimneys, down-spouts, or other architectural features to provide contrast and shadow patterns on an otherwise plain façade.

(11) Auxiliary structures, including freestanding pad structures, shall be architecturally consistent with the primary structures on the site in the use of color, material, and detailing, if not form. In the case of an existing structure of unique architectural form or significance, adjacent new construction may choose to mimic the existing building. Where multi-building developments require updating, auxiliary and pad buildings shall be remodeled in conjunction with an upgrade of the entire development.

RETAIL /COMMERCIAL GUIDELINES

(12) Storefronts are an integral part of a building and shall be integrally designed with the upper floors to be compatible with the overall façade character. Buildings with multiple storefronts shall be unified through the use of architecturally compatible features.

(13) All mixed-use non-residential facades in the Development that face a public street shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 25% of the exterior wall area of the ground abutting sidewalks, plazas or public open spaces.

(14) Second stories of retail-only buildings shall have faux display or actual windows along a minimum of 30% of the horizontal length of a façade facing an internal or external street. These windows shall have an average head height of 10 feet above finished floor with a minimum height of 6 feet. Another 25% of the horizontal length of the façade shall be articulated with a rhythm and proportion of elements, in depth of dimension and materials, with or without glazing, similar to what would exist if the floor was fully occupied to the street.

(15) Second stories of retail-only buildings shall have faux display or actual windows along a minimum of 10% of the horizontal length of a façade facing a service area. These windows shall have an average head height of 10 feet above finished floor with a minimum height of 6 feet. Another 30% of the horizontal length of the façade shall be articulated with a rhythm and proportion of elements, in depth of dimension and materials, with or without glazing, similar to what would exist if the floor was fully occupied to the service area.

(16) Large expanses of blank walls are discouraged. Visual relief such as changes in exterior cladding through the use of materials, color, size, shape and pattern; metal frame works, panels, glazing, trellises and awnings; openings with sills, mouldings and overhangs; or changes in plane are encouraged to reduce the scale. A minimum break of 24 inches in depth at a maximum of every 150 feet shall be required, unless otherwise approved. Facades facing service areas are not required to change plane, but shall have articulation that is generally proportioned and articulated similar to the second floor.

(17) Windows shall be predominately vertically oriented and individually defined with detail elements such as frames, sills, and lintels and placed to visually establish and define the building stories and establish human scale and proportion.

(18) Windows shall be glazed in clear, non-reflecting glass with a maximum daylight reduction value of 20%. Lightly colored tinted glass may be used if approved. Use of mirrored glass is prohibited.

(19) All windows, except ground or second floor display windows shall be vertically oriented with a height 1 ½ to two times the width or as approved, unless otherwise approved in office building applications.

RETAIL /COMMERCIAL GUIDELINES

4. Entries Intent:

Entrances define where pedestrian activity will occur and how pedestrian movement will happen. Entrances also create architectural focal points and break up large facades. On larger buildings, multiple entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores or identified departments in a store. Entryway design elements and variations shall give orientation and aesthetically pleasing character to the building.

Requirements:

a. Clearly identify the public building entrance in the façade design.

b. Each principal building on a site shall have clearly defined, highly visible major entrances featuring a mix of the following:

(1) canopies or porticos
(2) overhangs
(3) recesses/projections
(4) arcades
(5) raised corniced parapets over the door
(6) peaked roof forms
(7) arches
(8) outdoor patios or pavement differentiation
(9) display windows
(10) architectural details such as tile work and moldings which are integrated into the building structure and design
(11) integral planters or wing walls that incorporate landscaped areas and/or places for sitting

c. All buildings shall feature at least one major entrance on the side of the building directly abutting the primary vehicular access drive.

d. Where more than one retail store will be located in a building, each store shall have at least one articulated exterior entrance.

f. Buildings located in a corner orientation facing two or more vehicular access drives are encouraged to have a customer entrance at the corner facing the intersection. Corner buildings shall orient to both access drive frontages. Angled corners to create corner plazas are encouraged.

RETAIL /COMMERCIAL GUIDELINES

5. Arcades

Intent:

Arcades are not required elements of building facades but may be incorporated to meet façade or active street frontage standards. An arcade is a continuous covered walkway space often attached on one edge of a building façade and open for its entire length to the sidewalk except for supporting columns. An arcade may also be a continuous covered passage between two buildings. Both configurations must be accessible at all times.

Requirements:

a. An arcade shall have a clear height of not less than 10 feet.

b. An arcade with columns shall have a minimum clear width across the walkway of 10 feet, exclusive of columns, and a maximum width of 20 feet, inclusive of columns.

c. Columns shall be spaced along the street with a minimum clear width between columns of 15 feet.

d. No column width shall be greater than five feet.

e. Where an arcade abuts another arcade, there shall be clear, unobstructed passage between both arcades.

f. No vehicular driveways, parking spaces, passenger drop-offs, loading berths, or trash storage facilities are permitted within an arcade, nor shall facilities be permitted immediately adjacent to an arcade.

g. All arcades shall maintain a minimum level of illumination of not less than five foot candles between sunset and sunrise.

6. Roofs

Intent:

Roofs and their appearance shall be as carefully considered as facades. Rooflines contribute to the overall character of a building and to the Development skyline. They must be treated as design elements that relate to building character and neighboring building rooflines.

Requirements:

a. General

(1) Variations in roof lines or edges shall be used to add interest to and reduce the scale of large buildings.

(2) Roof features shall compliment the character of neighboring structures.

(3) Treat rooftops as design elements that contribute to the suburban skyline.

(4) For all rooflines over 40 feet in length and visible from a public street or neighboring development, there shall be at least one change in roof edge or parapet treatment. Changes shall be a minimum of four feet change in apparent roof height from the dominant roof height. One additional change in roof edge or parapet treatment shall be added for each additional 100 feet of length. These treatments shall be coordinated with facade designs to provide emphasis to the building's primary customer entrances.

(5) Roofs shall have a mix of the following features:

(a) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Parapets shall feature a three dimensional cornice treatment.

(b) Overhanging eaves extending no less than two feet past the supporting walls.

(c) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run.

(d) Three or more roof slope planes.

(6) Flat-roofed buildings shall feature three-dimensional cornice treatment on all walls visible from vehicular access drives and public streets (excluding al leys) or walkways unless they are stepped and terraced back to form usable roof terrace areas.

(7) All penetrations (except chimneys) such as plumbing vents, exhaust vents, pipes, flues, etc., must be located on the least visible side, where possible, and similarly colored to match the sloped roof.

b. Service and Mechanical Systems

(1) All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible. Noise, odor, and heat generating equipment shall be located well away from pedestrian areas and set well above such areas where possible.

7. Ancillary Structures

Intent:

Ancillary structures, such as, shopping cart storage structures, gazebos, fountains, fireplaces, fire pits, and play structures, shall be appropriate to the character of the Development as primary buildings. It is important that these structures blend into the landscape and do not detract from the overall visual quality of the Development.

Requirements:

a. All on-site structures for storage that are over 120 sq. ft. in floor area shall meet the basic design standards for buildings of this section and shall be designed to complement the design of the primary structure on site.

b. The use of sea crates, trailer boxes, or unlicensed trucks for on-site storage is prohibited.

c. Play structures either indoors or out shall not be permitted to be the dominant feature of a building façade.

8. Canopies & Awnings

Intent:

Canopies and awnings are not required elements of building facades but may be incorporated to meet entry or active street frontage standards.

An awning is a roof-like covering or shelter usually constructed of canvas or other fabric and extending out from the façade of a building. A canopy is a structural and permanent roof-like covering or shelter, usually constructed of metal, wood, or glass. A canopy may extend out cantilevered from a building façade with the support of steel rods or may be freestanding.

The intent of the following guidelines is to encourage the use of modestly sized awnings and canopies at building entries and along facades to shelter pedestrian walkways. Canopies larger than 200 sq. ft. used to cover automobile service areas and drive-thrus are generally discouraged. Walk-up windows for pedestrians are preferred to drive-thru canopies. Where canopies over 200 sq. ft. do occur, they shall be designed to be integral features of the building design by blending with the building roofline.

Requirements:

a. Awnings shall be constructed of Sunbrella™ or similar canvas type fabric on internal metal frames or other approved material.

b. Fabric Awnings shall not exceed 200 sq. ft. unless covering the linear length of a walkway and shall project no more than 10 feet from the face of the attached building.

c. The color of an awning and/or canopy shall be compatible with and complementary to the color and material of the building to which it is attached.

d. Canopies larger than 200 sq. ft. shall be designed to meet all roof standards and be designed to complement the roof design of the primary structure.

e. Canopies and awnings containing logos, text or other sign elements must follow standards for signage.

