

LOWER PROVIDENCE TOWNSHIP
Montgomery County, Pennsylvania

ORDINANCE #662
(Duly Adopted January 16, 2020)

AN ORDINANCE OF LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTERS 81 (FENCES AND WALLS), 126 (SWIMMING POOLS) AND 143 (ZONING), OF THE CODE OF LOWER PROVIDENCE TOWNSHIP BY REVISING THE SEVERABILITY AND INTERPRETATION PROVISIONS; CREATING A NEW SECTION OF USE DEFINITIONS; RENUMBERING AND REVISING CERTAIN GENERAL PROVISIONS REGARDING LOT AREA REQUIREMENTS, ACCESSORY USES, APPLICATION AND REVIEW PROCEDURES, PROJECTIONS INTO YARDS, AND DESIGN AND DEVELOPMENT STANDARDS; REMOVING GENERAL RESIDENTIAL STANDARDS; REVISING THE USE AND DIMENSIONAL REQUIREMENTS FOR THE R-1, R-2, R-3, R-4, R-5, AND MHP ZONING DISTRICTS; REVISING PROVISIONS CONCERNING NONCONFORMING LOTS; ADDING A PROVISION ON THE ENFORCEABILITY OF CONDITIONS; REVISING SEPARATE PROVISIONS CONCERNING FENCES AND WALLS; AND ELIMINATING SEPARATE PROVISIONS CONCERNING SWIMMING POOLS.

NOW, THEREFORE, it is hereby **ENACTED and ORDAINED** by the Board of Supervisors of Lower Providence Township as follows:

ARTICLE I **TITLE**

Section 143-1 (Title; effective date) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-1. **Title; effective date.**

- A. This chapter shall be known and may be cited as the "Lower Providence Township Zoning Ordinance" and the map hereto attached as the "Township Zoning Map."
- B. The effective date of this chapter is May 8, 1955.

ARTICLE II **SEVERABILITY**

Section 143-2 (Short title) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-2. Severability.

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

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

ARTICLE III INTERPRETATION

Section 143-5 (Effective date) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-5. Interpretation.

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

- A. Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts, or other open spaces; or require a lower height of buildings or smaller number of stories; or require a greater percentage of a lot to be left unoccupied; or impose other more restrictive standards than are required in or under any other statute or ordinance, the regulations made under authority of this chapter shall govern.
- B. Whenever the provisions of any other statute or ordinance require a greater width or size of yards, courts, or other open spaces; or require a lower height of buildings or smaller number of stories; or require a greater percentage of a lot to be left unoccupied; or impose other more restrictive standards than are required by any regulations made under authority of this chapter, the provisions of such other statute or ordinance shall govern.
- C. Whenever any regulations pertaining to a specific use or activity under authority of this chapter impose a different requirement concerning the width or size of yards, courts, or other open space; the height or stories of buildings; the percentage of a lot to be left unoccupied; or other zoning standards than are required for the zoning district or generally required under this chapter, the greater or more restrictive standards shall govern.

- D. This chapter does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances (except those specifically or impliedly repealed by this chapter) nor with any private restrictions placed upon property by covenant, deed, or other private agreement.
- E. Those provisions in Chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence concerned with varying design standards shall not be considered to be in conflict with the provisions of this chapter.

ARTICLE IV DEFINITIONS

The definition of “Residential District” in Section 143-6 (Definitions) of the Code of the Township of Lower Providence is hereby amended to read as follows:

RESIDENTIAL DISTRICT

Includes the R-1, R-2, R-3, R-4, R-5, PFO, and MHP Zoning Districts.

ARTICLE V DEFINITIONS

The following terms and associated definitions are hereby deleted from Section 143-6 (Definitions) of the Code of the Township of Lower Providence:

ACCESSORY BUILDING/STRUCTURE
ACCESSORY USE
AGRICULTURE
AGRICULTURAL OPERATION
AIRPORT
ANIMAL CEMETERY
ANIMAL HUSBANDRY
AUDITORIUM, COMMERCIAL
AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES
AUTO GRAVEYARD
AUTO REPAIR GARAGE
AUTO SERVICE CENTER
BAKED GOODS STORE
BED-AND-BREAKFAST
BETTING USE
BOARDINGHOUSE
BOOKSTORE
BUS SHELTER
CABARET
CAMERA AND PHOTOGRAPHIC SUPPLY STORE
CAMPGROUND

CARE FACILITIES FOR THE AGED
CARPORT
CAR WASH
CEMETERY
CHILD DAY-CARE FACILITY
CHILDREN'S AND INFANTS' CLOTHING STORE
CHRISTMAS TREE FARM or TREE FARM
CLOTHING ACCESSORIES STORES
CLUSTER DEVELOPMENT
COMMERCIAL FORESTRY
COMMERCIAL INDOOR RECREATION
COMMERCIAL OUTDOOR RECREATION
COMMERCIAL USE
COMMUNITY CENTER
CONCENTRATED ANIMAL FEEDLOT OPERATION (CAFO)
CONVENIENCE STORE
CRIMINAL TREATMENT CENTER
CROP FARMING
CULTURAL CENTER
DISTRIBUTION
DORMITORY
DRIVE-THROUGH SERVICE
DUPLEX
DWELLING
EDUCATIONAL USE
ELECTRIC GENERATION
ELECTRIC SUBSTATION
EMERGENCY SERVICES STATION
FAIRGROUNDS
FINANCIAL INSTITUTION
FISH FARMING
FLEA MARKET
FORESTRY, COMMERCIAL
FRATERNITY OR SORORITY HOUSE
FUNERAL ESTABLISHMENT
GARAGE, PRIVATE
GARAGE, PUBLIC
GARAGE, STORAGE
GARAGE "YARD" SALE
GARDEN APARTMENT
GASOLINE FILLING STATION
GOLF COURSE
GROUND-MOUNTED SOLAR ENERGY SYSTEMS
GROUP HOME
HELIPORT
HOBBY SCHOOL OR STUDIO

