

ARTICLE VIII RESIDENTIAL STANDARDS

801 Land Conservation Overlay District (DEVELOPER'S OPTION)

801.1 Intent

By providing an optional form of development, the Land Conservation Overlay District is intended to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the Township which stimulated the past residential development, and continues to attract second home residents, and increasingly, permanent residents. Without the careful consideration of the development process established by the standards of the Land Conservation Overlay District, many of these significant land features would be lost to the effects of conventional residential development. As compared to land conservation development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the Township, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family and multi-family residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, provide privacy and community identity, and provide for connecting greenways of preserved open space between developments for conservation and recreation uses..

Specific objectives of the Land Conservation Overlay District are as follows:

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- C. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- D. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- E. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- F. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
- G. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood

open space, and with a strong neighborhood identity.

- I. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
- J. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- K. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
- L. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

801.2 District Application

The Land Conservation Overlay District shall apply to all areas of the Township in all zoning districts, and only in accord with the standards of this §801.

801.3 Land Uses Permitted as Conditional Uses, Density, and Open Space

Land uses permitted in the Land Conservation Overlay District in accord with this §801 shall be considered conditional uses and shall be limited to the following:

A. Dwellings and Density Bonus

1. On tracts of ten (10) acres or more, the following dwelling types are permitted in accord with the standards of this §801:
 - a. Standard single-family detached dwellings.
 - b. Lot-line houses (see definition).
 - c. Two-family dwellings if permitted in the district.
 - d. Multi-family dwellings if permitted in the district.

Overall density for all dwelling type shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with Article III this Zoning Ordinance, and a density bonus of fifteen (15) percent shall be applied. (See §801.4,B and §801.7 for density determination, and §801.7,C for soil based sewage disposal bonus.)

Not less than fifty (50) percent of the tract shall remain as open land as defined and maintained in accord with this §801. (See §801.5,B for the proportion of open land which may be comprised of wetlands, floodplain and steep slopes.)

2. On tracts of less than ten (10) acres, standard single-family detached dwelling subdivisions are permitted in accord with the standards contained in Article III of this Zoning Ordinance.

No density bonus shall be applied. Overall density shall be based on the per unit lot size for single-

family dwellings determined by the proposed type of water supply and sewage disposal in accord with Article III.

Common open land shall not be required, but may be provided at the option of the developer. In no case shall any such open land be less than one-half (0.5) acre in size. All open lands shall be contiguous and shall be of such composition and configuration, as determined by the Township, to assure that the open land is useable for recreation. The Township may also require the reservation of trail easements through the development for connection with existing adjoining or planned trail networks.

B. Open Land Uses

Open land which comprises a part of a residential development approved in accord with the requirements of this §801 shall be used only in accord with the requirements of this §801 and Article VIII-A of this Zoning Ordinance.

C. Non-Residential Uses

The following non-residential uses shall be permitted on parcels of ten (10) acres or more:

1. Agricultural activities of the following types:
 - a. Cultivation, harvesting, and sale of crops and related farm products;
 - b. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
 - c. Orchards, nurseries, greenhouses, and related horticultural activities.
 - d. Other similar agricultural uses.
2. Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.
3. Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.
4. Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or bridal trails, picnic areas, playing fields, and similar uses.

D. Accessory Uses

Accessory uses on the same lot as the principal use shall be permitted as set forth in Article III for Residential Districts.

801.4 Project Design Process

The design process included in this §801 is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*.¹ Open land development plans will be reviewed by the Township using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

¹Arendt, Randall, MRTPI, Natural lands Trust, Inc., Media, PA, September 1994.

A. Inventory and Analysis

A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this §801. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this §801.4. The final determination and designation of Secondary Conservation Areas shall be made by the Township as part of the project review and conditional use process.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Township relative to the intent of the Land Conservation Overlay District.

1. Physical Resources

Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]

- a. Topographic contours at intervals of five (5) feet, showing rock outcrops and slopes of twenty-five (25) percent or more.
- b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Lackawanna County Soil Survey published by the U.S. Department of Agriculture.
- c. Hydrologic characteristics of the tract, including streams, lakes and ponds, floodplain and hydric soils.
- d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.