9. Materials and Colors

Intent:

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they shall be aesthetically pleasing and compatible with materials and colors used in neighboring structures.

Requirements:

a Predominant exterior building materials shall be of high quality. The highest quality materials shall be used on the ground floor facades where pedestrians will see the materials close up.

b. Walls shall have a primary and one or more accent materials. The accent "materials" may instead be a different color of the primary material.

c. Primary materials shall be textured materials with native and historic characteristics such as brick, stone, and wood and shall be used in a repeating pattern as integral parts of the exterior building fabric, to the maximum extent possible. Other exterior materials, if any, shall be used as integral parts of the overall building fabric, in repeating modules, proportioned both horizontally and vertically to relate to human scale.

d. Primary materials may be any of the following:

(1) Brick (standard or oversized)
(2) Precast Concrete masonry units
(3) Stucco (including EIFS)
(4) Wood
(5) Cement Board Siding
(6) Other approved material

e. Accent materials may be one of the following:

(1) Stucco (including EIFS)
(2) Precast Concrete
(3) Glass Block
(4) Prefinished metal panels
(5) Wood

(6) Brick
(7) Concrete masonry units
(8) Glazed tile
(9) Other approved material

e. The following materials are discouraged:
(1) Cement block with a plain finish
(2) Prefabricated tilt-up concrete
(3) Corrugated metal

f. Building materials shall not be used in a manner to satisfy minimum materials requirements yet be applied in a non-traditional manner or in a manner inconsistent with sound judgment and proven structural applications. For example, artificial stone or brick applied in a manner so as to be structurally impossible had authentic materials been utilized. Such brick, masonry, stone, or other decorative facing shall extend to, at least, the first structural break along the sides of the structure.

g. Walls, fences and planters shall be designed to match or be consistent with the style and colors of nearby buildings. Brick, stone, quality wood or cast materials may be used for walls or fence columns.

h. Color bands used as building trims and accent colors may feature any color provided they are limited to 10 percent of the affected facade segment and have a height of no more than 24 inches.

10. Additional Standards for Special Uses

a. Franchise or Thematic Corporate Architecture

(1) Architecture of Franchise and Thematic Corporate businesses are permitted but shall be specifically adapted to follow the standards of this Document. In general, building architecture shall be designed to provide an attractive appearance that is compatible with the surrounding environment. All architectural details shall be consistent with the design standards for architecture in this section.

RETAIL /COMMERCIAL GUIDELINES

11. Signage

Intent:

An effective signage and graphics system is an integral part of the built environment at the Development. When carefully planned, signs communicate essential advertising and directional information while ordering and enhancing the area. A signage program shall be established for the Development to avoid the chaos and clutter resulting from competing mixed uses and tenants. The program will be evaluated relative to the attractiveness of the signage, cohesive (and uniform, when appropriate) appearance (color, material, and scale), reduction of clutter, and the need for signage. Sign size, height, location, and material shall strongly relate to building design and scale (including the streetscape and landscape features) to create a coordinated, legible environment. Standardized or corporate signage that does not relate to building architecture or the overall Development program is discouraged.

Signage requirements shall parallel the requirements set forth in article XXIII.A in the Middletown Township Code of Ordinances, entitled Mall Conversion Overlay (MCO) District.

The Concept Signage Program for the Development will result in a design approach and design control system that will produce the highest quality and yet the variety, flexibility, creativity and expressiveness of signage desired in a sophisticated, vibrant regional lifestyle center.

All tenant sign submittals for the Development will be reviewed and approved by the Master Developer's Architectural Review Board.

RETAIL /COMMERCIAL GUIDELINES

Sign Overview:

a. All signs shall be architecturally integrated with their surroundings in terms of size, shape, color texture, and lighting so that they are complementary to the overall design of the buildings.

b. Signs shall reflect the character of the building and its use.

c. Signs shall respect the immediate context of the building's location and the overall character of the Development.

d. Signs shall enhance the primary design elements or unique architectural features of buildings.

e. Signs shall be designed with the purpose of promoting retail and street activity while enhancing the pedestrian experience.

f. The size of signs and its letters shall be located in logical "signable areas" which relate to the pattern of the façade.

g. The number of signs per building façade shall be limited to the fewest necessary to clearly identify businesses located within.

h. Consider the layout and shape of the architectural features of the building when determining the size and location of a sign.

i. Design elements such as window patterns (vertical and horizontal rectangles, arches, squares, etc.) will help determine the sign shape that will suit the building.

j. All signs are to be maintained properly such that they are always in clean, working condition and the copy is not obscured or damaged.

k. New signs proposed for existing buildings shall provide a compatible appearance with the existing signage of other tenants. Signs shall, when appropriate, attempt to unify the business with its nearest neighboring tenants.

l. Commercial Signs below Residential units will limit upward light spill.

m. For freestanding signs, a combination of shrubs and/or flowering or evergreen trees shall be provided at the base and as a backdrop to visually soften and anchor the sign to other related site improvements.

RETAIL /COMMERCIAL GUIDELINES

Permitted Signs:

The following sign types are permitted in the Development:

Wall Signs
Awning and Canopy Signs
Projecting Signs
Marquee Signs
Hanging Signs
Window Signs
Plaque Signs
Restaurant Menu Signs
Low Profile and Monument Signs
Tenant Directory Signs
A-Frame Signs
Permanent Banner Signs
Special Technology Signs
Pedestrian Bridge Signs
Bollard Signs
Temporary Signs
Parking Structure (Directional and Tenant Identification) Signs
Vendor Cart Signs
Sidewalk-Pavement Logos and Signs
Multiple-Floor Tenant Signs
Raceway Mounted signs will only be permitted if the raceway is color matched to the background/façade upon which it is installed.

RETAIL /COMMERCIAL GUIDELINES

Physical Criteria & Dimensions of Signage

A. The following criteria will be applicable to all new spaces and tenants:

1. Sign content is limited to Tenant business trade name, specific products or product lines sold or marketed on premises by Tenant and Tenant logo.

2. Illumination, if provided, shall be neutral. Signs may be internally or externally illuminated, but in no event shall the illumination create glare either within the development or out side the development.

3. Thickness of wall mounted signs will not exceed 8 inches and the rear face of such sign shall not stand more than 4 inches off the building face.

4. Box or panel signs will not be acceptable, except for that portion of a sign related to the Tenant logo.

5. Inflatable signage and/or inflatable icons are prohibited.

6. No signage shall interfere with architectural fenestrations or elements such as cornices and special details.

7. All wiring, transformers and like elements must be concealed inside the sign or building. Surface raceways will be permitted, upon review and approval by Landlord.

8. Any variation of color within the text of a sign will be subject to review by Landlord and approval thereof will be at the sole discretion of the Landlord.

9. All signage for tenant spaces which is visible from outside the store requires a letter of approval from the Landlord.

10. A-Frame or similar style portable signage (Sandwich Board style) shall have overall dimensions no greater than 36” wide x 72” high. Any Tenant of the development shall be limited to one (1) such sign which shall be located only in pedestrian areas in a manner that does not: (i) impede pedestrian traffic; (ii) block vehicular line of sight; (iii) block view of any other Tenant or Tenant’s signage.

11. Permanent banners shall be limited to use by Landlord only and shall be property identity type banners attached to posts throughout the center. Such banners shall have maximum dimensions of 30" wide x 60" high. They shall consist of center identification and logo primarily graphic with minimal text and may be changed periodically for seasonal considerations and holiday graphics. The material of the banners shall be high quality fabric or vinyl material and shall be removed or replaced shall the material become tattered or torn.

12. Temporary banners such as "Grand Opening" or "Coming Soon" no greater than 48"x96" in size shall be permitted subject to Landlord review and shall be limited to no more than one (1) such banner located on the face of the building for a period of no more than 120 days prior to Tenant's scheduled opening date. Such sign shall be removed immediately upon installation of Tenant's permanent sign.

13. Swinging, hanging or blade signs shall be a maximum of 24" high x 36" wide and must be installed perpendicular to the façade and in the general location of the public entrance to the Tenant space. The signs may be supported from awning structures or support arm anchored to the building at reinforced areas.

14. In the condition where the Tenant space is upper level overlooking the main retail promenade, signage shall be allowed and have a maximum height of 48" and total area of 50 square feet per Tenant.

15. Tenants over 15,000 gross square feet shall be allowed to have signs not exceeding 60" in height and no more than 360 square feet total area.

16. Special Technology Signs refer to digital message display signs that have timed message capabilities and will occur within the main center identification sign pylons for the property.