HOME OCCUPATION
HOSPICE
HOSPITAL
HOTEL
INDUSTRIAL USE
INSTITUTIONAL GROUP LIVING QUARTERS
INSTITUTIONAL USE
INTERMEDIATE CARE FACILITY
JUNKYARD
KEEPING OF PETS
KENNEL
LIFE-CARE FACILITY
LUMBER YARD/BUILDING SUPPLY
MANUFACTURE
MEAT AND SEAFOOD MARKET AND BUTCHER SHOP
MEAT AND SEAFOOD PROCESSING
MEDICAL MARIJUANA DISPENSARY
MEDICAL MARIJUANA GROWER/PROCESSOR
MEDICAL OFFICE OR CLINIC
MINERAL EXTRACTION
MOBILE HOME PARK
MOTOR COURT OR MOTEL
MULTIFAMILY DWELLING
MULTIPLEX
MUNICIPAL USE
NEIGHBORHOOD
NEWS DEALERS AND NEWSSTANDS
NO-IMPACT HOME-BASED BUSINESSES
NURSING HOME
OFFICE
OUTDOOR WOOD-FIRED BOILER
PERSONAL-CARE FACILITY
PERSONAL SERVICES
PHARMACY
PHASE 2 OUTDOOR WOOD-FIRED BOILER
PLACES OF WORSHIP
PLANT NURSERY or LANDSCAPING BUSINESS
PRINTING
PRISON
PRIVATE AIRPORT
PRIVATE HELIPORT
PRODUCE SHOP
PROFESSIONAL IN-HOME OFFICE
PUBLIC AIRPORT
PUBLIC HELIPORT
PUBLIC UTILITY

RACETRACK
RECREATION, PRIVATE OR COMMERCIAL
RECYCLING COLLECTION CENTER
REPAIR SERVICE
RESIDENTIAL ACCESSORY BUILDING OR STRUCTURE USE
RESIDENTIAL USE
RESTAURANT
RESTAURANT, DRIVE-IN
RESTAURANT, FAST-FOOD
RETAIL STORE
RETIREMENT VILLAGE
SATELLITE USE
SELF-STORAGE DEVELOPMENT
SHED, HOUSEHOLD STORAGE
SHOPPING CENTER
SINGLE-FAMILY DWELLING
SINGLE-FAMILY DETACHED
SINGLE-FAMILY ATTACHED
SKILLED NURSING CARE FACILITY
SLAUGHTERHOUSE
SOLID WASTE DISPOSAL FACILITY
SOLID WASTE-TO-ENERGY FACILITY
SOLID WASTE TRANSFER FACILITY
SPECIALIZED RETAIL
STABLE, NONHOUSEHOLD
SUPERMARKET
SWIMMING POOL, PRIVATE
SWIMMING POOL, PUBLIC
SWIMMING POOL, SEMIPUBLIC
TARGET RANGE
TAVERN
TEMPORARY USE OR STRUCTURE
THEATER
TIRE STORAGE, BULK
TOURIST HOME
TOWNHOUSE
TRADESPERSON
TRAILER CAMP OR PARK
TRUCK STOP
TRUCK TERMINAL
TWO-FAMILY UNIT
VEHICULAR USE AREA
VETERINARIAN OFFICE
WAREHOUSE
WHOLESALE
WILDLIFE SANCTUARY

ARTICLE VI

DEFINITIONS

The existing definitions of the following terms in Subsection 143-6.B (Definitions) of the Code of the Township of Lower Providence are hereby amended to read as follows:

DWELLING

A building or part of a building constructed for or intended for occupancy as a permanent residence, containing one or more dwelling units. Travel trailers shall not be considered buildings or dwellings. Housing facilities for rental to transient guests or which are part of a medical, instructional, or religious institution, such as hotels and motels, rooming houses, tourist homes, institutional homes, group homes, hospitals, residential clubs, dormitories, automobile courts, tourist homes, and training centers are not considered dwellings.

MOBILE HOME

A transportable, single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards set by the United States Department of Housing and Urban Development, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. A mobile home may include any roofed addition, such as extra rooms, covered patios, porches, etc. The following shall apply to all mobile home dwellings:

- (1) No more than one (1) mobile home shall be placed on a single parcel, and such mobile home shall be occupied by not more than a single family.
- (2) The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
- (3) Each mobile home shall be placed on a permanent foundation of at least eight (8) poured concrete or masonry pillars set on a concrete base at least eight (8) inches thick. The pillars shall be spaced no spaced no more than ten (10) feet apart with the end piers being no farther than five (5) feet from the ends of the unit. The pillars shall be at least one (1) foot by two (2) feet in size and at least thirty-six (36) inches below grade. Each pillar shall have installed a tie-down ring to which the mobile home shall be secured.

MOBILE HOME PARK

A parcel of land under single ownership which is planned and constructed for the placement of more than one mobile home in compliance with the applicable requirements set forth elsewhere in this chapter concerning such a development.

MODULAR HOME

Any structure designed as a single-family or multifamily dwelling which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for

erection, installation, and/or assembly on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction. The completed unit shall be erected/placed upon a permanent foundation and shall meet the applicable Township Building Codes. A modular home is different from a mobile home, in that it is not designed to be towed or transported and is intended for installation on a permanent foundation.

ARTICLE VII DEFINITIONS

The duplicate definition of “MOBILE HOME STAND” which is not in the alphabetically correct location in Subsection 143-6.B (Definitions) of the Code of the Township of Lower Providence shall be deleted.

ARTICLE VIII DEFINITIONS

A new definition of the term “MANUFACTURED HOME” shall be added to Subsection 143-6.B (Definitions) of the Code of the Township of Lower Providence in the correct alphabetical location and shall read as follows:

MANUFACTURED HOME

A manufactured home constructed in accordance with the provisions of Federal Manufactured Housing Construction and Safety Standards of 1976, as amended. A manufactured home does not represent a mobile home since it is not designed to be towed or transported and is intended for installation on a permanent foundation.