2. Land Use

Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.

3. Visual Resources

Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

4. Cultural and Historic Resources

The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.

5. Area Context

General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.

6. Conservation Areas

The following conservation areas shall be clearly identified on the site analysis plan:

a. **Primary Conservation Areas shall include:**

- 1) Wetlands
- 2) Land within the 100 year floodplain
- 3) Land with a slope of twenty-five (25) percent or more
- 4) Land within one-hundred (100) feet of any pond, lake or stream

b. **Secondary Conservation Areas shall include:**

- 1) Aquifer recharge areas
- 2) Areas with highly permeable soil
- 3) Land within twenty-five (25) feet of wetlands
- 4) Natural drainage ways
- 5) Major rock outcrops and other unusual geologic features
- 6) Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
- 7) Historic resources
- 8) Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract

B. Useable Land Area - Determination of Base Dwelling Unit Density

The developer shall have the option of determining the useable land area and base dwelling unit density permitted for the tract by using the formulas set forth in this Ordinance; or, by preparing a "yield plan" in accord with this section. The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density.

1. Formula Method

The useable land area and base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and **applying the appropriate density for single-family dwellings** as set forth in Article III of this Ordinance in accord with the zoning district location and type of water and sewage disposal.

- a. Land within public rights-of-way.
- b. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
- c. Wetlands.
- d. Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
- e. Land with a slope of twenty-five (25) percent or more.
- f. Any pond or lake more than two (2) acres in size.
- g. Land contained within the boundaries of easements for overhead electricity, telephone, or cable

television service.

2. Yield Plan Method

A yield plan consists of conventional lot and street layouts conforming to Township standards for residential developments not using open land design. The said standards shall include lot sizes and dimensions, street design, storm water control, sewage disposal, and other applicable standards of this ordinance and the Township Subdivision Ordinance. Although a yield plan is intended to be conceptual and is not intended to involve significant engineering costs, the plan must be sufficiently detailed to show legitimate, potential lots and house sites at locations not limited by Primary Conservation Areas. The final determination of the useable land area and base dwelling unit density for the tract shall be made by the Township.

C. Conceptual Sketch Plan -- Conditional Use Application

Following the determination of the number of residential units permitted, the developer shall submit to the Township a conceptual sketch plan. The application shall be considered the conditional use application for the project.

The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Township by the developer, and incorporating the design standards contained in this §801:

1. Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas
2. Locating house site and neighborhoods
3. Laying out streets and footpaths/trails with connections
4. Establishing lot lines

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision plan.

D. Conceptual Sketch Plan/Conditional Use Review Process

Upon receipt of a complete application, the Planning Commission shall notify the Township Board of Supervisors of the same. The Planning Commission shall schedule a joint meeting with the developer and the Board of Supervisors to review the sketch plan. Subsequent to, or as part of the said meeting, the Planning Commission and Board of Supervisors shall conduct an inspection of the tract. A joint public hearing shall be conducted by the Planning Commission and Board of Supervisors, in accord with the notice requirements of the PA Municipalities Planning Code. Upon completion of its review, the Planning Commission shall make its recommendation for action on the proposal to the Board of Supervisors, who shall approve, approve with conditions, or reject the conceptual sketch plan, which shall constitute action on the conditional use application.

(Note: The construction of individual dwelling units and other buildings in any project approved in accord with this §801 shall require a zoning permit prior to construction; however, a conditional use permit shall not be required.)

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan and the applicant shall not be authorized to make application for subdivision/land development approval until conceptual sketch plan/conditional use approval has been granted. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Township.

E. Subdivision/Land Development Plan

Following Township approval of the conceptual sketch plan (conditional use), the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with the requirements of the Township Subdivision and Land Development Ordinance. In addition to the information required by the Subdivision and Land Development Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Township review and action on the subdivision/land development plan shall not begin until such time as a complete application is submitted in accord with the Township Subdivision and Land Development Ordinance.

801.5 Open Land Standards**A. Percentage of Open Land**

Not less than fifty (50) percent of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the following areas from the total parcel size.