17. Marquee Signs refer to signs which are vertical in nature, and project perpendicular to the façade. They shall be limited to a maximum projection of 60" measured from the face of the building façade where it is attached (with a maximum horizontal sign face of 48"). The maximum height of the marquee sign shall not exceed 12'-0", but shall in no way interfere with the aesthetic of the building - or mismatch the proportions of the façade elements of the building it is attached to.

RETAIL /COMMERCIAL GUIDELINES

Wall Sign Examples:
Wall Signs shall be mounted and fixed securely to the face of a building wall, and not extending side-ways beyond the building face or above the highest line of the building to which it is attached.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Awning & Canopy Sign Examples:

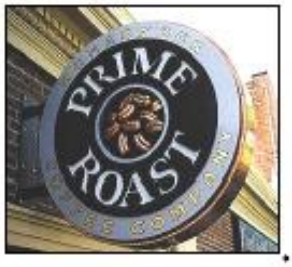
Awning & Canopy Signs are signs that are printed on, painted on, or attached to an awning or canopy above a business door or window. They generally serve to bring color to the shopping environment and are oriented toward pedestrians from the opposite side of the street.

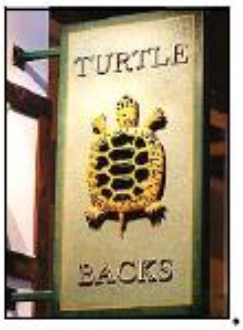
The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Projecting Sign Examples:

Projecting Signs are affixed to the face of a building or structure and project in a perpendicular manner projecting not more than 24" inches from the wall surface of the portion of the building or structure to which it is mounted. Projecting signs are strongly encouraged and shall be carefully designed to reflect the character of each building and business as well as fitting comfortably with other adjacent signage.





Marquee Sign Examples:

Marquee signs are projecting signs attached to or supported by a permanent canopy often made of metal and glass. Marquee signs are to be installed only on buildings occupied by theaters, cinemas, performing arts facilities, or parking structures.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Hanging Signs:

Hanging Signs are similar to projecting signs except that they are suspended below a marquee or under a canopy. Hanging signs are generally smaller than projecting signs due to their lower mounting height.

Window Sign Examples:

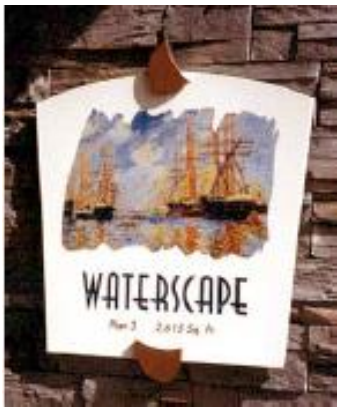
Window Signs are signs that are painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors. This type of signage generally contains only text but in some circumstances can express a special business personality through graphic logos or images combined with color.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Plaque Sign Examples:

Plaque Signs are small versions of wall signs that are attached to surfaces adjacent to shop front entries.



Restaurant Menu Sign Examples:

Restaurant Menu Signs are signs that incorporate a menu containing a listing of products and prices offered by the business. Such signs facilitate the customer in locating a restaurant in which to patronize. Therefore, prominently displayed menus with prices and other important information can help the customer in making this decision.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Low Profile and Monument Sign Examples:

Low Profile and Monument Signs are free-standing signs with a lower height configuration. Such signs are usually used for building complexes that are separated from adjacent streets by substantial set-backs.

Tenant Directory Sign Examples:

Tenant Directory Signs are used to identify multi-tenant buildings and businesses that do not have direct frontage on a public street. Tenant directory signs shall be constructed and oriented to the pedestrian.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

A-Frame Sign Examples:

A-Frame Signs are designed to stand on their own either on public or private property. Such signs are portable and are usually placed along public sidewalks to attract pedestrians into shopping areas.

Permanent Banner Sign Examples:

Permanent Banner signs often help to add interest and color to blank facades and special building. They are to be vertically oriented, and compatible with the overall character and color of the building.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Temporary Signs:

Temporary Signs can take the form of banners, window graphics, or as cards integrated with a window display. Temporary signs may contain written messages and shall use a simple font that is easy to read.

Parking Structure (Directional and Tenant Identification) Signs

All of the allowed signage types may be attached to Parking Structures (whether or not the parking structures are attached or separate from the buildings where tenants are located).

Sidewalk-Pavement Logos and Signs

Logos and Signage (as well as public art) may be located within sidewalk paving surfaces.

RETAIL /COMMERCIAL GUIDELINES

Vendor Cart Sign Example

Signs may be located on (and integrated with) allowed Vendor Carts.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Special Technology Signs:

Special Technology Signs refer to digital message display signs that have timed message capabilities and will occur within the main center identification sign pylons for the property.

The images on this page are representative examples consistent with the intent of the Design Guidelines

RETAIL /COMMERCIAL GUIDELINES

Comparative Sign Design Analysis:

Encouraged

Encouraged

Encouraged

Encouraged

Encouraged

RETAIL /COMMERCIAL GUIDELINES

Encouraged

Discouraged

This type of sign is illegible and its presentation of the occupant's goods and services is not clearly presented to

Discouraged

This sign is not proportionally appropriate to the façade it is applied to.

Encouraged

Encouraged

RETAIL /COMMERCIAL GUIDELINES

Encouraged

Encouraged

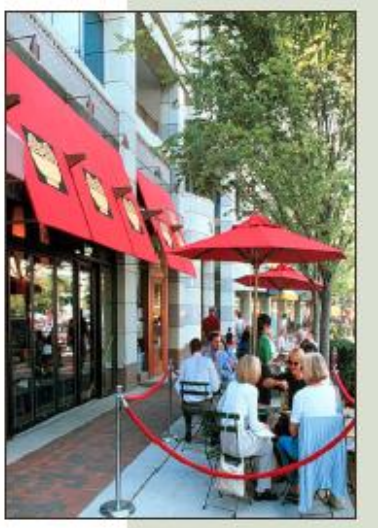
Encouraged

Not Allowed

This type of signage is not aesthetically pleasing nor clear in its presentation of the identity of the center or occupants. The information is jumbled and ill-positioned.

RETAIL /COMMERCIAL GUIDELINES

Examples of Possible Streetscapes in the Retail / Commercial Areas:



RETAIL /COMMERCIAL GUIDELINES

Examples of Possible Streetscapes in the Retail / Commercial Areas:

Credits: Parole by Design, Anne Arundel County, MD; Rockville Town Center, MD; City of Davis, CA; City of San Jose, CA; City of Pasadena, CA; Signs of the Times, Inc.

ARCHITECTURAL GUIDELINES (LUXURY APARTMENTS)

Martin Architectural Group

Architectural Guidelines—Luxury Apartments

Proposed luxury apartment building elevation

Proposed luxury apartment building perspective rendering

LUXURY APARTMENT GUIDELINES

A. Overview and Statement of Intent

Luxury Apartments are intended to be spacious with high quality indoor and outdoor amenities. Unlike conventional apartments that might be the housing type of necessity for student housing or assisted living, Luxury Apartments are a housing type of choice for professionals and active adults and young professionals.

Attributes of Luxury Apartments include such amenities as larger square footage units, architectural embellishments, indoor recreational amenities, outdoor amenities, and a business center.

B. Provisions

The provisions outlined below apply to Luxury Apartments:

1. Critical Dimensions of Apartment Units

1.1 One (1) bedroom: 750SF Minimum

1.2 Two (2) bedrooms: 1,000SF Minimum

1.3 Ceiling Height: 9' clear minimum

2. Parking

2.1 Parking provided for each unit in a structured parking garage

2.2 Structured Parking spaces allow a portion of parking to be available at each floor level

2.3 Bicycle Parking

3. Building Features

3.1 Residential building facades shall be articulated with architectural elements that break up long blank walls, add visual interest, and enhance the character of the neighborhood. Vertical articulation of 12" minimum projection shall occur at intervals of no more than 150 feet except along service alleys.

3.2 Two or more of the following methods of articulation shall be used so that the combination of features project a residential character:

(a) Providing a balcony, bay window, porch, patio, deck, or clearly defined entry for each interval.

(b) Providing architectural features such as setbacks, indentations, overhangs, projections, cornices, bays, canopies, or awnings.

(c) Building modulations shall be a minimum of two feet in depth and shall be no less than eight feet in width.

(d) Use of material variations such as contrasting colors, brick or metal banding, or textural changes.

(e) Artwork or building ornamentation.

3.3 A variety of modulations and articulations shall be employed. No more than four consecutive uniform modulations shall be used. Buildings greater than 160 feet in length shall provide a prominent architectural feature among the modulations such as a detailed building entry or an attractively landscaped courtyard.