ARTICLE IX USE DEFINITIONS

Two new sections, Section 143-6.1 (Applicability of Use Definitions) and Section 143-6.2 (Use Definitions and Regulations), are hereby added to the Code of the Township of Lower Providence and shall read as follows:

§143-6.1. Applicability of Use Definitions.

- A. Applicability of Regulations. Unless otherwise provided by law or in this chapter, no building or structure shall be constructed, erected, or extended and no structure or land shall be used or occupied except for the purposes permitted in this chapter.
- B. Uses Subject to Other Regulations. Uses permitted by right, by special exception, or by conditional use shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area and height, impervious surface, off-street parking and loading, etc. as are specified in other articles of this chapter. All subdivisions and land developments shall comply with all zoning district regulations within which the site is located whether or not the applicant intends to build presently or in the future.

§143-6.2. Use Definitions and Regulations.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings and regulations herein indicated:

A. ACCESSORY USE

A use which is subordinate, accessory, incidental, and customarily associated with the principal use permitted in the applicable zoning district. The following are specific types of Accessory Uses:

(1) ACCESSORY BUILDING/STRUCTURE, NONRESIDENTIAL

A building/structure that is clearly subordinate, accessory, and incidental to, and customarily associated with, the principal nonresidential building on the same lot and used for purposes of a permitted accessory use. All nonresidential accessory buildings/structures shall meet all of the setback requirements and other regulations applicable to the principal building on the same lot.

(2) ACCESSORY BUILDING/STRUCTURE, RESIDENTIAL

A building/structure that is clearly subordinate, accessory, and incidental to, and customarily associated with, the principal dwelling on the same lot and used for purposes of a permitted accessory use, including the following structures and structures that are very similar in nature: tennis court, basketball backboard and/or court, volleyball court, gazebo, greenhouse, and children's playhouse or play equipment with less than 150 square feet in ground coverage, but not including accessory buildings/structures/uses specifically named in this chapter, such as: bus shelter, carport, household garage, household storage shed, household swimming pool, and solar system. No business shall be conducted in a residential accessory building/structure. Such buildings/structures shall be subject to the following:

(a) No residential accessory building/structure shall be located within the required front yard setback. Ground-mounted solar (GMSES), swimming pools, sport courts, sheds, greenhouses, children's playhouses/play equipment, and other similar structures shall not be located anywhere in the front yard.

(b) Except as otherwise specifically permitted in this chapter, all residential accessory buildings/structures shall meet all of the setback requirements applicable to the principal building on the same lot.

(3) ACCESSORY USES, NONRESIDENTIAL

Nonresidential uses clearly subordinate, accessory, and incidental to, and customarily associated with, the principal nonresidential use on the lot and subject to specific limitations on said uses as may be established in this chapter .

(4) **ACCESSORY USES, RESIDENTIAL**

Residential uses clearly subordinate, accessory, and incidental to, and customarily associated with, the principal residential use on the lot and subject to specific limitations on said uses as may be established in this chapter. The following are specific types of Residential Accessory Uses:

- (a) Accessory building/structure, residential
- (b) Backup generator
- (c) Bus shelter
- (d) Carport
- (e) Garage, household
- (f) Garage/yard sales
- (g) Home occupations
- (h) In-law suite
- (i) Keeping of pets
- (j) Sale of agricultural products
- (k) Shed, household storage
- (l) Short-term rental
- (m) Solar system
- (n) Swimming pool, household

(5) **BACKUP GENERATOR**

Permanent backup generators, used only on a temporary emergency basis, are allowed in all zoning districts as an accessory use.

- (a) In the R1, R2, and R3 zoning districts, generators shall be installed no closer than seven (7) feet to a rear or side property line and shall not be installed in front yards outside of the required building envelope.
- (b) In all other zoning districts, generators shall only be installed within the required building envelope and meet all setback requirements of the principal use.

- (c) No modification may be made to a generator's manufacturer-installed noise reduction mechanisms.

(6) **BUS SHELTER**

A structure consisting of at least two transparent walls, covered by a roof, erected pursuant to an agreement with Lower Providence Township for the purpose of providing shelter to persons awaiting public transportation. All such shelters shall be open to the public and shall be erected along public highways and rights-of-way or upon private property.

- (a) A bus shelter may be located within a public right-of-way, provided:

- [1] The provider of the bus shelter has secured all rights/permission necessary for said use from any governmental entity responsible for the particular right-of-way to be used.
- [2] The bus shelter provider and the Township shall enter into an agreement satisfactory to the Township for, but not limited to, the construction, location, maintenance, signage, advertising, revenue, permits, fees, renewal, and removal of said bus shelter.

- (b) Bus shelters may be located on private property, provided:

- [1] The use of the bus shelter on said private property shall continue to be open to the public.
- [2] The private property owner requests and/or agrees, in writing, that the bus shelter shall be located on its private property and that the private property will remain open to the public for use of the bus shelter.
- [3] The private property owner and the bus shelter provider enter into an agreement with the Township for, but not limited to, construction, location, maintenance, signage, advertising, revenue, permits, fees, renewal, and removal of said bus shelter.

- (c) All bus shelters provided in accordance with the provisions herein shall:

- [1] Have any zoning setback requirements applicable to the specific location of a bus shelter permitted hereunder suspended for the duration of the time the bus shelter remains in said location.
- [2] Said setback suspension shall be specific to the bus shelter and shall not be applicable or extend to any other structure or use on said property.

[3] Said setback suspension shall expire upon the violation of the terms and conditions of the agreement with the Township and/or the removal of the bus shelter.

(7) **CARPORT**

A building intended for the storage of one or more motor vehicles, but which is not enclosed on all sides. If any portion of a carport is attached to a principal or an accessory building, it shall be considered to be part of that building.