1. Land within public rights-of-way.
2. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
3. Wetlands.
4. Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
5. Land with a slope of twenty-five (25) percent or more.
6. Any pond or lake more than two (2) acres in size.
7. Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service;

B. Composition of Open Land Area

The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year floodplain, or land with a slope of twenty-five (25) percent more. Not less than fifty (50) percent of the open land shall be accessible to the residents of the Open land development, and such access shall be preserved in perpetuity in accord with Article VIII-A of this Ordinance.

C. Uses Permitted on Open Lands

The following uses shall be permitted in open land areas:

1. Conservation of open land in its natural, unaltered state.
2. Agricultural uses, including raising of crops or livestock, and farm buildings.
3. Neighborhood open land as specified in §801.6.C.
4. Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
5. Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts,

meeting the setback requirements of §801.7,D of this Ordinance. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.

6. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
7. Pasture for recreational horses not associated with a commercial operation as otherwise permitted for the district.
8. Easement for drainage, access, sewer or water lines, utilities or other essential services.
9. Storm water management facilities for the proposed development, or for a larger area if required for compliance with the requirements of the Township's Storm Water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.
10. Parking areas of ten (10) or fewer spaces to serve active recreation facilities.
11. Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.
12. Estate lots meeting the following standards:
 - a. A minimum size of ten (10) acres shall be required, of which a maximum of one (1) acre may be developed with a single-family dwelling and customary accessory uses and this requirement shall be recorded as a restrictive covenant on the lot. Only the undeveloped portion of the estate lot shall be used to meet the open land requirements of this §801.
 - b. The one (1) acre of permitted developed area shall include any portion of the lot which is disturbed or which is not used for agricultural purposes; that is, all dwellings, accessory buildings and structures, paved areas, lawns and gardens, etc.
 - c. The developed area of the lot shall meet the neighborhood setback standards set forth in §801.6 of this Ordinance with the exception of agricultural use setbacks.
 - d. Estate lots shall be restricted by permanent easement against further subdivision.
 - e. Dwellings on estate lots shall be counted toward the maximum density permitted on an Open land development tract.
 - f. Dwellings on estate lots shall be sited in accord with the same design principles as neighborhoods set forth in §801.6 of this Ordinance. Specifically, dwellings shall not encroach on primary and secondary conservation areas.
 - g. Access to the estate lot may be limited to the owner of the said lot.

D. Uses Prohibited on Open Lands

The following uses shall be prohibited in open land areas:

1. Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.

2. Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.
3. Any other use not specifically permitted in §801.5,C above.

E. Open Land Development Design Standards

The Township, in considering a proposed open land development and determining compliance with the intent and standards of this §801, shall evaluate the layout of lots and open land in accord with the design standards contained in this §801.5,E. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Open Land Development and those site features which are most significant shall be made by the Board of Supervisors.

1. The Open Land Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Township.
2. Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
3. Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Open Land Development plan, and show how the same will be mitigated.
4. Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Open Land Development.
5. In cases where smaller open land parcels are necessary, no such parcel shall be less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.
6. The potential for interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.
7. Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the Open Land Development.
8. Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices.
9. In order to protect the rural character of the Township, the design of the Open Land Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.

10. The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.
11. Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

801.6 Neighborhood Design Standards

The purpose of the neighborhood design standards is to create compact groupings of homes located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall rural character of the community. The standards in this §801.6 shall apply to all residential developments in neighborhoods in the Open Land Development District. Separate standards are provided in this Ordinance which shall apply to residential development of tracts of less than ten (10) acres, estate lots and residential development permitted by conditional use.

A. General Design Standards

The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

1. Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Township as significant conservation areas.
2. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.
3. Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
4. The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
5. Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel.
6. The preservation of any identified historic resources shall be incorporated into the design of neighborhoods in the Open Land Development.

B. Specific Standards

The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

1. All dwelling units shall be grouped in neighborhoods which should contain at least five (5), but no more than twenty-five (25) units. The number of units in a neighborhood can be increased or decreased provided the developer can demonstrate to the satisfaction of the Township that the proposal is more appropriate to the project parcel and meets the intent and other design standards of this §801.
2. An Open Land Development plan may contain one (1) or more neighborhoods.
3. Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots,

roads and neighborhood open land.

