

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

307.A. The requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. The term “sq.ft.” shall mean square feet. See definitions of terms (such as lot width) in Section 202. For condominiums, see Section 307.B.

**1. AC Agricultural Conservation District.**

a. Dimensional Requirements.

	Maximum Building Coverage	Maximum Impervious Coverage	Minimum Lot Area (per dwelling unit for residential uses)
	-----	-----	-----
(1) Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	10%	20%	5 acres
(2) Single family detached dwelling	10%	20%	3 acres
(3) Open Space Development Option - Section 311 shall also apply	15%	20%	See Section 311
(4) Other Allowed Use	10%	20%	5 acres
	Minimum Lot Width at Mini- mum Building Setback Line (feet)	Maximum Building Height*	Minimum Yards: Front/Each Side/ Rear (feet)
	-----	-----	-----
(5) Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	300	35	150/100/150
(6) Single family detached dwelling	200	35	50/20/60
(7) Open Space Development Option - Section 311 shall also apply	135	35	See Section 311
(8) Other Allowed Use	200	35	100/50/100

\* Or 3 stories, whichever is more restrictive. See exceptions for agricultural buildings in Article 8.

- b. Agricultural Nuisance Disclaimer - The following notice, or similar text pre-approved by the Township, is required to be placed on the deed of any new lot that is created within the AC District and shall be disclosed to any buyer of a lot prior to a sale:

"As of the date of this notice, this lot is within an AC Agricultural Conservation Zoning District, where Upper Nazareth Township has given priority to commercial agricultural production. Occupants of this property may be subjected to inconvenience and discomfort arising from normally accepted agricultural operations, including but not limited to noise, odors, dust, the operation of machinery or aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Occupants of this property should be prepared to accept such inconveniences and discomfort, and are hereby put on official notice that the Pennsylvania "Right to Farm Law" and/or Agricultural Security Area designation may bar them from obtaining a legal judgment against such normal agricultural operations and may limit the ability of the Township to regulate such operations."

- c. Agricultural Compatibility. For any proposed new lot that will be occupied by a new principal dwelling, the applicant shall prove to the Zoning Officer, after review by the Planning Commission, that the new lot is being designed and located in a manner that minimizes the impact upon agricultural activities on the tract and on adjacent tracts.
- (1) To the maximum extent feasible considering septic system regulations, a new residential lot shall be located to minimize the amount of prime agricultural land that will be removed from production, to maximize prime agricultural land on a principally agricultural lot, and to allow efficient farming activities on the remaining land.
  - (2) To the maximum extent feasible, a new residential lot shall be located to maximize the distance of the new dwelling from any livestock or poultry operations and to place the home upwind from such facilities, considering prevailing winds.
  - (3) Any new principal dwelling unit shall be setback a minimum of 200 feet from the lot line of another lot that includes a Principal Livestock or Poultry Use, unless the owner of such Livestock or Poultry Use provides a written statement stating that they waive such additional setback.

2. **R-2 Rural Residential District.**

	Maximum Building Coverage	Maximum Impervious Coverage	Minimum Lot Area (per dwelling unit for residential uses)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	10%	20%	5 acres
b. Single family detached dwelling	10%	20%	1 acre
c. Open Space Development Option - Section 311 shall also apply	10%	20%	See Section 311
d. Other Allowed Use	10%	20%	5 acres

	Minimum Lot Width at Minimum Building Setback Line (feet)	Maximum Building Height*	Minimum Yards: Front/Each Side/Rear (feet)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	300	35	150/100/150
b. Single family detached dwelling	135	35	50/20/50
c. Open Space Development Option - Section 311 shall also apply	100	35	See Section 311
d. Other Allowed Use	200	35	100/50/100

\* Or 3 stories, whichever is more restrictive. See exceptions for agricultural buildings in Article 8.