(8) **CONCESSIONS**

Concession operations located upon and accessory to parkland, fairgrounds, commercial and private recreation, camp grounds, golf courses, racetracks, auditoriums, and cultural centers. Such operations may include the following: refreshment stands, boat and bicycle rentals, stables for boarding or renting horses, retail stands, and similar activities whenever Township regulations are not preempted by another jurisdiction.

(9) **DRIVE-THROUGH SERVICE**

An establishment where all or a portion of the patrons are served in their motor vehicles. Drive-through service shall be used only in conjunction with a restaurant, pharmacy, or financial institution principal use.

(10) **FAMILY DAY CARE**

A family day care use is a facility, operated as a home occupation, in which care is provided for one (1) or more children, but no more than six (6) at any one time, who are not relatives of the caregiver, and where the child care areas are being used as a family residence.

- (a) Licensing, Approval and Permit Procedures. Prior to the granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with Chapter H, Section 8C, as amended, of the Department of Public Welfare's Social Services Manual by this Department to the Applicant subject to licensure under Article X of the Public Welfare Code, as amended.
- (b) This use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
- (c) A minimum outdoor play area of two hundred (200) square feet of contiguous area shall be provided for each child as a recreational area for the children. This area shall not include any impervious surface or parking areas.
- (d) Family day care uses are only permitted in a single-family detached dwelling.

- (e) If a family day care use is located adjacent to a non-residential use, a parking lot, or on a street classification higher than a residential access street, the outdoor play area must be enclosed by a four (4) foot high fence which is deemed appropriate by the Township. The outdoor play area shall be located to the side or rear of the property.
- (f) No more than one (1) person, other than members of the immediate family residing within the principal dwelling, may be employed in conjunction with this use.
- (g) This use shall be located on a public street.
- (h) Parking standards. In addition to the off-street parking required for a single-family dwelling, at least one (1) additional off-street parking space is required for a non-resident employee and at least one (1) additional off-street parking space is required for up to every three (3) children being cared for by this use.

(11) **GARAGE, HOUSEHOLD**

An accessory building located upon a residential property or a part of a principal residential building used for the storage of motor vehicles of the type and nature permitted in the zoning district and/or for the storage of personal items, sports equipment, tools, and lawn and garden equipment and materials. All of the items stored within a household garage must be owned and used by the owner or tenant of the principal residential use on the same lot.

(12) **GARAGE, STORAGE**

A nonresidential building, not a household or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

(13) **GARAGE/YARD SALE**

The accessory use of any lot for the occasional sale of only common household goods, household furniture, and items of a closely similar character. See Chapter 90, Garage Sales.

(14) **HOME CRAFTS**

Home crafts are business activities, operated as a home occupation, whereby the commodity for sale is completely manufactured by hand and may be sold on the site by the resident craftsman. Home craft uses may include, but are not limited to, the following: artists, sculptors, dressmakers, tailors, and woodworkers; and may include such activities as model making, rug weaving, lapidary work, and furniture making.

- (a) Home crafts involving non-handheld power tools (such as table saws, drill presses, lathes, etc.) are permitted only in conjunction with a single-family detached dwelling.
- (b) No more than one (1) person, other than members of the immediate family residing within the principal dwelling, may be employed in conjunction with this use.
- (c) The outdoor display of the home craft is limited to one (1) finished product.
- (d) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, a home craft use requires at least one (1) additional off-street parking space, as well as at least one (1) additional off-street parking space for any non-resident employee.

(15) HOME OCCUPATION

Any lawful occupation for gain customarily conducted in a dwelling as an accessory use, clearly subordinate to the existing residential use of the property, and subject to specific requirements placed on said uses as may be established in this chapter. All home occupations shall comply with the following:

- (a) A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner of the occupation or in an accessory building located on the same lot as such a dwelling. The home occupation shall be carried on wholly indoors.
- (b) No more than one (1) home occupation is allowed per dwelling unit.
- (c) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause a premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this chapter.
- (d). All commercial vehicles shall be parked on-lot. Off-street parking spaces are not permitted in the front yards. A ten (10) foot driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least ten (10) feet from any property line. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences. The buffer shall include either an evergreen hedge or a solid six (6) foot high wooden or vinyl fence, placed around the perimeter of the parking area.

- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off of the premises.
- (f) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
- (g) A zoning permit shall be required for all home occupations.
- (h) A home occupation shall not include the following: animal hospital, commercial stable or kennel, clinic, hospital, funeral parlor or undertaking establishment, antique shop, tearoom, restaurant, tourist home, rooming/boarding/lodging house, or any other similar use.
- (i) High-Impact General Standards. The following shall apply to all home occupations except for a no-impact home-based business:
 - [1] The maximum amount of floor area devoted to a home occupation shall not be more than twenty-five percent (25%) of the ground floor area of the principal structure or four hundred (400) square feet, whichever is less. At least eight hundred and fifty (850) square feet of the total floor area must remain a residential use.
 - [2] Unless otherwise stated, only members of the immediate family residing within the principal dwelling shall be employed by the home occupation, and no more than three (3) persons, including the resident members of the immediate family, may be employed in conjunction with a home occupation.
- (j) The following are specific types of home occupations:
 - [1] Family day care
 - [2] Home crafts
 - [3] Instructional services
 - [4] No-impact home-based business
 - [5] Personal services
 - [6] Professional in-home office
 - [7] Repair services

[8] Trades business

(16) IN-LAW SUITE

A single, additional, separate dwelling unit, located on the same lot as a single-family detached dwelling unit, and located only within the principal building or a detached household garage on that same lot. The intent of these provisions is to allow for related family members to reside on the same lot in separate dwelling units, but to prohibit the creation of for-profit apartments in districts where multi-family housing is not otherwise permitted. An in-law suite must meet the following requirements:

- (a) An in-law suite shall not be larger than fifty percent (50%) of the total floor area of the primary living area (the living room, dining room, kitchen, one (1) bathroom, and the largest bedroom) of the principal residence on the lot. In no event shall the in-law suite exceed a total floor area of eight hundred (800) square feet..
- (b) An in-law suite may contain separate cooking, sleeping, living, and bathroom facilities.
- (c) Only one (1) in-law suite shall be permitted on a lot. There shall be no changes to the exterior of the residence or garage containing the in-law suit which suggests that this building is anything other than a single-family detached dwelling or a garage, respectively.
- (d) The owner of the property to contain the in-law suite shall execute a written agreement with the Township, which shall be recorded against this property, at the office of the Recorder of Deeds, Montgomery County, that lists all of the zoning requirements contained within this use definition and shall:

[1] Describe the dimensions and location of the in-law suite.