3.4 Windows shall provide relief, detail, and variation on the facade by using significant trim and architectural styling that lends human scale to the facade. A minimum of two of the following requirements for windows shall be met:

(a) Window shall be accented with a drip cap, sill, and trim. The drip cap shall be a minimum of three inches in height and one inch in depth; sills shall be a minimum of three inches in width. Trim shall be a minimum of two inches in width and one inch in depth;

(b) Windows shall be accented through use of multiple panes;

(c) Windows shall be vertically oriented with a height 1-1/2 to two times the width;

(d) Windows shall be accented through the use of contrasting trim color, window boxes, or other detailing.

3.5 Residential building facades may incorporate variations from setbacks due to building façade articulations. However, a variation in building setback shall include within that setback such architectural elements as covered or recessed building entries, plazas or courtyards, or seating and planting areas.

3.6 Residential building façade Roof line elements shall include features that provide aesthetic interest and variation, as well as provide screening of mechanical and rooftop equipment. Some of these elements may be:

(a) Dormers: A projection from a sloping roof that contains a window.

(b) Roof Line with Architectural Focal Point: A prominent rooftop feature such as a peak, tower, gable, dome, barrel vault, or roof line trellis structure.

(d) Projecting Cornice: Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.

(e) Articulated Parapet: Roof line parapets shall incorporate angled, curved, or stepped detail elements.

(f) Pitched Roof or Full Mansard: A roof with angled edges, with or without a defined ridgeline and extended eaves.

(g) Terraced Roof: A roof line incorporating setbacks for balconies, roof gardens, or patios.

4. Parking Structures

4.1 Multi-level parking structures shall be utilized to provide appropriate parking for residents, a portion of which will be at level access to residential living floors.

4.2 Visible facades of parking structures shall have architectural treatment to compliment the buildings they support, with simplified features and detail elements as compared to the primary building.

4.3 Materials utilized in the facades shall be durable and permanent.

4.4 Prominent signage to direct residents and visitors to entry points and access through the parking structures shall be implemented.

4.5 The dimensions of parking spaces and drive aisles shall adhere to the requirements set forth in article XXIII.A in the Middletown Township Code of Ordinances, entitled Mall Conversion Overlay (MCO) District.

LUXURY APARTMENT GUIDELINES

5. Indoor Recreational Facilities

5.1 Game Room (community billiards and dart tournaments)
5.2 Media Room (movie nites, sports parties, private events)
5.3 Fitness Center (visiting trainers, Yoga classes)

6. Other Indoor Amenities

6.1 Internet Café with Business Center
6.2 Business Meeting Rooms
6.3 Gathering areas for onsite social events (wine tastings, visiting chef demonstrations)

7. Resident Services that may be incorporated into the Residential Component

7.1 Concierge Service
7.2 Pet Sitting
7.3 Parcel Delivery

8. Outdoor Amenities

8.1 Courtyards with fire pits
8.2 Generous Landscaping
8.3 Ornamental Lighting
8.4 Pool
8.5 BBQ areas

9. Other Features

9.1 Management Office

LUXURY APARTMENT GUIDELINES

Resident gathering area—The Pointe

Resident gathering area—The Edge

LANDSCAPE GUIDELINES

Landscaping and planting design will be an important component of the site's redevelopment as it will be used to visually reinforce pedestrian and vehicular circulation, create an image and identity while providing shade, visual interest and comfort.

Species selected and shown on the land development plans are plants that are generally suited to the micro-climate of the site and are known to perform well in commercial landscape settings. They represent both native and ornamental species suited to specific aesthetic and horticultural characteristics desired for the project. Creativity and flexibility in plant selection is encouraged as the project evolves over time. Plant availability, planting season and design criteria, specifically building architecture, may necessitate the need for plant species substitutions. Final plant species selection will be provided at the time of final plan submission or with building permit applications as project conditions and phasing warrant.

Planting design shall be governed by the following general guidelines:

1. Meet and/or exceed planting requirements as set forth in the Mall Conversion Overlay (MCO) District as part of the Zoning Ordinance as well as the overall Zoning and SALDO ordinances of the Township;
2. Emphasize the use of tall canopy trees where possible to reduce the scale of architecture, parking and vehicular areas and provide pedestrian scale and comfort;
3. Reinforce pedestrian circulation patterns and separate surface area parking into smaller "rooms";
4. Use ornamental/understory trees to provide seasonal interest near areas of significance and display;
5. Utilize evergreen hedge plantings and deciduous shrub plantings to provide accent and screening as appropriate throughout the development;
6. Limit seasonal plantings (seasonal flowers) to high visibility impact areas where pedestrians gather and where it is important to establish a positive image of the development such as building entrances and site entrances;
7. Be used at public realm spaces to draw attention to amenities and gathering areas;
8. Utilize native plant materials to the greatest extent possible;
9. Provide four (4) season interest;
10. Shall provide a rich diversity and variety in the overall quantity of deciduous trees, shrubs, evergreen or ornamental trees and avoid mono-culture planting schemes;
11. Shall be used to screen and mitigate views of loading areas, trash dumpsters and other back-of-house services.
12. Be used to naturalize stormwater basins with native plants tolerant of periods of inundation.

LANDSCAPE GUIDELINES

Representative building entry and pedestrian space
Crocker Park—Cleveland Ohio

Representative planter/landscape treatment
Main Street at Exton, Exton PA

Representative parking planting and pedestrian connector—Concordville Town Centre, Glen Mills, PA

Representative planting at store fronts
Shoppes at Brinton Lake, Glen Mills, PA

LANDSCAPE GUIDELINES

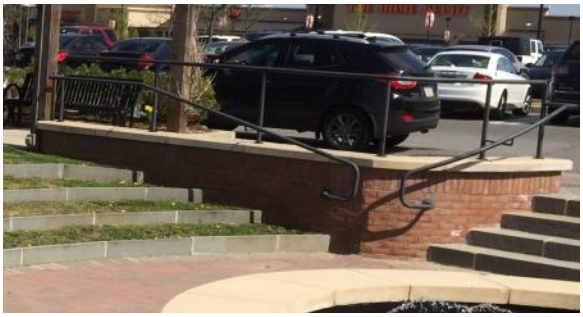
Representative stormwater basin landscaping

HARDSCAPE & SITE FURNISHING GUIDELINES

Materials:

Retaining walls, street walls or fences shall be consistent with the overall architectural style and shall be appropriate to the site's context. Walls may contain masonry, stone or other building materials if they are connected to an adjacent building. Where used, wall cap treatments shall be at least 2" thick and overhang the vertical face by 1".

Piers/Columns shall be consistent with the overall architectural style and shall be appropriate to the site's context. Piers shall be used to regulate and break up long distances of site walls or fences. Piers may contain masonry, stone or finished concrete or stucco.



The images on this page are examples of wall and pier styles consistent with the intent of Design Guidelines

HARDSCAPE & SITE FURNISHING GUIDELINES

Materials:

Pavers selection and style (where applicable) shall be consistent with the overall architectural style and shall be appropriate to the site's context. Pavers may be natural stone, concrete, clay brick, stamped asphalt or stamped concrete. Plazas and outdoor cafes may take on a different pattern or paver specific to their purpose. Pavers may be used in combination with concrete or other pavement surfaces.

Concrete walking surfaces shall typically have a light broom finish with twice tooled edges where used for basic sidewalks. Concrete may also be stamped, colored and otherwise finished to meet specific architectural or tenant needs. Scoring patterns or other applied patterns shall be used to make the concrete fields pedestrian scaled and add visual interest. Concrete may be used in combination with pavers or other pavement surfaces.