3. **R-3 Low Density Residential District.**

	Maximum Building Coverage	Maximum Impervious Coverage	Minimum Lot Area (per dwelling unit for residential uses)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	10%	20%	5 acres
b. Single family detached dwelling without public water and/or public sewage service	10%	20%	43,560 sq. ft (1 acre)
c. Single family detached dwelling with both public water service and public sewage service	20%	40%	12,000 sq. ft.
d. Open Space Development Option	25%	50%	Section 311 shall apply
e. Other Allowed Use	20%	30%	1 acre

	Minimum Lot Width at Minimum Building Setback Line (feet)	Maximum Building Height*	Minimum Yards: Front/Each Side/Rear (feet)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	300	35	150/100/150
b. Single family detached dwelling that does not have both public water and public sewage services	135	35	25/15/40
c. Single family detached dwelling with both public water and public sewage services	90	35	25/15/40
d. Open Space Development Option	70	35	Section 311 shall apply
e. Other Allowed Use	135	35	50/20/40

\* Or 3 stories, whichever is more restrictive. See exceptions in Article 8, including for agricultural buildings.

See also Section 315, which may allow higher densities for age-restricted development.

4. **R-4 Medium Density Residential District.**

	Maximum Building Coverage	Maximum Impervious Coverage	Minimum Lot Area (per dwelling unit for residential uses)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	20%	25%	5 acres
b. Single family detached dwelling without public water and/or public sewage service	20%	25%	43,560 sq. ft (1 acre)
c. Single family detached dwelling with both public water service and public sewage service	25%	40%	10,000 sq. ft.
d. Twin Dwelling, which shall require both public water and public sewage services	40%*	50%*	7,200 sq. ft.
e. Townhouse Dwelling, which shall require both public water and public sewage services	40%*	50%*	Minimum average of 7,200 square feet of lot area per dwelling unit.***
f. Apartments	40%*	50%*	15,000 sq. ft. minimum tract size, minimum average of 7,200 square feet of lot area per dwelling unit.***
g. Other Allowed Use	25%	40%	20,000 sq. ft.

\* This requirement may be met based upon the total lot area of a development after completion. A condominium form of ownership is specifically allowed.

	Minimum Lot Width at Minimum Building Setback Line (feet)	Maximum Building Height*	Minimum Yards: Front/Each Side/Rear (feet)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	300	35	150/100/150
b. Single family detached dwelling	80	35	25/10/30
c. Twin dwelling	60 per dwelling unit	35	25/10/30
d. Townhouse	20 per dwelling unit**	35	25/10 ends/30
e. Apartments	100	35	25/20/40
f. Other Allowed Use	135	35	50/20/40

- \* Or 3 stories, whichever is more restrictive. See exceptions in Article 8, including for agricultural buildings.
- \*\* Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.
- \*\*\* These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets, or parking courts are used.
  - The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
  - The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space, and stormwater detention basins.
  - See also the applicable standards in Section 402, which may require common open space.

See also Section 315, which may allow higher densities for age-restricted development.

5. **R-5 Medium Density Residential West District.**

	Maximum Building Coverage	Maximum Impervious Coverage	Minimum Lot Area (per dwelling unit for residential uses)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	10%	20%	5 acres
b. Single family detached dwelling without public water and/or public sewage service	20%	20%	43,560 sq. ft (1 acre)
c. Single family detached dwelling with both public water service and public sewage service	25%	40%	9,000 sq. ft.
d. Twin Dwelling, which shall require both public water and public sewage services	40%*	50%*	7,200 sq. ft.
e. Townhouse Dwelling, which shall require both public water and public sewage services	40%*	50%*	Minimum average of 7,200 square feet of lot area per dwelling unit ***, 15,000 sq. ft. minimum tract size.
f. Apartments	40%*	50%*	15,000 sq. ft. minimum tract size, minimum average of 7,200 square feet of lot area per dwelling unit***.
g. Manufactured/Mobile Home Park	40%*	50%*	Section 402 shall apply.
h. Other Allowed Use	25%	40%	20,000 sq. ft.

\* This requirement may be met based upon the total lot area of a development after completion. A condominium form of ownership is specifically allowed.

	Minimum Lot Width at Minimum Building Setback Line (feet)	Maximum Building Height* (feet)	Minimum Yards: Front/Each Side/Rear (feet)
	-----	-----	-----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	300	35	150/100/150
b. Single family detached dwelling	90	35	25/10/40
c. Twin dwelling	60 per dwelling unit	35	25/10 end units/30
d. Townhouse	20 per dwelling unit**	35	25/10 end units/30
e. Apartments	100	35	25/20/40
f. Manufactured/Mobile Home Park	100	35	Section 402 shall apply.
g. Other Allowed Use	135	35	25/20/40

- \* Or 3 stories, whichever is more restrictive. See exceptions in Article 8, including for agricultural buildings.
- \*\* Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.
- \*\*\* These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets, or parking courts are used.
  - The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
  - The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space, and stormwater detention basins.
  - See also the applicable standards in Section 402, which may require common open space.