4. Neighborhoods are further defined, surrounded and separated by designated open land areas in order to provide direct access to open land and privacy to individual yards. Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway in accord with §801.6,C which follows and meets the setback requirements in §801.7 of this Ordinance.
5. All lots in a neighborhood shall generally have access from only an interior development road and not from any road exterior to the project parcel.
6. Not less than three-fourths (0.75) of the lots in a neighborhood should abut neighborhood open land or other open land (directly or across a road) to either the front or rear for a distance of not less than thirty (30) feet.
7. The outer boundaries of each neighborhood shall meet the setback requirements in §801.7 of this Ordinance
8. All lots in a neighborhood shall be restricted by permanent easement against further subdivision.

C. Neighborhood Open Land Standards

A neighborhood with ten (10) or more residential units shall provide neighborhood open land at a minimum rate of one-thousand (1,000) square feet per unit in accord with the following standards: The neighborhood open land shall

1. Be central to the neighborhood it serves.
2. Have a minimum road frontage of one-hundred (100) feet, and a minimum average width of thirty-five (35) feet.
3. Shall be configured as a commons or parkway.
 - a. A commons shall be located in a central position in the neighborhood and shall be surrounded by streets and/or building units on at least three (3) sides; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
 - b. A parkway is a narrow strip of open land surrounded by roads on all sides, and is generally intended for a smaller neighborhood; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
4. May contain storm water detention basin or parking areas, but the said basins and areas shall not be included in the required minimum neighborhood open land size (i.e., the 1,000 sq. ft. per unit).
5. Count toward meeting the overall open land requirements of the Open Land Development.

801.7 Density and Dimensional Standards

The standards contained in this §801.7 shall apply to the specified uses in the Land Conservation Overlay District.

A. Dwellings

The standards in Table 801-1 shall apply to all dwelling units in neighborhoods. Maximum density shall be

calculated using the base dwelling unit density determined in §801.4,B.

| TABLE 801-1 DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS | |
|--|--------------------------------|
| Maximum density -- calculated using the useable land area and base dwelling unit density determined in §801.4,B multiplied by the applicable density factors established in §801.3,A,1 and §801.7,C. | |
| Minimum lot size | |
| single-family house | 10,000 square feet |
| lot line house | 6,000 square feet |
| two-family dwelling | 15,000 square feet |
| townhouse | 1,000 square feet |
| garden apartments | based on performance standards |
| apartment building | based on performance standards |
| Minimum lot width at the house location | |
| single-family house | 70 feet |
| lot line house | 50 feet |
| two-family dwelling | 80 feet |
| townhouse | 18 feet |
| garden apartments | based on performance standards |
| apartment building | based on performance standards |
| Minimum lot depth to width ratio | |
| townhouses | 5:1 |
| all other dwelling types | 3.5:1 |
| Minimum street frontage | |
| single-family house | 20 feet |
| lot line house | 20 feet |
| two-family dwelling | 40 feet |
| townhouse | 18 feet |
| garden apartments | based on performance standards |
| apartment building | based on performance standards |
| Minimum front and rear yard setback | |
| all dwelling types | 20 feet front / 25 feet rear |
| Minimum side yard setbacks (each yard) | |
| single-family house | 15 feet |
| lot line house | 0/15 feet* |
| two-family dwelling | 10 feet |
| townhouse end units | 15 feet |
| garden apartments | 15 feet |
| apartment building | 20 feet |
| *A lot line house requires a five-foot (5') wide maintenance easement on the lot adjacent to the "zero" side yard. In the alternative, a side yard five (5) feet wide may be provided. | |

| TABLE 801-1 DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS | |
|---|-----|
| Maximum lot coverage (% of lot area) | |
| single-family house | 40% |
| lot line house | 40% |
| two-family dwelling | 30% |
| townhouse | 45% |
| garden apartments | 45% |
| apartment building | 45% |