[2] Identify the occupant or occupants of the in-law suite.

- (e) The property owner shall secure a separate zoning permit from Lower Providence Township authorizing the creation/occupancy of the in-law suite.
- (f) The in-law suite shall be limited to, and used by no more than, two members of the same family that occupies the principal single-family dwelling on the same lot.
- (g) The property owner shall submit a statement by January 15 of each calendar year certifying whether the person(s) identified as the persons for

whom the living quarters were initially approved continues to occupy the in-law suite.

- (h) The property owner shall immediately remove all of the separate cooking facilities from the in-law suite at such time as the in-law suite is no longer occupied full time by the person(s) identified as the person(s) for whom the facilities were installed.
- (i) The property owner shall notify the Township within 30 days from the date when the person(s) for whom the facilities were installed discontinues full-time use of the in-law suite.
- (j) The property owner shall surrender the zoning permit issued by the Township at the time of the owner's notification to the Township that the in-law suite is no longer occupied by the person(s) for whom the suit was installed.
- (k) Upon expiration of the zoning permit, the in-law suite shall revert back to its original status as a single-family dwelling unit or garage without the additional living quarters for family members.
- (l) The property owner shall pay all Township permit fees and Recorder of Deeds recording fees at the time of issuance of the zoning permit for the in-law suite.
- (m) The property owner shall be responsible to pay any and all expenses incurred by Lower Providence Township, including reasonable attorney's fees, costs, and expenses incurred for the enforcement of any of the provisions of this use definition and/or the agreement executed hereunder.
- (n) One (1) off-street parking space shall be provided for this accessory use in addition to the required number of residential parking spaces for the single family detached dwelling upon the lot.

(17) **INSTRUCTIONAL SERVICES**

An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The establishment of this home occupation shall not require a room or series of rooms specifically designed for that purpose and shall only take place within the principal dwelling as an accessory use.

- (a) Instructional services involving musical instruments are only permitted in single-family detached dwellings or residential accessory buildings on the same lot.

- (b) No persons shall be employed in conjunction with this use other than members of the immediate family residing within the principal dwelling.
- (c) No more than six (6) students, including the instructor's family members, shall be taught at any one time.
- (d) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, an instructional service use requires one (1) off-street parking space per two (2) students being instructed at any one time. A maximum of three (3) off-street parking spaces are permitted on the lot exclusive of the parking required for the principal residential use.

(18) **KEEPING OF PETS**

Domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include the keeping dogs, cats, small birds, racing pigeons, gerbils, rabbits, honey bees, and other nonpoisonous animals commonly sold in retail pet shops for non-commercial purposes. This use shall also include the keeping of up to two (2) horses or ponies, so long as the property is three (3) acres or larger.

(19) **NO-IMPACT HOME-BASED BUSINESS**

A business or commercial activity administered or conducted as an accessory use within a residential dwelling which is clearly secondary to the residential dwelling use, and which involves no customer, client, or patient traffic (vehicular or pedestrian), in excess of that normally associated with a residential use, and shall not involve any pickup, delivery, or removal activities, to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the principal residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than members of the immediate family residing within the principal dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (c) There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- (d) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.

- (e) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (f) The business activity shall be conducted only within the principal dwelling and may not occupy more than 25% of the habitable floor area.

(20) **OUTDOOR WOOD-FIRED BOILER**

Also known as "outdoor wood-fired furnaces," "outdoor wood-burning appliance," or "outdoor hydronic heaters, water stoves," etc. A fuel-burning device that meets the following requirements:

- (a) Designed to burn or that is capable of burning clean wood or wood pellets made from clean wood or other approved solid fuels;
- (b) That the manufacturer designs or specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
- (c) Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

This definition does not apply to devices or appliances involved in: grilling or cooking using charcoal, wood, propane, or natural gas; cooking or heating within a building used for human or animal habitation such as a stove, furnace, or fireplace; the use of propane, acetylene, natural gas, gasoline, or kerosene to provide heating for construction activities.

It has been determined that air pollution from outdoor wood-fired boilers may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of the Township, and it is hereby declared to be the policy of the Township to regulate and restrict the use of outdoor wood-fired boilers in order to safeguard the citizens of the Township from air pollution. Therefore, outdoor wood-fired boilers that do not meet the Phase 2 requirements are prohibited in all districts, whether as a primary use or an accessory use.

(21) **OUTDOOR WOOD-FIRED BOILER, PHASE 2**

An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pound per million British Thermal Units output or lower and is labeled accordingly and which has a rated thermal output of less than 350,000 BTU per hour. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag. Where Phase 2 outdoor wood-fired boilers are permitted as conditional uses, the applicant shall prove compliance with all of the following standards and requirements:

- (a) The Phase 2 outdoor wood-fired boiler shall be set back at least 150 feet from all property lines, including, without limitation, 150 feet from the street line. The Phase 2 outdoor wood-fired boiler shall have a permanent attached stack with a minimum stack height of 10 feet above the ground that also extends at least two feet above the highest peak or highest point of the roof of any occupied building located less than 150 feet from the outdoor wood-fired boiler.
- (b) The fuel used for the Phase 2 outdoor wood-fired boiler shall be limited to the following, and no other fuel shall be used: clean wood or wood pellets made from clean wood. The following fuel is also permitted when used as a starter fuel or supplemental fuel for a dual-fired boiler: home heating oil, natural gas, or propane.
- (c) The Phase 2 outdoor wood-fired boiler shall not be used or operated between the dates of May 1 and September 30 of any year.
- (d) The Phase 2 outdoor wood-fired boiler shall be used or operated in compliance with all applicable state, local, and federal regulations.