See also Section 315, which may allow higher densities for age-restricted development.



6. **GS Government Services District.**

	Maximum Building Coverage -----	Maximum Impervious Coverage -----	Minimum Lot Area (per dwelling unit for residential uses) -----
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	20%	25%	5 acres
b. Single family detached dwelling without public water and/or public sewage service	20%	25%	43,560 sq. ft (1 acre)
c. Single family detached dwelling with both public water service and public sewage service	25%	40%	10,000 sq. ft., except minimum of 5,000 sq.ft. of lot area per dwelling unit if the age restriction option of Section 315 is used.
d. Twin Dwelling, which shall require both public water and public sewage services	40%*	50%*	7,200 sq. ft., except minimum of 5,000 sq.ft. of lot area per dwelling unit if the age restric- tion option of Section 315 is used.
e. Townhouse Dwelling, which shall require both public water and public sewage services	40%*	50%*	Minimum average *** of 7,200 square feet of lot area per dwelling unit, except mini- mum of 5,000 square feet of lot area per dwelling unit if the age restriction option of Section 315 is used.
f. Apartments	40%*	50%*	15,000 sq. ft. minimum tract size, minimum average*** of 7,200 square feet of lot area per dwelling unit, except minimum of 3,000 square feet of lot area per dwelling unit if the age restriction option of Section 315 is used.
g. Manufactured/Mobile Home Park	40%*	50%*	Section 402 shall apply.
h. Other Allowed Use	25%	40%	20,000 sq. ft.

\* This requirement may be met based upon the total lot area of a development after completion. A condominium form of ownership is specifically allowed.

	Minimum Lot Width at Mini- mum Building Setback Line (feet)	Maximum Building Height*	Minimum Yards: Front/Each Side/ Rear (feet)
a. Raising of Livestock or Poultry - See also Section 402, which may establish stricter requirements for certain types of uses.	300	35	150/100/150
b. Single family detached dwelling	80	35	25/15/20
c. Twin dwelling	60	35	25/10/20
d. Townhouse	20**	35	25/10 ends/20
e. Apartments	100	35	25/20/40
f. Manufactured/Mobile Home Park	100	35	Section 402 shall apply.
g. Other Allowed Use	135	35*	50/20/50

\* Or 3 stories, whichever is more restrictive, except a maximum height of 6 stories shall apply for apartments that meet the age restriction provisions of Section 315 or nursing homes or personal care centers. See exceptions in Article 8, including for agricultural buildings.

\*\* Except if 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 50 percent of the land area between the front of each townhouse and the right-of-way line shall be used for vehicle parking and driveways.

\*\*\* These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets, or parking courts are used.

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
- The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space, and stormwater detention basins.
- See also the applicable standards in Section 402, which may require common open space.

7. **NC Neighborhood Commercial District.**

Allowed Uses	Minimum Lot Area (sq.ft.)	Minimum Lot Width at Minimum Building Setback Line (feet)	Minimum Yards: Front / Each Side / Rear (feet)	Maximum Building/ Impervious Coverage
a. Allowed Residential Use - The regulation of the R-5 district shall apply instead of the regulations of the NC district.				
b. Other Allowed Use	35,000	130	25 / 20* / 25*	30% / 60%

Notes:

- \* Except a 50 feet minimum building setback shall apply for a non-residential principal building to the lot line of a residential or undeveloped lot in a residential district.

Maximum Building Height - A maximum of 2½ stories or a maximum height of 35 feet, whichever is more restrictive.

8. **I-1 Light Industrial, I-2 General Industrial and EX-1 Extractive Industrial Districts.**

Use Type	Maximum Building Coverage Per Lot	Maximum, Impervious Coverage Per Lot	Minimum Lot Area
a. Allowed Industrial Use	40%	70%	80,000 sq.ft
b. Other Allowed Use	40%	70%	43,560 sq. ft.