| TABLE 801-2 DENSITY AND DIMENSIONAL STANDARDS FOR SINGLE FAMILY DETACHED DWELLINGS ON ESTATE LOTS AND NON-RESIDENTIAL USES | |
|---|-----------------------|
| Minimum lot size: | |
| on tracts of 10 to <20 acres | 5 acres |
| on tracts of 20 acres or more | 10 acres |
| Maximum developed area | 1 acre |
| Maximum lot depth:width ratio* | 4:1 |
| Minimum front yard** | 40 feet |
| Minimum side yard** (1 side/total of both) | 25/60 feet |
| Minimum rear yard** | 40 feet |
| Maximum lot coverage | 20% of developed area |
| *Lot width-to-depth ratio may be adjusted by the Township as part of the conditional use process to allow for flexibility of design in cases where the developer can demonstrate that the configuration of the project parcel makes the strict application of the ratio impractical; and provided any adjustment does not compromise the intent of this §801. | |
| ** setbacks pertain to developed area of lot | |

B. Estate Lots and Non-Residential Uses

The standards in Table 801-2 shall apply to all single-family dwellings on estate lots. These standards shall also apply to any non-residential uses permitted in accord with §801.3,C which involve any building on site.

C. Density Bonus for Soil Based Sewage Disposal

In order to minimize sewage effluent discharge to the surface waters of the Township, and to maximize groundwater recharge, the Township encourages the use of soil based sewage disposal options. Any Open Land Development which employs such disposal method (as enumerated in §801.8,B) shall be granted a twenty-five (25) percent density bonus in lieu of the fifteen (15) percent bonus provided in §801.3,A,1. The density bonus shall be calculated by determining the project density in accord with Table 801.1 and then multiplying the permitted number of dwelling units by 1.25.

D. Neighborhood Setbacks

The outer boundaries of all neighborhoods shall meet the setbacks in Table 801-3. The outer boundary is defined by the perimeter of the individual building lots abutting the open land, or of roads adjacent to the front of the said lots. Neighborhood setbacks may be reduced to fifty (50) percent of the requirement in the above by the Township as part of the conditional use process to allow for flexibility of design provided the developer can demonstrate that:

1. The configuration of the project parcel makes the strict application of the setbacks impractical
2. The reduction does not compromise the design standards of this §801; the overall intent of this Zoning Ordinance, or the applicable goals of the comprehensive plan.
3. In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

| TABLE 801-3 NEIGHBORHOOD SETBACKS | |
|---|-------------|
| Setback From ... | Requirement |
| External road rights-of-way | 100 feet |
| Crop land and pasture land | 100 feet |
| Buildings, barnyards, or corrals housing livestock | 200 feet |
| Other residential neighborhoods | 100 feet |
| Wetlands, floodplain | 25 feet |
| Water bodies or water courses | 50 feet |
| Active recreation areas such as playgrounds, courts, and playing fields | 150 feet |

E. Building Envelopes

Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:

1. Shall not be located in any Primary or Secondary Conservation Area.
2. Shall not include the tops of ridge lines.
3. Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.
4. Shall avoid open fields.

801.8 Water Supply and Sewage Disposal

A. Water Supply

All lots in neighborhoods may be served by a community (off-site, central) water supply and distribution system with such volume and pressure to provide adequate serve in accord with accepted engineering practice, the

Township Subdivision and Land Development Ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, all multi-family dwellings and dwellings on lots less than one-half (0.5) acre shall be served by a community water system.

B. Sewage Disposal

All lots shall be provided with adequate sewage disposal facilities consistent with the Township Official Sewage Facilities Plan and meeting the requirements of the Township Subdivision and Land Development Ordinance and the PA DEP. All multi-family dwellings shall be served by a community sewage disposal system. All dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located on open lands.

Preferred sewage disposal alternatives, which are granted a density bonus in accord with §801.7,C of this Ordinance include:

1. Community (off-site, central) system employing subsurface disposal or spray irrigation on open lands.
2. Individual (on-site) system employing subsurface disposal or spray irrigation on open lands.

In the case where soil based methods are not practical, a community (off-site, central) system with a surface water discharge may be employed, but no density bonus shall be granted.