(22) **PERSONAL SERVICES**

A service business established as a home occupation, including, but not limited to, salons, barbershops, and photography studios, which must be conducted in accordance with the following:

- (a) This use shall only be established in a single-family detached dwelling or an accessory residential building on the same lot.
- (b) Salons and barbershops may be permitted provided no more than two (2) customer chairs are proposed.
- (c) No more than one (1) person, other than members of the immediate family residing within the principal dwelling on the lot, may be employed in conjunction with this use.
- (d) The minimum lot area shall be 25,000 square feet.
- (e) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, a personal services use requires one (1) off-street parking space for each non-resident employee, plus one (1) additional space for each two hundred (200) square feet of floor space used for this use. A maximum of six (6) off-street parking spaces are permitted on the lot, inclusive of the required residential parking.

(23) PROFESSIONAL IN-HOME OFFICE

A professional office is a service-oriented business use conducted within an enclosed area specifically designed for the functional needs of professional services, such as, and similar to, a doctor, dentist, psychiatrist, attorney, accountant, architect, engineer, land surveyor, broker, insurance agent, real estate agent, salesperson, manufacturer's representative, minister, rabbi, or priest. A professional office is a permitted home occupation provided that it complies with the following conditions:

- (a) A professional office shall only be established in a single-family detached dwelling in which the professional resides and restricted to the first floor of the residence.
- (b) No goods or products shall be displayed or sold in conjunction with this use.
- (c) No more than two (2) persons, other than members of the immediate family residing within the principal dwelling on the lot, may be employed in conjunction with this use.
- (d) The minimum lot area shall be one (1) acre.
- (e) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, a professional office use requires one (1) off-street parking space for each non-resident employee, plus one (1) additional space for each two hundred (200) square feet of floor space occupied by this use. A maximum of six (6) off-street parking spaces are permitted on the lot, inclusive of the required residential parking.

(24) REPAIR SERVICE

A repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, and other goods, but not including vehicle, automobile, truck, motorcycle, and boat repairs. This use must be conducted as a home occupation and in accordance with the following:

- (a) Repair service use is only permitted in single-family detached dwellings or in an accessory residential building on the same lot.
- (b) No additional people other than members of the immediate family residing within the principal dwelling on the lot may be employed in conjunction with this use.
- (c) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, this accessory use requires one (1) off-street space per three hundred (300) square feet of floor space occupied by this home occupation.

(25) **SALE OF AGRICULTURAL PRODUCTS**

The retail sales of agricultural products at roadside stands or other structures to the general public when conducted in accordance with the following:

- (a) Sale of agricultural products is an accessory use which shall be clearly subordinate to a primary residential or agricultural use.
- (b) All products sold must be grown, produced or raised on the property, unless the lot size exceeds ten (10) acres, in which case at least fifty (50) percent of the products sold shall be grown on the property.
- (c) The maximum floor area shall be limited to two thousand (2,000) square feet.
- (d) The sale area of agricultural products, or if such sale area is located within a structure, that structure, shall meet the yard and setback requirements for the related primary agricultural use.
- (e) This use shall only be established in conjunction with an agriculture and/or single-family detached dwelling principal use.
- (f) Parking: one (1) off-street parking space for each two hundred (200) square feet of sales area.

(26) **SHED, HOUSEHOLD STORAGE**

A structure or building which is less than 250 square feet and is used only for the storage of lawn equipment and personal items accessory to a residential use. Any other type of use other than storage shall not be allowed within the shed.

(27) **SHORT-TERM RENTAL**

The renting out of one or more rooms in a single-family detached dwelling on a short-term basis, usually through websites such as Airbnb or VRBO. This Short-Term Rental Use is allowed subject to the requirements for a single-family detached dwelling and the provisions listed below.

- (a) Accessory use. This Short-Term Rental Use shall be accessory only to a single-family detached dwelling and shall be allowed only where:
 - [1] The dwelling is the principal building on the property and used by its owner(s) as his/her/their primary residence.
 - [2] The room(s) offered for rent shall be within the principal building and shall not be in an accessory building.

- [3] The owner of the dwelling must be present overnight in the dwelling during the course of the short-term rental.
 - [4] The rental period for a specific occupant(s) shall be less than 15 consecutive nights;
 - [5] The total rental period shall be no more than twenty (20) separate rentals a year.
 - [6] The entire principal dwelling shall not be rented out.
- (b) The owner shall rent out no more than two bedrooms of the dwelling.
 - (c) The owner shall be responsible for any zoning or other ordinance violation(s) committed by any short-term tenant, in addition to the tenant's liability.
 - (d) Application and Permit. The following shall be complied with concerning the application for and issuance of a zoning permit for this accessory use:
 - [1] Contact information for the owner in case of emergencies or violations shall be provided with the application.
 - [2] Along with the permit application, owner/applicant shall provide proof of the applicant's ownership of, and permanent residence of, the property that is the subject of the application. Acceptable proof of permanent residence includes: applicant's driver's license or voter registration or U.S. passport showing the address of the property or other document(s) which the zoning officer determines provides equivalent proof of permanent residence.
 - [3] A zoning permit for this use shall only last one (1) year. The owner/applicant is responsible for renewing this permit in a timely fashion.
 - [4] A zoning permit for this use may be revoked by the Township for any of the reasons listed below. An owner/applicant whose Short-Term Rental Zoning Permit has been revoked pursuant to this subsection shall not be eligible to receive a new zoning permit for this use for one year:
 - [a] The owner is cited for three or more zoning violations by the Township within any 12 month period.
 - [b] The owner is cited by the Township for any single violation of any specific regulation of this accessory use.