Broom finished, twice tooled edge concrete– Garden State Park, Cherry Hill NJ

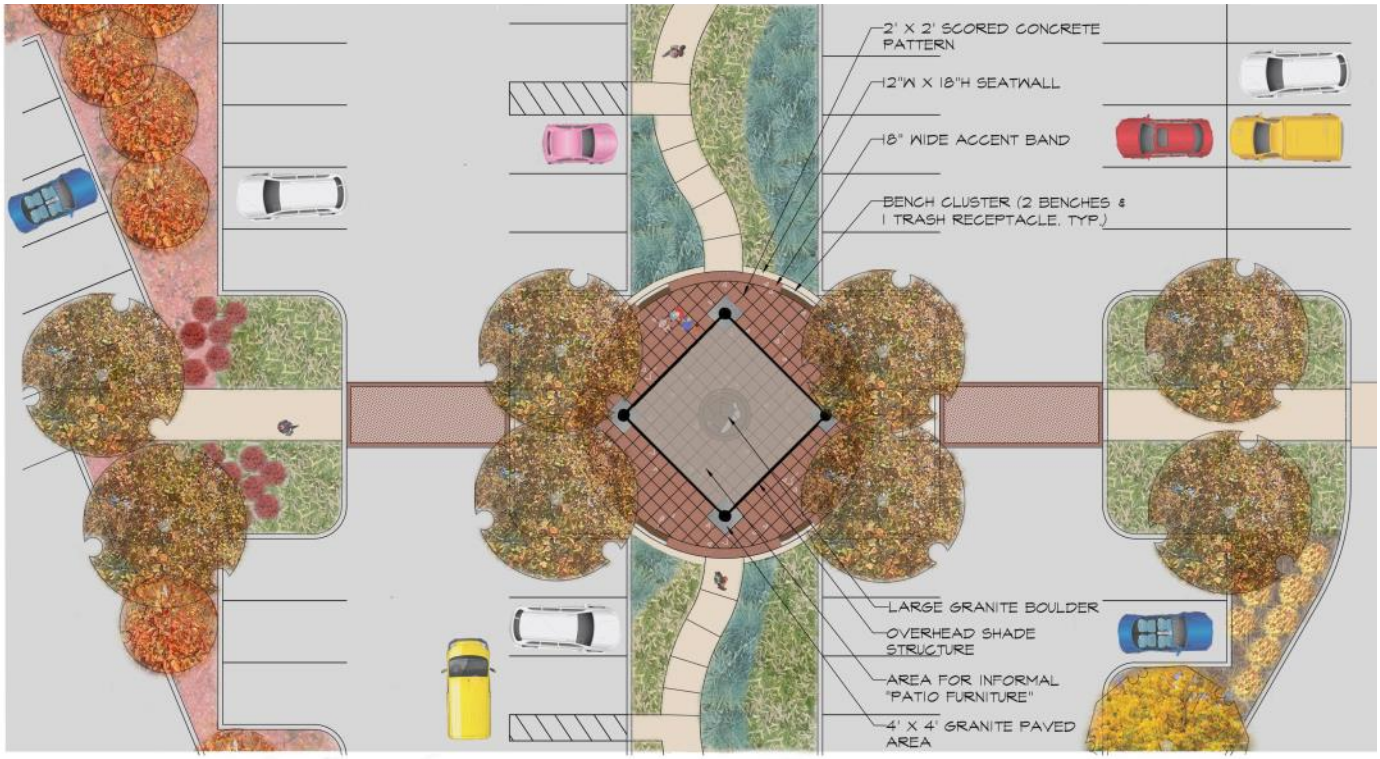
Colored concrete - Plymouth Meeting Mall, Plymouth Meeting , PA

Mix of pavers and clay brick - Main Street at Exton, Exton PA

HARDSCAPE & SITE FURNISHING GUIDELINES

Typical Hardscape Plan—prototypes:

Typical Building Entrance Paving Plan



Central Pedestrian Gathering Space

HARDSCAPE & SITE FURNISHING GUIDELINES

Materials:

Fencing, shall be used to define pedestrian space, courtyards, civic spaces and for screening of utility infrastructure and appurtenances. Fencing may be up to 6' in height and shall not obstruct sight distances at intersections.

Fencing may include piers or columns to regulate the length of the fencing run. Fence materials shall include steel, iron or aluminum components and be black in color. Other colors may be permitted upon review by the township and developer if they are used to compliment or accentuate specific architectural features.

Acceptable Manufacturers:

Jerith—Commercial CP

Ameristar— Aegis or Montage Plus

The images on this page are examples of fencing types and styles consistent with the intent of Design Guidelines

HARDSCAPE & SITE FURNISHING GUIDELINES

Trash/Service Enclosures

Trash and Service Enclosures, shall be designed in accordance with the Retail/Commercial Architectural Guidelines Section B.1. Service Areas. The intent is to visually hide and or subdue the visual prominence of these areas to the greatest extent possible while maintaining ease of access and functionality.

Example trash enclosure -
Easton Town Center, Columbus OH

Example trash enclosure -
Valley Gate , Warrington, PA

Example trash enclosure -
Concordville Town Center, Glen Mills, PA

Example trash enclosure -
Valley Gate , Warrington, PA

Example trash enclosure -
Valley Gate , Warrington, PA

HARDSCAPE & SITE FURNISHING GUIDELINES

Gazebos, Pergolas, Trellis and Shade Structures

Gazebos, pergolas and or trellis structures, may be utilized to provide shelter from the elements, provide protected gathering areas and to further enhance the pedestrian realm.

These structures shall be constructed of weather resistant materials including, pressure treated wood, red cedar, masonry, natural stone, steel, aluminum, azek, or similar composite materials. Fabric shade shelters may be used provided they utilize marine grade, "Sunbrella" or similar exterior fabrics.

Structures may be custom designed and built or prefabricated from manufactures such as Walpole Outdoors, Icon Shelter Systems Inc., Vixen Hill, Shade Systems Inc. or approved equivalent.

Example trellis structure -
Concordville Town Center—Glen Mills, PA

Example trellis structure -
Legacy Village, Cleveland OH

Example Icon "Mystic" Gazebo

Example Shade Systems Inc. - Multi-level framed sail structure

Example Icon "Arbor" trellis structure

HARDSCAPE & SITE FURNISHING GUIDELINES

Street Furnishings:

Benches, trash receptacles, kiosks, transit shelters, lighting, bicycle racks, planters, and bollards shall be made of high quality durable materials. They shall be compatible with the surrounding architectural style and color of buildings. Plazas and outdoor cafes correlating to a specific building or business may have a different design of street furnishings provided it is approved by the developer.

Bicycle Racks shall be selected that are durable and visually subdued or themed consistent with the overall architectural style and character of the development. Bike racks may be aluminum, stainless steel or powder coated in colors complimentary to the overall development. The use of painted steel is prohibited.

Bike rack design may be custom designed or themed to the development or stock as supplied from a manufacturer such as Landscape Forms or an approved equivalent.

Custom bike rack examples

Landscape Forms :
PI Bike Rack or approved alternate
Color: black

Landscape Forms :
FLO Bike Rack or approved alternate
Color: stainless steel

HARDSCAPE & SITE FURNISHING GUIDELINES

Street Furnishings:

Trash Receptacles shall be placed throughout the development and be at least 32 gallons in size to avoid overflow. They shall be durable, and visually subdued or themed consistent with the overall architectural style and character of the development. Recycle containers if used shall follow the same guidelines.

Victor Stanley:
RB-36
Color: black

Victor Stanley:
SD-242
Color: black

Example of related ash & trash receptacles -
Shoppes at Brinton Lake, Glen Mills, PA

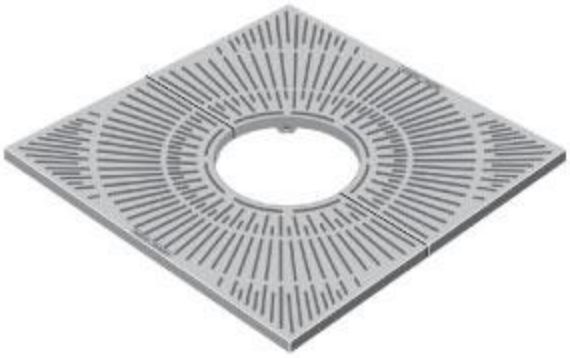
HARDSCAPE & SITE FURNISHING GUIDELINES

Street Furnishings:

Tree grates may be used to further enhance street tree or shade tree plantings when they are located within or adjacent to paved pedestrian areas. Tree grates assist with expanding the walkable surface area especially in narrow sidewalk situations.

Tree grates shall be black, cast iron and can be round, square or rectangular in shape as appropriate. Lighting may be incorporated in the tree pit and tree grate with suitable light openings.

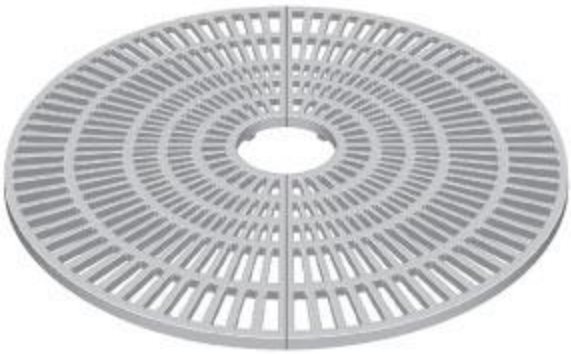
Where used, specific attention must be given to maintenance with regards to trash removal and expansion of the center opening as trees grow in caliper.