801.9 Reserved

801.10 Phasing

Development in the Land Conservation Overlay District may be phased by sections, and estate lots may be subdivided prior to neighborhood development in accord with a unified development plan for the entire tract and the following requirements:

- A. A complete inventory and analysis has been completed for the project parcel in accord with §801.4,A of this Ordinance.
- B. If the proposal is in conformance with the standards in this §801, the unified development plan shall be approved as a sketch plan in accord with §801.4,C of this Ordinance. The design of the unified plan shall be made binding on the developer by a written, recorded development agreement with the Township.
- C. When estate lots are subdivided prior to neighborhood development, the following requirements shall apply:
 1. The unified plan must provide for sufficient land area in a suitable configuration to allow for neighborhood development in accord with this §801.
 2. The maximum density of the tract must include the dwelling units allocated to estate lots.
 3. The estate lots, when created, shall be restricted from further subdivision by permanent easement.
 4. Any future neighborhood development shall be in accord with the approved unified sketch plan and development agreement.

801.11 Open Land, Recreation Land, and Common Facilities -- Ownership and Maintenance

All areas of an Open Land Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated

to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Open Land Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by §812 of this Ordinance.

802 Two Family Dwellings

Where permitted in accord with Article III, two-family dwellings shall comply with the requirements of this §802 and other applicable standards in this Ordinance.

802.1 Common Wall

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. Each lot shall not be less than seventy-five (75) percent of the minimum lot size and lot dimensions shall not be less than seventy-five (75) percent of that required for a single-family dwelling as required by Article III of this Zoning Ordinance.

802.3 Over/Under Units

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit, the lot size and dimensions shall be one and one-half times larger than the requirements for single-family dwellings in Article III of this Zoning Ordinance. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

802.5 Conversions -- See §604 of this Ordinance.

803 Multi-Family Dwellings

Multi-family projects are permitted in certain districts in accord with Article III in order to provide the opportunity for the development of a variety of housing types in the Township.

803.1 Project Design Process and Procedure

A. Subdivision and Land Development

Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.

B. Design Process and Procedure

All multi-family projects shall be designed and processed in accord with the requirements for Open Land Developments contained in §801 of this Ordinance.

C. Site Plan

A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

D. Open Space

Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §801.5 of this Ordinance.

803.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on Table 803.2 shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

| TABLE 803.2 MULTI-FAMILY DWELLING STANDARDS | | | |
|--|---|-------------------|---------------------|
| PROJECT STANDARDS | Townhouses | Garden Apartments | Apartment Buildings |
| Minimum size for project parcel (acres) | based on applicable performance standards | | |
| Maximum Density -- number of dwelling units per acre of useable area (See §801.4,B for useable land area) | 10 | 8 | 10 |
| Maximum number of dwelling units per building | 6 | 8 | 10 |
| Maximum building height (feet) | 35 | 35 | 35 |
| Maximum lot coverage of project parcel (%) | 40 | 40 | 40 |
| ADDITIONAL TOWNHOUSE STANDARDS | | | |
| Minimum lot size for townhouse units for individual sale | 1,000 square feet | | |
| Minimum lot width at house location | 18 feet | | |
| Minimum street frontage | 18 feet | | |
| Minimum front and rear yard setback | 15 feet front / 15 feet rear | | |
| Minimum side yard setback for end unit | 15 feet | | |
| Maximum lot coverage for individual townhouse parcels | 45% | | |

803.3 Design Criteria

The following design criteria shall apply to multi-family projects:

A. Setbacks

No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.

B. Road Standards

Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need

not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

C. Building Separation

All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.

D. Landscaped Buffers

Buffers, not less than fifteen (15) feet in width shall be provided in accord with §601.1 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R-1A, R-1B or R-2 District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.

E. Pedestrian Access

Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.

F. Trash Storage

Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.

G. Architectural Renderings

Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

H. Townhouses: Facade Changes

A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.

I. Parking

Parking for multi-family dwelling projects shall comply with §404 of this Ordinance.

803.4 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

803.5 Conversions of Existing Structures

Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §803, including but not limited to §803.2. (See also §804).

803.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with §812 of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

803.7 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a community water supply and a community sewage disposal system.