Use Type	Minimum Lot Width at Minimum Building Setback (feet)	Maximum Building Height (feet)	Minimum Yards Front/Each Side/Rear (feet)
a. Allowed Industrial Use	250	50*	50 / 25** / 25**
b. Other Allowed Use	200	50*	50/ 25/ 25 **

- Notes: \* Except for Commercial communications towers, which shall meet Section 402.  
 \*\* Except a 50 feet minimum building setback shall apply for a non-residential principal building to the lot line of a residentially zoned lot occupied by a dwelling or that is vacant. This 50 feet minimum setback shall also be increased to 100 feet for an industrial use, and a berm shall be provided between the industrial use and the residentially zoned lot. Such berm shall be landscaped and shall have a minimum height of 5 feet and a maximum 3:1 slope on the residential side. The business side of the berm may utilize retaining walls.

**Additional Requirements for the I-1 Light Industrial, I-2 General Industrial and EX-1 Extractive Industrial Districts:**

1. A written narrative shall be submitted that describes any industrial processes or hazards that may result from the proposed development, and explains safeguards that will be used to minimize hazards and nuisances.
2. All manufacturing operations, other than extractive activities, shall be conducted within an enclosed building.
3. Business storage areas shall not intrude into a required buffer yard.
4. The applicant shall show that vehicle access has been designed to minimize conflicts with any adjacent residential neighborhoods.

5. The operator of a manufacturing use shall cooperate with local emergency providers to provide information needed to plan for potential emergency responses. This shall include contact information and compliance with State notification requirements regarding hazardous materials.

307.B. Condominiums. Uses may be developed in condominium ownership without each dwelling required to be on its fee simple lot, provided:

1. The applicant complies with the State Uniform Condominium Act and/or Planned Communities Act, as applicable, and
2. The applicant proves to the Township that the site layout of the dwellings would have been able to meet all of the dimensional requirements if a condominium arrangement had not been used. For example, for single family detached dwellings, the applicant is required to show that each dwelling could have been placed as proposed and still meet the minimum lot area, minimum yards and all other requirements.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback apply for a permitted detached structure that is accessory to a dwelling shall be 10 feet, except in the following cases:
  - a. The minimum rear setback shall be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
  - b. A side yard setback is not required for a structure from a lot line along which 2 dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
  - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. An unenclosed front porch, stoop or steps may intrude up to 10 feet into the front yard setback.
  - d. If any accessory building or pool is constructed adjacent to a street (such as a rear yard on a lot that is adjacent to a street), then the building or pool shall be separated from such street by a buffer yard with plantings meeting Section 803.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.
4. See also standards in Section 403 for Swimming Pools and for Residential Accessory Structures.

### 308. WETLANDS AND LAKES.

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

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

308.C. Wetland Setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any "wetland."

### **309.SEWAGE AND WATER SERVICES.**

309.A. Central Water Service. If central water service will be provided by a system that is not "public water service," then the applicant shall prove to the satisfaction of the Township that:

1. there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
2. based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

309.B. Central Sewage Service. If central sewage service will be provided by a system that is not "public sewage service," then the applicant shall prove to the satisfaction of the Township that:

1. there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
2. based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.

309.D. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

### **310.STEEP SLOPES.**

310.A. Regrading. Non-man-made slopes of over 25 percent shall not be re-graded prior to the submission of a site plan under this Zoning Ordinance in such a manner that attempts to reduce the slope of the land. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.

310.B. Slopes Over 25 Percent. No portion of a new principal building or an off-street parking area for 4 or more motor vehicles shall be located on a slope greater than 25 percent.

### 311. OPEN SPACE DEVELOPMENT OPTION

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

311. B. Applicability. This Section 311 allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves compliance with all of the requirements of this Section 311 to the satisfaction of the Township.

1. An "Open Space Development" is a residential development that meets the requirements of this Section 311 and is granted approval by the Township as an Open Space Development. An Open Space Development shall only be allowed in zoning districts where the use is listed as allowed in Article 3.
2. Uses. An Open Space Development shall only include the following uses: dwelling types listed as allowed in that district by this Section 311.B., nature preserves, Township-owned recreation, recreation uses that the Township approves to be within the common open space, crop farming, raising and keeping of horses, golf courses, customary keeping of livestock as accessory to crop farming, utilities necessary to serve the development, and customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as an Open Space Development. The Township may also approve other types of livestock and poultry operations on a principal agricultural lot.
3. A tract shall be eligible for approval for an Open Space Development if it includes a minimum of 4 acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
  - a. The amount of Common Open Space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features. Land area of future/ultimate rights-of-way along existing streets may be deleted from the total lot area before calculating the required amount of Common Open Space.
    - (1) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision plan shall not be counted towards the area of the tract in calculating Common Open Space or allowed density.