(28) SOLAR SYSTEM

An accessory structure meeting the definition of a building integrated photovoltaic (BIPV) system, a solar energy system, or a solar hot water system. The solar system shall be accessory to the principal use on the same lot; and shall be authorized in all zoning districts. A solar system shall be sized and designed to only generate enough power for the principle use it is accessory to. Any solar system shall be subject to any applicable regulation set forth elsewhere in this chapter; and shall comply with the following:

- (a) Solar energy systems accessory to residential uses shall conform to the following regulations.

[1] Ground-mounted solar energy systems (GMSES).

- [a] No GMSES shall be permitted in a front yard.

- [b] All GMSESs shall meet the following setbacks from the property lines:

- i. The side yard setback shall meet the principal use side yard setback requirement for the zoning district the GMSES is located within.
- ii. The rear yard setback shall be equal to the sum of the horizon length of the GMSES measured between the two furthest points along the system's longest side, which are equidistant from the existing grade and the vertical distance of the GMSES measured from the average elevation of the existing grade around the system to the highest point of the GMSES, or the principal use rear yard setback requirement for the zoning district the GMSES is located within, whichever is greater.

- [c] No GMSES shall exceed 20 feet in height, as measured from the average elevation of the existing grade around the system to the highest point of the GMSES.

- [d] No more than 20% of a lot may be covered with a GMSES.

- [e] GMSESs shall be located and/or arranged so that any reflection and/or glare is directed away or buffered from neighboring properties, sidewalks, and roadways.

- [2] Roof-mounted solar energy systems (RMSES), including, but not limited to, solar hot water systems.

- [a] RMSES may include integrated solar panels as the surface layer of the roof structure of a structure on the parcel with no additional apparent change in relief or projection (i.e., BIPV systems), or other types of solar panels, including, but not limited to, separate flush-mounted panels attached to the roof surface.
 - [b] Peaked roof. RMSESs and related equipment/materials installed on the highest roof on the structure shall not project vertically above the peak of the peaked roof to which they are attached.
 - [c] Flat roof. RMSESs and related equipment/materials installed on the highest roof on the structure shall not project vertically more than five (5) feet above the flat roof to which they are attached.
 - [d] Lower roof. RMSESs and related equipment/materials installed on a roof or area of the roof that is lower than the highest roof on the structure shall not project vertically above this highest roof.
 - [e] RMSESs shall be located and/or arranged so that any reflection and/or glare is directed away or buffered from neighboring properties, sidewalks, and roadways.
- [3] Design and installation.
- [a] To the extent applicable, a solar system shall comply with the Pennsylvania Construction Code (Act 45 of 1999), 35 P.S. §7210.101 *et seq.*, as amended, and the applicable regulations adopted by the Pennsylvania Department of Labor and Industry (34 Pa. Code § 401 *et seq.*), as amended.
 - [b] The applicant shall certify that the solar system, including its design, meets all applicable industry standards and all applicable electric utility regulations needed for interconnection.
 - [c] RMSESs and related equipment/materials shall be set back a minimum of three feet from the edge of any roof they are installed on.
- [4] Discontinued use of solar systems.

- [a] Any solar system which has not been active and/or in service for a period of one (1) year or more shall be completely removed by the property owner from the property and properly disposed of, including any and all related equipment/materials.
- [b] The former site of the solar system shall be restored by the property owner to its prior natural condition within six (6) months of the date of removal of the system from the property.

- (b) Solar systems accessory to nonresidential uses shall meet all of the setback requirements and other regulations applicable to the principal nonresidential building on the same lot as the system. These solar systems shall also meet all of the other regulations set forth above applicable to solar systems accessory to residential uses.

(29) **SWIMMING POOL, HOUSEHOLD**

A man-made area with walls of man-made materials constructed or intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests, subject to the following:

- (a) A zoning permit shall be required to locate or construct a household swimming pool. Permit plans shall be submitted to the Township that satisfactorily indicate the location, specific dimensions, area, depth, method of fencing and latching, and method and manner of the emptying of the pool. The issued permit shall indicate the approved method of drainage and fencing. Before any swimming pool is filled with water, the Township shall make a final inspection and issue a compliance certificate.
- (b) The pool shall be illuminated by underwater or exterior lights, or both, provided all exterior lights are located so that the light is neither directed or reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.
- (c) A fence shall be provided in conformance with the Township's Building Code. At a minimum, every swimming pool shall be entirely surrounded by a permanent wire mesh fence or its equivalent; not less than four (4) feet in height; equipped with an automatically closing gate and operating lock that automatically latches. This fence shall be located no closer than five (5) feet from the edge of the pool. An aboveground pool equipped with a deck or platform, however, may have the fence installed on the edge of the deck or platform, so long as it completely surrounds the pool.

- (d) There shall be no cross-connection with a public sewerage system.
- (e) The permanent inlet shall be above the overflow level of the pool.
- (f) Special setbacks:
 - [1] No pool or associated decking/equipment shall be located less than fifteen (15) feet from any property or street line.
 - [2] No pool or associated decking shall be located under any electric power lines (including service lines), and the pool/decking must be located at least ten (10) feet (measured horizontally) from such power lines.
 - [3] No in-ground pool shall be located less than fifteen (15) feet from any cesspool or subsurface sanitary sewer system.
- (g) These regulations apply to all pools, spas, hot tubs, etc., and their appurtenant facilities.

(30) **TEMPORARY USE OR STRUCTURE**

A use or structure which is not to be used for more than 30 continuous days.

(31) **TRADES BUSINESS**

A trades business is a home occupation which uses a residence as the base of operation for a craftsperson or tradesperson, but not including the conducting of any phase of the craft or trade on the property, other than administrative activities. Applicable crafts and trades include but are not limited to: electrician, plumber, carpenter, mason, painter, roofer, and similar occupations.