Neenah Enterprises Inc.
R-8706 Square
Color: black

Neenah Enterprises Inc.
R-8808 Rectangular
Color: black

Neenah Enterprises Inc.
R-8851 Round
Color: black



HARDSCAPE & SITE FURNISHING GUIDELINES

Street Furnishings:

Bollards may be used to restrict vehicular access and to define pedestrian areas to minimize pedestrian vehicular conflicts. Bollards shall be “collapsible” as required for vehicular entry points or embedded in concrete footings where removal is not required. Bollards shall be steel or aluminum.

Pre-cast concrete or natural stone bollards may be permitted if consistent with and or an accent to proposed architecture or exterior finishes.

Bollards shall be 30—42” high with a minimum diameter of 8”. Taller bollards may used in service areas or as site conditions warrant but in no case taller than 72”.

Bollards may incorporate lighting as appropriate to provide low level pedestrian lighting along sidewalks and exterior travel corridors. Lighting shall be LED and concealed. (see site lighting guidelines)

Bollard color shall be black to compliment other site furnishings but other colors subject to approval

Urban Accessories:
Classic
Color: black

Dumor:
Bollard 400
Color: black

Example pre-cast bollard
Main Street at Exton, Exton PA

Metal bollards - the Shoppes at North Brunswick, North Brunswick , NJ

HARDSCAPE & SITE FURNISHING GUIDELINES

Benches shall be sturdy, a minimum of 6’ in length and placed throughout the development in plazas and other intended pedestrian gathering areas. The location and quantity of benches is intended to be flexible to accommodate tenant needs. The use of backless benches is encouraged where appropriate. Benches shall be durable, and visually subdued or themed consistent with the overall architectural style and character of the development. Benches are to be securely fastened to the ground with anchors or have direct embedment pedestals to provide stability. Wood benches of Teak, or Ipe are permitted provided the wood is not stained or painted.

Victor Stanley:
RB-12

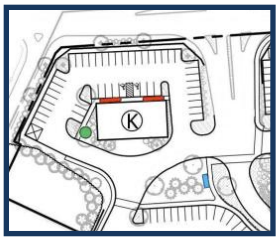
Victor Stanley:
RB-36
Color: black

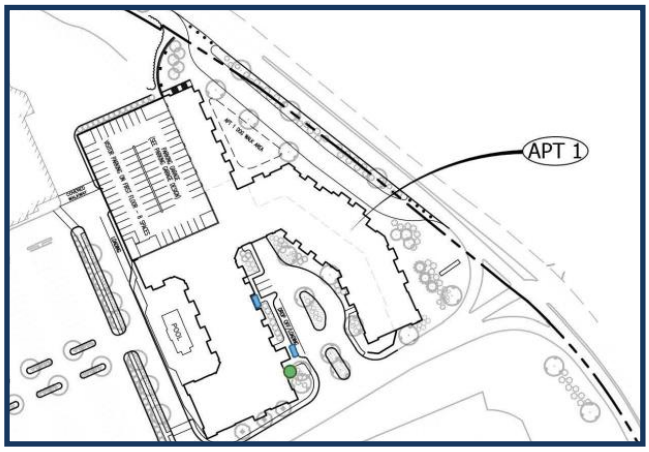
Example bench cluster - Main Street at Exton, Exton PA

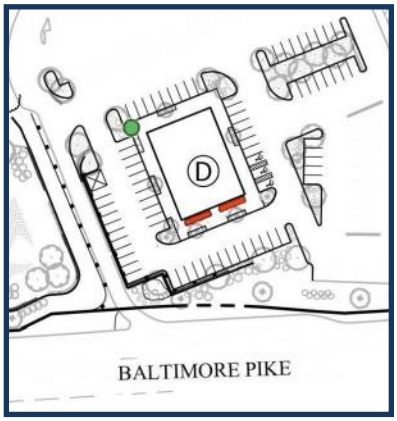
Victor Stanley:
RB-28
Color: black frame/wood slats

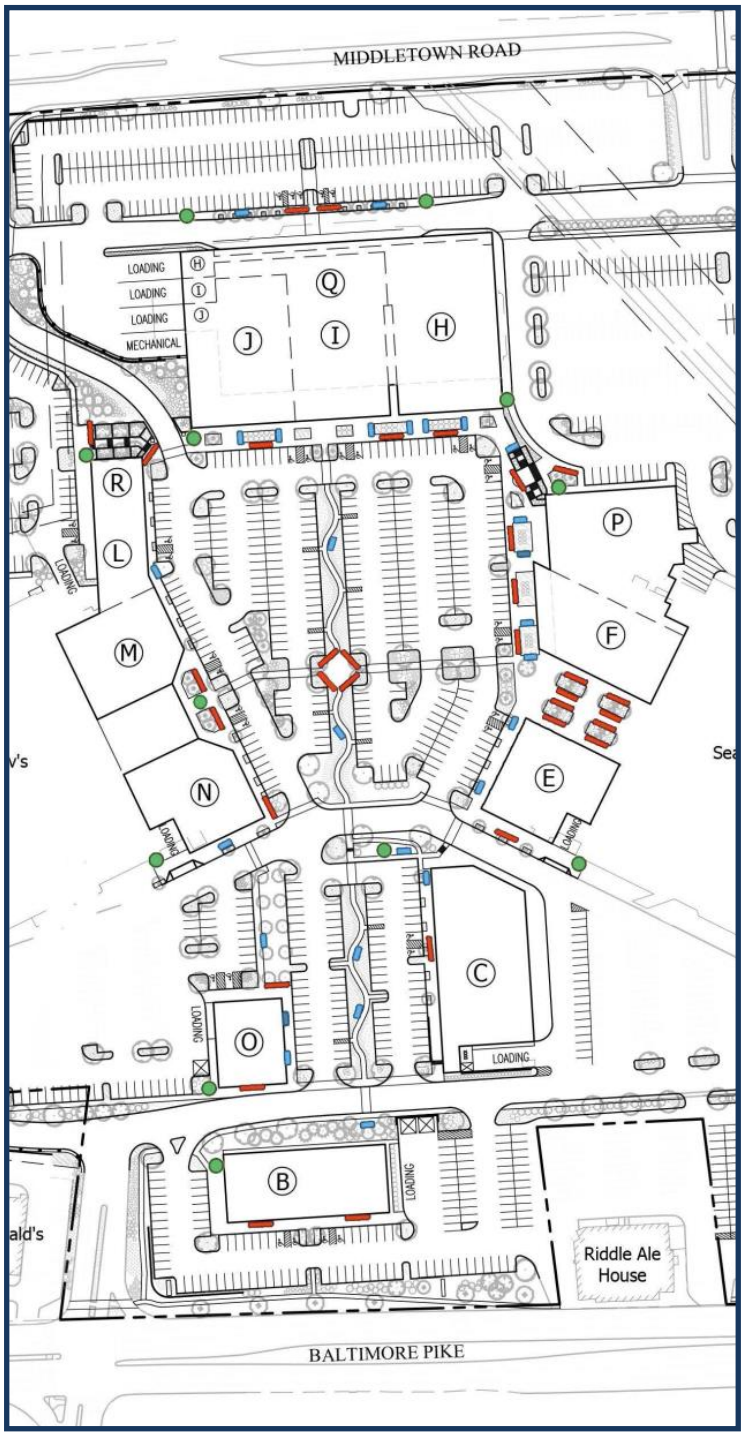
HARDSCAPE & SITE FURNISHING GUIDELINES

Bench and bicycle rack location plans









LEGEND
- BIKERACK
- BENCH CLUSTER (2 BENCHES)
- SINGLE BENCH

HARDSCAPE & SITE FURNISHING GUIDELINES

Planters shall be simple in form. Round and square types are recommended. Materials shall consist of cast stone, pre-cast concrete or metal to match light fixtures, benches or other site furnishing product families. Round planters shall be a minimum of 2' in diameter. They shall be grouped in clusters when used to enrich walkways, plazas and other pedestrian spaces.

Victor Stanley:
TP-36
Color: black

Landscape Forms:
ROSA
Color: black

Examples of various planters consistent with the intent of Design Guidelines

HARDSCAPE & SITE FURNISHING GUIDELINES

Banners provide visual interest and may include promotional or seasonal messaging in addition to identification of the development.

Banners may be mounted on light poles, or specific banner poles. Where mounted on light poles above or adjacent to pedestrian walkways, the bottom of the banner shall be no closer than 7' to the ground plane walking surface.

Banners can be dual vertical layout or single vertical format as appropriate for the specific location.

Banner materials shall consist of weather resistant, marine grade fabric such as "Sunbrella" or approved equivalents with silk screened or thermoplastic messaging as appropriate.