- (2) See the definition of "Open Space, Common" in Section 201. That definition provides that certain features not count towards Common Open Space.
    - b. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the common open space, such as a golf course or an agricultural use) shall not be included within the land area used to calculate residential density.
    - c. Conservation easements or deed restrictions shall be established on lots as necessary to ensure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 311.
4. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities, provided that there is compliance with the approved development plan and this Section 311.
5. Procedures.
  - a. Applicants are strongly encouraged to first submit a Layout Plan for review by the Township for zoning compliance, before completing detailed fully-engineered preliminary subdivision plans. This two-step process will allow the Township and the applicant to mutually agree upon the common open space and development layout before large sums of money are spent by the applicant on detailed engineering.
  - b. Detailed stormwater, grading, utility, profile and erosion control plans shall not be required at the zoning compliance review stage if such matters will be submitted as part of the subdivision or land development approval process.
6. All provisions of this zoning ordinance and the applicable zoning district shall apply, except for provisions that are specifically modified by this Section 311. For example, lots in an Open Space Development shall comply with any requirements of this Ordinance to delete certain natural features from lot area of individual lots. The following dimensional requirements shall apply, provided that the total maximum density for the tract is not exceeded:
  - a. AC District.
    - (1) Minimum lot area - 1 acre.
    - (2) If the lot includes more than 10 acres prior to subdivision, then a maximum lot area of 2 acres shall apply to all of the lots except one lot, in order to minimize the land consumed by each residential lot. This maximum lot area shall not apply in any of the following situations:
      - (a) for a lot that includes an easement that permanently prevents its use for a dwelling,
      - (b) for a new lot that includes more than 10 acres of lot area,
      - (c) for a lot if the applicant can demonstrate by credible evidence that the area proposed for the lot does not include more than 2 acres of Class I, II and/or III soils, as identified in official Federal soils mapping or a more accurate professional study, or
      - (d) for a lot where additional lot area is needed to improve septic or water supply facilities for the lot, in the determination of the Sewage Enforcement Officer.



- (3) The largest amount of Class I, II and III agricultural soils that is feasible shall be included on one principal agricultural lot.
    - (4) A minimum of 50 percent of the total lot area of the tract prior to subdivision shall be preserved as Common Open Space.
    - (5) See also home siting regulations that apply throughout the AC district in Section 307.A.
  - b. R-2 District - The minimum lot area shall be 1 acre, except it shall be reduced to 15,000 square feet if both central water and central sewage services are provided. The other dimensional requirements are provided in Section 307.A. A minimum of 50 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.
    - (1) A option allowing twin dwellings and/or townhouses shall also be provided if both central water and central sewage services are provided. In such case, the maximum density shall be an average of 1.6 dwelling units per acre across the entire tract, and a minimum of 75 percent of the entire tract shall be preserved as Common Open Space. The individual dwellings shall meet the other dimensional requirements that apply to such dwellings in the R-4 district.
  - c. R-3 District -The minimum lot area shall be 1 acre, except it shall be reduced to 9,000 square feet and a 70 feet lot width if both central water and central sewage services are provided. The other dimensional requirements are provided in Section 307.A. A minimum of 30 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.
    - (1) A option allowing twin dwellings and/or townhouses shall also be provided if both central water and central sewage services are provided. In such case, the maximum density shall be an average of 3.5 dwelling units per acre across the entire tract, and a minimum of 65 percent of the entire tract shall be preserved as Common Open Space. The individual dwellings shall meet the dimensional requirements that apply to such dwellings in the R-4 district.
  - d. See definitions of the areas that may count towards "Open Space, Common" in Section 201.
7. Utilities. Any lot with a lot area of less than one acre per dwelling unit shall be served by Township-approved centralized sewer service and a Township-approved centralized water system. If the water or sewage systems are not publicly owned, the applicant shall provide evidence that there will be adequate safeguards to ensure proper long-term operation, maintenance and financing.
8. Subdivision of Part of a Tract. This subsection "8" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering Common Open Space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the Common Open Space requirement based upon the area of the entire tract.
  - a. The land under the conservation easement shall be a logical shape that is subject to approval by the Township and shall be located where it could adjoin land that would be added as

Common Open Space in the future if the total allowed number of dwellings would be developed.