804 Conversion to Dwellings

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall comply with the standards in this §804 and the other requirements applicable to the dwelling type to which conversion is proposed. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other open spaces, off-street parking, and other applicable standards.

805 Group Homes

Group homes shall be permitted in any lawful dwelling unit in accord with this §805 and other applicable standards of this Zoning Ordinance.

805.1 Definition

See definition in Article X.

805.2 Supervision

There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

805.3 Certification

The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

805.4 Registration

The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available for public review upon request.

805.5 Counseling

Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three (3) nonresidents per day.

805.6 Parking

One off-street parking space shall be provided for each employee on duty at any one time, and one additional (1) space shall be provided per two (2) residents reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five (5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen

meeting the requirements of §601.1 of this Zoning Ordinance.

805.7 Appearance

If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.

805.8 Bulk and Density

The construction of new group homes shall comply with the minimum lot size and other bulk and density requirements applicable to single-family residential dwellings.

805.9 Number of Residents

The following maximum number of persons shall inhabit a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time:

- A. Single Family Detached Dwelling with minimum lot area of one (1) acre and minimum building setbacks from all "residential lot lines" of fifteen (15) feet: eight (8) total persons.
- B. Any other lawful dwelling unit: six (6) total persons.

805.10 Visitors

Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.

806 Reserved

807 Mobile Home Parks

Mobile home parks are considered conditional uses in the A-2 District and shall comply with the requirements of this §807 and the applicable standards in the Township Subdivision and Land Development Ordinance, as amended. In cases where the standards in this §807 and the Subdivision and Land Development Ordinance conflict, the standards in this §807 shall apply.

807.1 Project Design Process and Procedure

A. Subdivision and Land Development

Mobile home parks shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development or home placement, and the approvals required shall be requested and acted upon concurrently as one subdivision.

B. Design Process and Procedure

All mobile home parks shall be designed and processed in accord with the requirements for Open Land Developments contained in §801 of this Ordinance.

C. Site Plan

A proposed site plan showing all necessary information to include at a minimum, location of all mobile home sites, buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and

profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

D. Open Space

Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §801.5 of this Ordinance.

807.2 Design; Procedures; Parcel Size; Density; Mobile Home Sites

- A. All mobile home parks shall be designed and processed in accord with the procedure for open land developments in accord with §801.4,B of this Ordinance using the density factors in this §807.2 without the application of any density bonuses.
- B. All land proposed for a particular mobile home park shall be part of the same parcel and contiguous.
- C. The minimum parcel size for a mobile home park shall be five (5) acres and the overall density of a mobile home park shall not exceed eight (8) units per acre.
- D. Each mobile home site shall have a minimum area of three thousand (3,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall be forty (40) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

807.3 Slope

The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery, and the minimum slope in any direction shall be one (1) percent.

807.4 Mobile Home Placement

Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning.

A. Stability

The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

B. Anchors

The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadman", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

C. Skirting

All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material.

D. Setbacks

Each mobile home shall be located not less than twenty (20) feet from the curb or edge of shoulder of any park street, and from any building or other mobile home; nor less than ten (10) feet from any side or rear mobile home lot line.

807.5 Soil and Ground Cover

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection.

807.6 Storm Water/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites.

807.7 Buffers and Screening

A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than seventy-five (75) feet to any public road right-of-way or closer than fifty (50) feet to any other exterior property line. All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

807.8 Streets, Parking and Access**A. Streets**

Mobile home park streets shall be provided, designed and constructed in accord with the standards for mobile home park streets in the Township Subdivision Ordinance.

B. Parking

Parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.

C. Access

There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive.

D. Lot Frontage

Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

E. Illumination

All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

F. Curbs and Gutters

Curbs and sidewalks shall be provided and constructed according to the basic standards of the Township Subdivision and Land Development Ordinance, however, curbs may be the rolled type and the width of sidewalks

may be reduced to three (3) feet.