Ground mounted banner—Plymouth Meeting Mall, Plymouth Meeting PA

Light pole mounted banner—Easton Town Center, Columbus OH

HARDSCAPE & SITE FURNISHING GUIDELINES

Site Lighting:

Lighting shall be designed in accordance with the Mall Conversion Overlay (MCO) District and all other applicable Township Ordinances. Lighting design for the Development shall incorporate a variety of fixture types and styles to provide lighting which enhances the user experience, promotes safety security and enhances the overall aesthetic character of the Development.

Luminaires shall be fully shielded and aimed straight downward to minimize direct view of the light source and thereby reduce disabling and annoying glare and wasted light and shall utilize house side shields where applicable to minimize off-premises light trespass. 3000K LED will be the source choice for the majority of lighting applications.

Poles may be steel, fiberglass or aluminum and shall be painted or otherwise colored to be complimentary to the overall design of the Development. Poles vulnerable to vehicular contact shall be protected against damage and misalignment. Except where all-night safety/security lighting is deemed necessary, lighting of parking areas associated with a use or uses will be extinguished or dimmed during hours of darkness when there is no customer and employee activity.

DECORATIVE SITE/ENTRANCE LIGHT:

KIM Lighting (or approved alternate)

Bounce watt LED

15’ Ht. Pole Mounted

BOLLARD LIGHT:

KIM Lighting (or approved alternate)

Bounce 45 watt LED

36” Ht. bollard , ground mounted

HARDSCAPE & SITE FURNISHING GUIDELINES

Site Lighting:

WALL PACK/BLDG MOUNTED LIGHT:

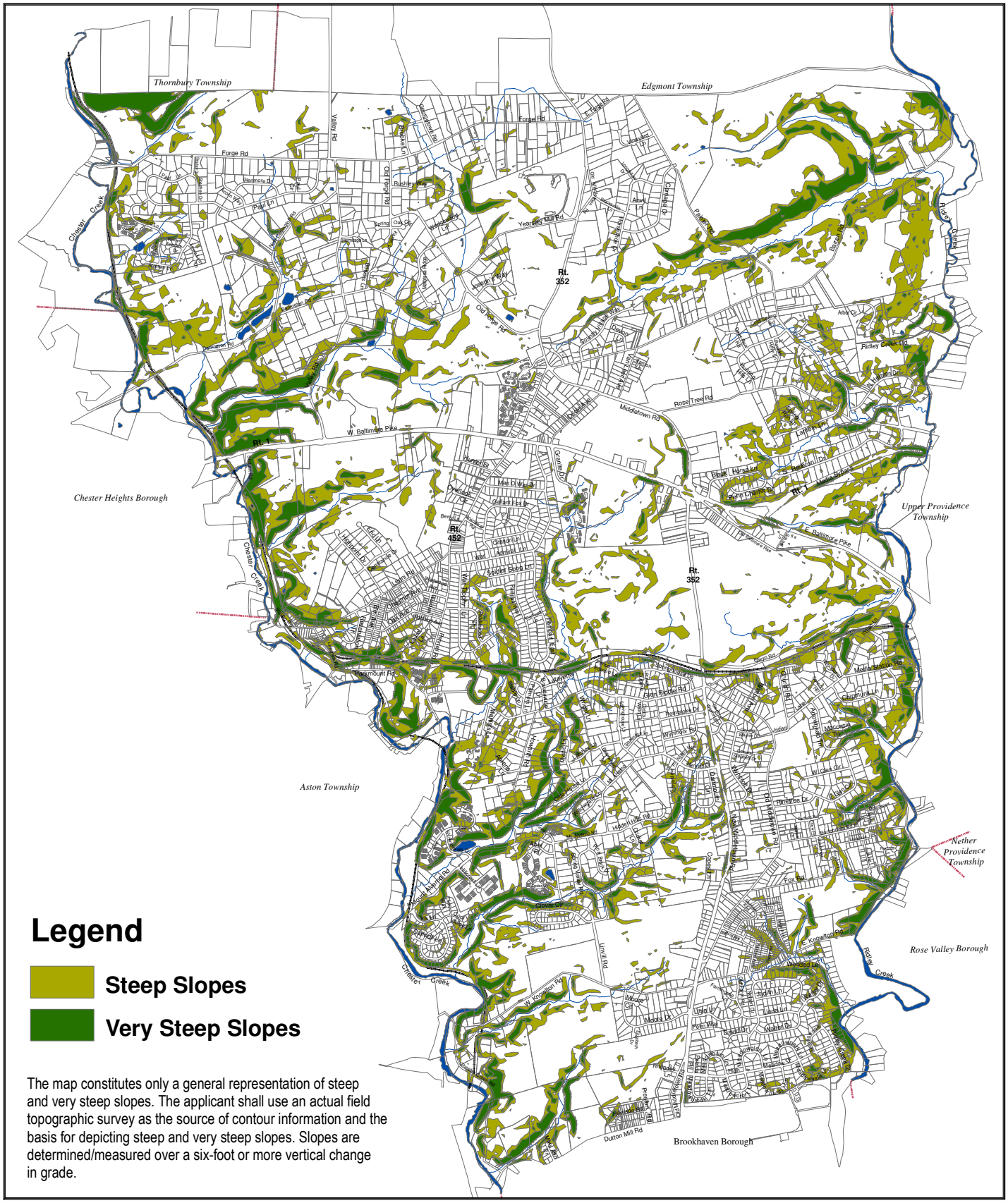
Spaulding/ Hubbell Lighting
(or approved alternate)
Laredo LMC 30 LED
10’ Ht. Building mounted
Color to be black

PARKING LOT/ ROADWAY LIGHT:

KIM Lighting (or approved alternate)
EKG LED Pico-Prism LED
40’ Ht. Pole Mounted

GROUND MOUNTED WALL / SIGN LIGHT:

Spaulding/ Hubbell Lighting
(or approved alternate)
Laramie LFS LED
Color to be black



The map constitutes only a general representation of steep and very steep slopes. The applicant shall use an actual field topographic survey as the source of contour information and the basis for depicting steep and very steep slopes. Slopes are determined/measured over a six-foot or more vertical change in grade.

Steep Slope Conservation District Map

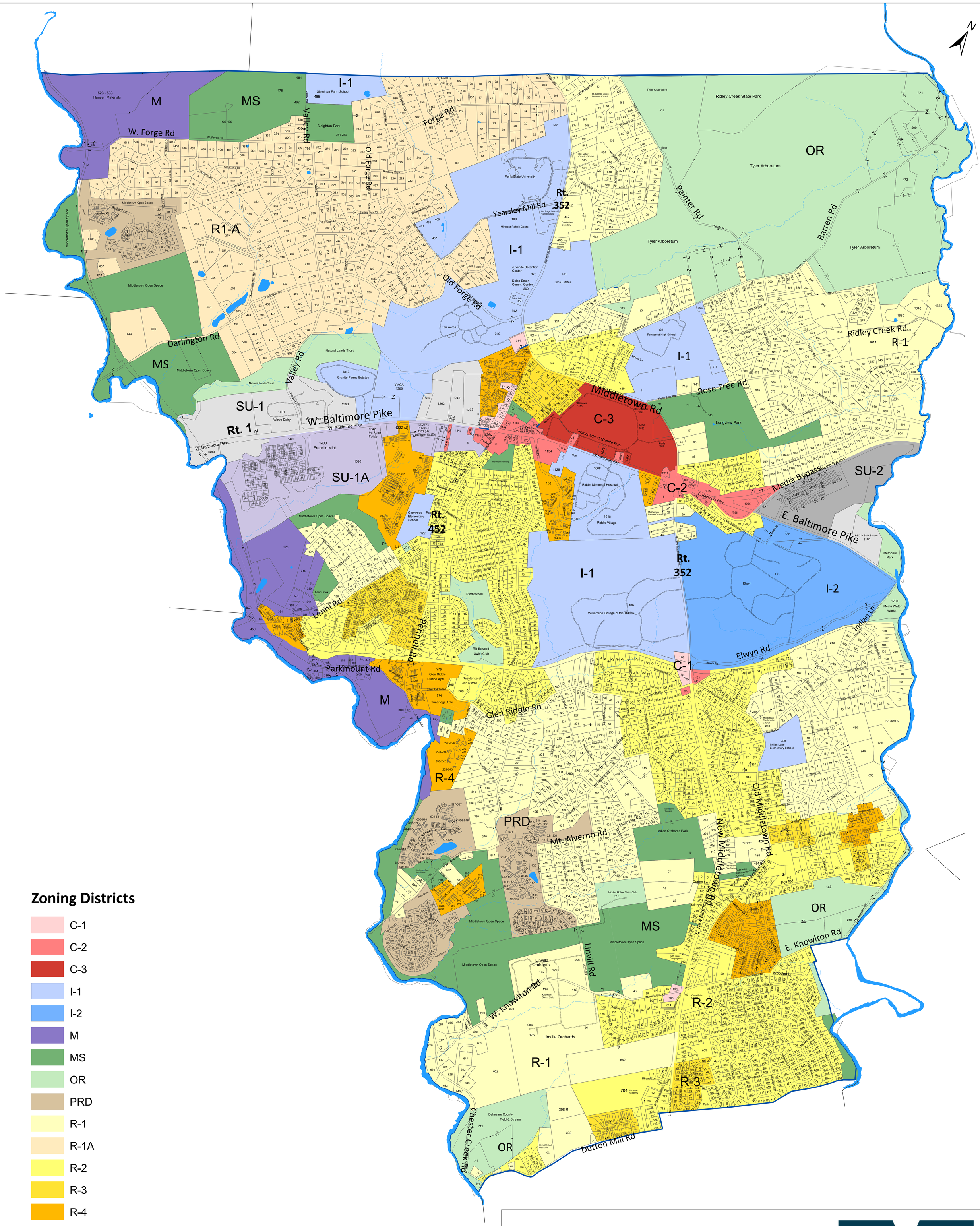
Middletown Township
Delaware County, Pennsylvania