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

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

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

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

311.D. Common Open Space.

1. Common Open Space. The minimum amount of "Common Open Space" shall be provided, which shall meet the requirements of this Ordinance and the definition in Section 201 of "Open Space, Common."
  - a. The Common Open Space requirements of this Section 311 shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the Township Subdivision and Land Development Ordinance (SALDO), unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed Common Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.
2. Open Space Standards. Required Common Open Spaces shall meet all of the following requirements:
  - a. Common Open Space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Logging shall meet Township requirements and removal of healthy mature trees shall be limited to selective cutting following a Township-approved forest management plan that follows best management practices. Land approved as required Common Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another Township-approved agricultural use.
  - b. Improvements to Open Spaces. Where Common Open Space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
    - (1) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).

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

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

**312. CONSERVATION ALONG CREEKS.**

312.A. Setbacks. No new building (except an accessory storage shed with a floor area of 150 square feet or less), new or expanded vehicle parking, or business outdoor storage shall be located within 75 feet from the center of a perennial creek. A perennial creek shall be defined as a waterway shown as a perennial creek on the U.S. Geological Survey quadrangle maps.

312.B. Standards. To the maximum extent feasible:

1. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the creek; and
2. Existing healthy natural vegetation adjacent to a creek should be preserved.
3. Areas within the setback established by this Section shall be preserved in their natural state, except for: planting of trees and shrubs, erosion control improvements, public recreation improvements and necessary utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise prove difficult.

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

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

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

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

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

313.B. Applicability.

1. The Transfer of Development Rights shall only officially occur at the time of final approval of a subdivision or land development plan or a conditional use approval. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement

on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.

2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Subdivision or Land Development Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property.
  - a. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.
3. The form of the Conservation Easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor and Planning Commission. The term Conservation Easement shall include, but not be limited to, an Agricultural Conservation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the County Agricultural Land Preservation Board may be utilized.
4. A Sending Property shall be within the AC, R-1 or R-2 districts. A Sending Property shall have a minimum lot area of 10 acres.
5. A Receiving Property shall be within the R-2, R-3, R-4 or R-5 districts.
6. The owners of the Sending and Receiving Properties shall voluntarily commit to participate in the Transfer of Development Rights. Once such Conservation Easement is established, it shall be binding upon all current and future owners of the Sending Property. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the Sending Property, unless the Township purchases the Development Rights.
7. Donations or Intermediaries. The right to develop a Sending Property may be purchased by or donated to the Township, a Township Authority, the County or an established incorporated non-profit organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall be established on the Sending Property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property(ies).

313.C. Definitions.

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

313.D. Determination of Density.

1. Yield Plans shall be presented by the applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detailed septic perc tests are not required for such

- sketches, but new septic systems shall not be assumed to be possible in areas with severe soil and slope limitations.
2. Such Yield Plans shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan until it is accurate.
  3. Based upon the Yield Plans, permission to develop the allowed number of dwelling units may be transferred from the Sending Property to the Receiving Property.
    - a. For each dwelling unit that would have otherwise been allowed on the Sending Property, one additional dwelling unit may be approved on the Receiving Property.
    - b. If one or more lots each include less than 1 acre of lot area and are not served by Township-approved central sewage service, such lots shall not be used to transfer density.
    - c. If, for example, the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property.
    - d. The development of the Receiving Property shall still comply with all other requirements of this Ordinance, except for the maximum density, which shall be regulated by this Section.
  4. A partial transfer of the allowed dwelling units shall also be allowed, depending upon the amount of land affected by the permanent Conservation Easement.
    - a. For example, if under current zoning, 5 dwelling units would be possible on the western portion of a lot and 6 dwelling units on the eastern portion, the owner may choose to transfer the right to develop 5 dwelling units by placing a permanent conservation easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
    - b. If only a portion of a lot would be affected by the Conservation Easement, the applicant shall prove that the Conservation Easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.
    - c. Where a conservation easement would be established in phases over time, each phase shall be contiguous with a previous conservation easement, unless the applicant proves to the satisfaction of the Board of Supervisors that there is a valid public purpose for the easement to not be contiguous.
  5. The Receiving Property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted on the Receiving Property, as approved by the Township based upon the Yield Plan.
  6. The development of the Receiving Property shall comply with all other requirements of this Ordinance, except that the following requirements shall be reduced, provided the maximum overall density for the TDR is not exceeded:



- a. For a Receiving Property within the R-2 district, for single family detached dwellings, a minimum lot area of 12,000 square feet and the minimum lot width shall be 90 feet shall apply, provided both central sewage and central water services are provided.
  - b. For a Receiving Property within the R-2 district, for twin or townhouse dwellings, the minimum average lot area per dwelling unit shall be reduced to 12,000 square feet. The twins or townhouses shall otherwise meet the dimensional requirements that apply in the R-4 district.
  - c. For a Receiving Property within the R-3 district, for a single family detached dwelling, the minimum lot area shall be reduced to 9,000 square feet and the minimum lot width may be reduced to 70 feet.
  - d. For a Receiving Property within the R-3 district, for twin or townhouse dwellings, the minimum average lot area per dwelling unit shall be reduced to 9,000 square feet. The twins or townhouses shall otherwise meet the dimensional requirements that apply in the R-4 district.
  - e. For a Receiving Property within the R-4 or R-5 districts, for a single family detached dwelling, the minimum lot area shall be reduced to 6,000 square feet and the minimum lot width may be reduced to 60 feet.
  - f. For a Receiving Property within the R-4 or R-5 districts, for twin or townhouse dwellings, the minimum average lot area per dwelling unit shall be reduced to 6,000 square feet.
  - g. See also the standards for townhouses in Section 402, which require a minimum 20 percent of the tract to be preserved in common open space in most cases.
7. Utilities. To receive a transfer of development rights, any lot that includes less than one acre per dwelling unit on the Receiving Property shall be served by Township-approved central sanitary sewerage service and central water service.
8. The transfer of development rights shall not be combined with reduced lot sizes and other incentives concerning Open Space Development or Traditional Neighborhood Development.
- 313.E. Once a conservation easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors may extend time limits to complete the development of the Receiving Property in response to a written request.
1. If an approved development on the Receiving Property is not completed, the Township may allow a new development application to be submitted to use such transferred number of dwelling units on the same area of land. In such case, the number of additional dwelling units that are allowed shall be added to the number of dwelling units that would be allowed under the Township ordinances in effect at the time of the new development application.
- 313.F. Site Planning Standards. The applicant shall prove that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of the lot. Townhouses shall not have garage doors for two or more motor vehicles facing onto a street at the front of the dwelling. The placement of garages along rear or side alleys or to the rear of the lot with a side driveway is encouraged. No garage with doors facing onto the

street shall be located with a smaller setback from the front lot line along a street than the living quarters of the dwelling.

1. Garage doors shall not make up more than 50 percent of the front street level of the facade of a dwelling. Driveways and off-street parking spaces shall not make up more than 50 percent of the land area of the front yard between the front of a dwelling and the street right-of-way.
2. All streets and alleys shall have a right-of-way, whether public or private. If an alley is built, it shall be maintained by a legally binding property-owner association or other entity that is approved by the Township.
3. To the maximum extent feasible, vehicle parking, carports and garages shall be placed to the rear or side of lots, preferably with rear or side access. For example, the following alternative methods of providing parking are permitted and encouraged:
  - (a) a rear landscaped shared parking court or shared carport structure,
  - (b) a garage placed towards the rear of the lot, with a side driveway that is of minimal width within the front yard and then widens in front of the garage,
  - (c) a detached rear garage or rear individual parking pad or side-entry garage accessed from a rear alley or side street,
  - (d) decks built to extend over garages or over driveways leading to garages, or
  - (e) a landscaped shared parking court connected to a street, provided that parked vehicles do not need to back out onto a through-street and provided that all paving is setback a minimum of 20 feet from any dwelling (other than a front porch).
4. If driveways pass through the front of the lot (such as to reach detached rear garages), then it is encouraged to place driveways of adjacent dwellings immediately adjacent to each other. This would allow the driveway on each lot to be more narrow than would otherwise be possible. However, each property owner shall still be responsible for their own half of the driveway, and each half shall be wide enough to allow a passenger car to travel on each lot. As an alternative, the Township may approve shared driveways with maintenance by a legally binding homeowner association.
5. The Township may require that a 20 feet wide planting area with a naturalistic mix of deciduous canopy trees, flowering trees, evergreen trees and shrubs be planted along the perimeter of the tract where there are concerns about compatibility with the adjacent uses. Such planting area may overlap a rear yard, but shall be free of buildings and fences.
6. Any alleys shall be designed to discourage through-traffic. All streets, whether public or private, shall be constructed following Township road bed specifications for a public street. Any alley shall be constructed with 6 inches of crushed stone, 2 inches of BCBC and 1 inch of binder course, unless a modification is granted by the Board of Supervisors.
  - a. Alleys shall have a minimum paved width of 12 feet if limited to one-way traffic and 14 feet if allowing two-way traffic. Additional width shall be required if any parallel parking is provided. The right-of-way for an alley shall be at least 4 feet wider than the cartway (2 feet on each side of the cartway). An alley shall have adequate sight distance at all corners and intersections of alleys.