807.9 Recreation Area and Open Space - A minimum of ten (10) percent of the project parcel area shall be provided as open space/recreation area, with a minimum of one-half (0.5) acre for all projects. In large projects a number of decentralized areas may be provided, however, in no case shall such areas be less than one-fourth (0.25) acres. The reserved open land shall be contiguous with the project parcel and shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10) percent slope and free of hazards to permit recreational use. Fifty (50) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Township.

807.10 Landscaping and Outdoor Living Requirements

A. Landscaping

Screen planting shall be provided to adequately and effectively screen objectionable views within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Township. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

B. Private Area

Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with the smallest dimension of eight (8) feet.

807.11 Non-Residential Uses

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

807.12 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a community water supply and a community sewage disposal system.

808 Mobile/Manufactured Homes on Individual Lots

Mobile/manufactured homes placed on lots not in a mobile home park shall comply with all Township regulations applicable to single-family residential dwellings and:

- A. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the BOCA Code for the actual construction of the unit itself.
- B. Shall have a site graded to provide a stable and well-drained area.
- C. Shall have the hitch mechanisms removed. The wheels and axles shall be removed or screened from view.
- D. Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home.

- E. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1) normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.

809 Minimum Single-Family Dwelling Size

The minimum gross floor area of a single-family dwelling shall not be less than one thousand (1,000) square feet.

810 Bed and Breakfast Establishments

Bed and breakfast establishments are considered conditional uses in certain districts as set forth in Article III and shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

- A. Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.
- B. Not more than five (5) rentable rooms are provided in the establishment.
- C. The owner or manager of the bed and breakfast must reside on the premises.
- D. Sewage disposal meeting the requirements of the Township and PA DEP is provided.
- E. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

811 Hotels, Motels, and Lodging Facilities

This section is intended to provide specific conditional use standards for the development of hotels, motels and other lodging facilities at unit densities that allow full use of the project parcel while at the same time recognizing the limitation of the proposed site. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare. Hotels, motels and lodging facilities are considered conditional uses in certain Districts as set forth in Article III.

811.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §811 and this Ordinance, and other applicable Township regulations.

811.2 Design Criteria

- A. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the District where the subject property is located.

812 Ownership and Maintenance of Open Land, Recreation Land, and Common Facilities

This §812 shall apply to any development which involves the ownership and maintenance of open land, recreation land, or common facilities (referred to as "common area" in this Article) as required by this Ordinance and the Township Subdivision and Land Development Ordinance.

812.1 Purpose

The requirements of this Article X are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

812.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of reserving, in perpetuity, the use, ownership and maintenance of the approved common area. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Township.

812.3 Use Restriction

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Township Subdivision and Land Development Ordinance.

812.4 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

812.5 Methods for Use Reservation and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Township to effect the use reservation and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

All methods for use reservation and common area ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

A. Property Owners Association or Condominium Agreements

All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

13. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute.
14. Participation in the POA/CA is mandatory for all lot owners.
15. Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.

16. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities.

B. Transfer to a Private Conservation Organization

In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

1. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use reservation and common area ownership and maintenance standards of this Article and this Zoning Ordinance.
2. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
3. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization is unable to continue to execute the provisions of title.
4. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

C. Deed Restricted Private Ownership

On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

D. Deed or Deeds of Trust

The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

E. Conservation Easements Held by the Township

In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

D. Fee Simple and/or Easement Dedication to the Township

In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

1. There is no consideration paid by the Township.
2. Such land is freely accessible to the public.
3. The Township agrees to and has access to maintain such lands.

812.6 Failure to Preserve Reservation of Use and Operation and Maintenance of Common Area

Should the method established for the reservation of use and operation and maintenance of common area fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use reservation, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

A. Notice

The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use reservation and operation and maintenance of common areas.

B. Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

C. Public Hearing

A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Zoning Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

D. Failure to Correct

In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.

E. Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use reservation, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use reservation and operation and maintenance established by the approved development plan will be assured.

F. Appeal

Any party to the action of the Board of Supervisors may appeal such action to court as provided for zoning appeals in the Pennsylvania Municipalities Planning Code, as amended.

G. Public Costs

The costs of the preservation of use reservation and the cost maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in §812.6.1 above, shall file the required notice of lien against the properties.