1 inch equals 750 feet

0 700 1,400 2,800 4,200 Feet

Prepared by:
Middletown Township
Arthur W. Rothe P.E.
Township Engineer
27 N. Pennell Road
Lima, PA 19037

Date: December 10, 2009
(Properties Updated 09-09)



ZONING MAP

Middletown Township
Delaware County, PA
January 2025

STREET TREES AND GENERAL LANDSCAPING

The following list of plants is provided as a guideline to the selection of plant materials in Middletown Township. Trees and/or shrubs marked with an* after the botanical name indicate native species. The use of native species is encouraged:

Botanical Name	Common Name
Street Trees	
Acer campestre	Hedge maple
Acer rubrum (and cultivars)*	Red maple
Carpinus caroliniana*	Ironwood
Ginkgo biloba (male grafted)	Gingko
Ostrya virginiana*	American hop-hornbeam
Nyssa sylvatica*	Black tupelo
Platanus acerifolia "Bloodgood" (native parent, improved cultivar)*	Bloodgood London plane tree
Quercus bicolor*	Swamp white oak
Quercus phellos*	Willow oak
Quercus imbricaria*	Shingle oak
Quercus macrocarpa*	Bur oak
Tilia americana*	American linden
Tilia cordata	Littleleaf linden
Tilia tomentosa	Silver linden
Ulmus 'Homestead' or other disease-resistant cultivars	Homestead elm
Zelkova serrata 'Village Green' or 'Green Vase'	Zelkova
Shade Trees: includes all street trees listed above plus:	
Betula nigra*	River birch
Carya ovata*	Shagbark hickory
Celtis occidentalis*	Hackberry
Cercidiphyllum japonicum	Katsuratree
Cladrastis kentukea (lutea)*	Yellowwood
Gleditsia triacanthos f. inermis*	Thornless honey locust
Gymnocladus dioicus*	Kentucky coffeetree
Liriodendron tulipifera*	Tulip tree (spring plant only)
Liquidambar styraciflua* 'Rotundiloba' (improved cultivar)	Sweetgum (fruitless)
Quercus alba*	White oak
Quercus palustris*	Pin oak
Quercus prinus*	Chestnut oak
Quercus robur	English oak
Quercus velutina*	Black oak
Evergreen Trees	
Cryptomeria japonica	Japanese cryptomeria
x Cupressocyparis leylandi	Leyland cypress
Ilex opaca* and hybrids (Nellie Stevens)	American holly

Juniperus virginiana*	Eastern red cedar
Magnolia grandiflora*	Southern magnolia
Picea abies	Norway spruce
Picea omorika	Serbian spruce
Pinus strobus*	Eastern white pine
Thuja plicata*	Western redcedar
Ornamental Trees/Small to Medium Trees	
Aesculus pavia*	Red buckeye
Amelanchier arborea* (and cultivars)	Serviceberry
Amelanchier laevis	Allegheny serviceberry
Betula nigra* (and cultivars)	River birch
Carpinus caroliniana*	Ironwood
Cercis canadensis*	Redbud
Chionanthus virginicus	Fringetree
Cornus alternifolia	Alternate-leaf dogwood
Cornus florida*	Flowering dogwood
Cornus kousa	Kousa dogwood
Cornus mas	Cornelian cherry dogwood
Halesia carolina or tetraptera*	Silverbell
Koelreuteria paniculata	Golden rain tree
Magnolia × soulangeana	Saucer magnolia
Magnolia virginiana*	Sweet bay magnolia
Malus species	Crabapple
Oxydendrum arboreum*	Sourwood
Prunus serrulata 'Kwanzan'	Kwanzan flowering cherry
Prunus subhirtella (and cultivars)	Higan cherry
Prunus x yedoensis	Yoshino cherry
Sassafras albidum*	Sassafras
Native Deciduous Shrubs	
Aesculus parviflora	Bottlebrush buckeye
Callicarpa americana	Beautyberry
Calycanthus floridus	Carolina allspice
Clethra acuminata	Mountain summersweet
Clethra alnifolia	Coastal summersweet
Cornus sericea	Redosier dogwood
Corylus americana	American hazelnut
Diervilla lonicera	Northern bush honeysuckle
Diervilla sessilifolia	Southern bush honeysuckle
Fothergilla gardenii	Dwarf fothergilla
Fothergilla major	Large Fothergilla
Hamamelis virginiana	Common witchhazel
Hydrangea arborescens	Smooth hydrangea
Hydrangea quercifolia	Oakleaf hydrangea

Hypericum prolificum	Shrubby St. Johns wort
Itea virginica	Sweetspire
Ilex verticillata	Winterberry
Lindera benzoin	Northern spicebush
Photinia arbutifolia	Red chokeberry
Photinia melanocarpa	Black chokeberry
Potentilla fruticosa	Bush cinquefoil
Prunus virginiana	Chokeberry
Rhus aromatic "gro-low"	"Gro-low" fragrant sumac
Rosa palustris	Swamp rose
Rosa virginiana	Virginia rose
Sambucus canadensis	Elderberry
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum dentatum	Arrowwood viburnum
Viburnum nudum	Smooth witherod
Viburnum trilobum	American cranberry bush
Native Evergreen Shrubs	
Ilex glabra	Inkberry
Juniperus virginiana 'Grey Owl'	Eastern red cedar
Kalmia latifolia	Mountain laurel
Myrica pensylvanica (semi evergreen)	Northern bayberry
Rhododendron maximum	Native rhododendron
Trees for Wet Conditions (such as stormwater basins) Note: Trees and shrubs shall not be planted on basin berms. Trees and shrubs should be selected based upon degree of soil saturation and frequency of inundation.	
Acer negundo	Box elder
Acer rubrum	Red maple
Amelanchier arborea	Common serviceberry
Betula nigra	River birch
Carya ovata	Shagbark hickory
Chameacyparis thyoides	Atlantic white cedar
Liquidambar styraciflua	American sweetgum
Magnolia virginiana	Sweet bay magnolia
Nyssa sylvatica	Black tupelo
Platanus occidentalis	American sycamore
Quercus bicolor	Swamp white oak
Quercus palustris	Pin oak
Salix discolor	Pussy willow
Salix nigra	Black willow
Taxodium distichum	Bald cypress
Shrubs for Wet Conditions (such as stormwater basins)	
Alnus serrulata	Common alder

Aronia spp.	Chokeberry
Cephalanthus occidentalis	Buttonbush
Clethra alnifolia	Coastal summersweet
Cornus amomum	Silky dogwood
Cornus sericea	Redosier dogwood
Hamamelis vernalis	Vernal witchhazel
Ilex glabra	Inkberry
Ilex verticillata	Winterberry
Itea virginica	Virginia sweetspire
Myrica pensylvanica (semi evergreen)	Northern bayberry
Rhododendron viscosum	Swamp azalea
Rosa palustris	Swamp rose
Sambucus Canadensis	Elderberry
Viburnum nudum	Smooth witherod
Vaccinium spp.	Blueberry

Note:

1. Before an applicant and/or Landowner suggests any substitutes to this Suggested Plant List guideline, please refer to the list of invasive plants found at http://www.dcnr.state.pa.us/forestry/plants/invasiveplants/.
2. Ornamental/Medium to Small Trees may be planted in areas of limited space or where overhead wires exist.