7. Architecture. The intent is to have unified and consistent architectural styles, while avoiding monotony. The applicant shall establish legally enforceable provisions controlling the styles of architecture, rooflines, porches and the general types of exterior materials in such a manner as to incorporate the best features of traditional architecture commonly found in boroughs and villages in Pennsylvania, unless the applicant proves to the satisfaction of the Board of Supervisors that a more contemporary architectural design would be appropriate. Such features shall include front porches on most dwellings, landscaped front yards, non-prominent garage doors, varied rooflines and use of masonry on most facades. The emphasis shall be upon sides of a building visible from a street.
  - a. Such provisions shall be approved and sealed by a Registered Architect. The substance of such draft provisions shall be provided to the Township in writing for review at the time of Preliminary Subdivision submission. Such provisions shall be subject to approval by the Board of Supervisors as a condition of Final Subdivision and Land Development approval. Any future substantive changes to the architectural provisions established under this Section shall require approval by resolution of the Board of Supervisors.
  - b. Such provisions shall not be designed to require excessive uniformity in design, nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character. Such provisions shall limit monotony and excessive modernity in architectural design. Standards should also be established for the design of fencing.
  - c. The architectural provisions shall promote varied rooflines, overhangs and/or setbacks along attached dwelling units.
  - d. The architectural provisions shall promote the use of architectural detailing and features, such as decorative porches and cornices.
  - e. The architectural provisions shall address the locations of front doors, particularly to ensure that most dwellings and business uses have a front door facing onto a street at the front of the building.

#### **314. AGE RESTRICTED RESIDENTIAL DEVELOPMENT.**

- 314.A. This Section 314 provides a density bonus for a residential development that is age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note: As of 2007, such provisions were in 42 U.S.C. 3607.) This provision shall not change the allowed dwelling types in the district. This option is available as a by right bonus in any zoning district where the proposed dwelling types are allowed.
- 314.B. In order to be approved by the Township as Age Restricted Residential Development, every dwelling unit (except one dwelling unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one head of household of each dwelling unit shall be age 55 years or older or who is physically disabled as defined by Social Security disability regulations, and 2) no person under age 18 shall live in the dwelling unit for more than 30 days in any calendar year, unless such person has a disability as defined under Federal fair housing regulations. Any violation of such age restrictions shall be a violation of this Zoning Ordinance.

1. In addition, in order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association that has the duty, authority and responsibility to enforce such age restrictions over time. If a household met this requirement at the time of initial occupancy, it shall not be required to move in case of death, divorce or separation of a resident of that same household.

314.C. If an entire residential development is approved under this Section 314, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 20 percent. Alternatively, where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 20 percent under this Section 314. The minimum side yards may also be reduced by 20 percent. A greater bonus may be provided in the regulations of the applicable zoning district.

1. An Age Restricted Residential Development shall meet all other requirements of Township ordinances, including limitations on the housing types allowed in that zoning district.

314.D. This density bonus shall only be approved if the development includes an appropriate system of sidewalks or pathways that is accessible under the Americans With Disabilities Act.