- (a) This use shall only be established in conjunction with a single-family detached dwelling. The minimum lot area shall be three (3) acres.
- (b) A maximum of three (3) business vehicles may be parked on the property. These vehicles shall be parked to the side or rear of the dwelling unit.
- (c) The area of the office and for the storage of materials and equipment (excluding vehicles) shall not exceed the floor space limitations for home occupations in general.
- (d) No assembling, manufacturing, processing, or sales shall be conducted on the property.
- (e) In addition to the off-street parking spaces required in this chapter for the principal residential use on the lot, a trades business use requires one (1)

off-street space for each business vehicle. A maximum of six (6) off-street parking spaces are permitted on the lot inclusive of the required residential parking.

B. AGRICULTURAL USE

A use involving the cultivating of soil, the raising of livestock, and the harvesting of the products of the soil, including, but not by way of limitation, crop farming, animal husbandry, nursery stock, horticulture, silviculture, aquaculture, and forestry. The following are specific types of Agricultural Uses:

(1) ANIMAL HUSBANDRY

The raising and keeping of livestock, poultry, or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "keeping of pets" accessory use and beyond what is allowed within the definition of "crop farming." Animal husbandry shall not include a CAFO, a slaughterhouse, nor a stockyard used for the housing of animals awaiting slaughter.

(2) COMMERCIAL FORESTRY

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. This term shall not apply to Christmas tree farms.

(3) CROP FARMING

The cultivating, raising, and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, non-household stables, concentrated animal feedlot operations, riding academies, or kennels.

(4) KENNEL

The keeping of more than four (4) dogs or more than six (6) cats, that are older than six (6) months, or the breeding of any number of dogs or cats for compensation or commercial uses. A nonprofit animal shelter is a type of kennel.

(5) STABLE, NON-HOUSEHOLD

Any housing of three or more horses. This may include a commercial or private riding club. The housing of up to two horses shall be considered an accessory use under the "keeping of pets on properties of three (3) acres or more.

C. COMMERCIAL USE

Includes retail sales, offices, professional services, personal services, auto sales, auto repair garages, and other uses of a similar commercial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a retail store commercial use. The following are specific types of Commercial Uses:

(1) **AUTO, BOAT, AND/OR MOBILE/MANUFACTURED HOME SALES**

A building or area, other than a street, used for the outdoor or indoor display, sale, or rental of one or more of the following: motor vehicles, recreation vehicles, boat trailers, farm equipment, motorcycles, trucks, utility trailers, construction vehicles, or boats in an operable condition, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use to a principal auto or boat sales use, provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park or a junkyard.

(2) **AUTO REPAIR GARAGE**

A building and/or land where repairs and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service center." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of transmissions. This use may also include any use described in the definition of "auto service center." The following performance standards shall be met:

- (a) All activities shall be performed within an enclosed building.
- (b) The storage of vehicles, boats, parts, or accessories shall be within an enclosed building or behind an eight-foot high, opaque fence. All stored items shall be fully shielded from view from any adjacent property or roadway.
- (c) The applicant shall provide documentation that any emissions or exhaust levels are acceptable for a residential area.

(3) **AUTO SERVICE CENTER**

A building and/or land where repairs and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is less intense in character than work permitted under the definition of "auto repair garage." This use includes major mechanical work and emissions testing centers, but specifically excludes body work, welding, and painting. This use may also include the accessory sale of gasoline in compliance with the requirements of a gasoline filling station. The following performance standards shall be met:

- (a) All activities shall be performed within an enclosed building.
- (b) The storage of vehicles, boats, parts, or accessories shall be within an enclosed building or behind an eight-foot high, opaque fence located behind the front façade of the principal building upon the property. All

stored items shall be fully shielded from view from any adjacent property or roadway.

- (c) The applicant shall provide documentation that any emissions or exhaust levels are acceptable for a residential area.

(4) **BAKED GOODS STORE**

A retail store that only sells baked goods. A baked goods store that contains seating for food consumption shall be considered a restaurant use.

(5) **BED-AND-BREAKFAST**

A residential use consisting of one dwelling unit together with more than two rooms that are rented to overnight or weekly guests and where meals are prepared for the guests by the proprietors. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units. This does not include a short-term rental.

(6) **BETTING USE**

A use where lawful gambling activities are conducted, including but not limited to, off-track pari-mutuel betting, horse or dog tracks, bingo parlors, and riverboat gambling. This term shall not include betting under the state lottery programs or betting under the "small games of chance" provisions of state law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a membership club).

(7) **BOARDINGHOUSE**

A residential use in which individual room(s) that do not meet the definition of a dwelling unit are rented for habitation and that does not meet the definition of a hotel, dormitory, motel, life-care center, personal care center, bed-and-breakfast, group home, nursing home, or short-term rental. A boardinghouse may involve the provision of meals to residents.

(8) **BOOKSTORE**

A retail store that sells new and used books. An adult bookstore shall not be considered a bookstore.

(9) **CAMERA AND PHOTOGRAPHIC SUPPLY STORE**

The retail selling of cameras, video devices, and photographic supplies with limited photographic development only.

(10) **CAR WASH**

Automated or self-serve commercial facility for washing, cleaning, and/or detailing of automobiles and light trucks.

- (11) **CHILDREN'S AND INFANTS' CLOTHING STORE**
The retail selling of clothing for children and infants, including coverings for the trunk and limbs as well as coverings for hands (gloves), feet (shoes, sandals, boots), and head (hats, caps).
- (12) **CLOTHING ACCESSORIES STORE**
The retail selling of clothing including coverings for the trunk and limbs as well as coverings for hands (gloves), feet (shoes, sandals, boots), and head (hats, caps). Articles carried rather than worn (like purses and umbrellas) normally count as accessories rather than clothing.
- (13) **CONVENIENCE STORE**
A retail store with limited inventory, that primarily sells routine household goods, groceries, and prepared ready-to-eat foods to the general public. This use may also include the accessory sale of gasoline in compliance with the requirements of a gasoline filling station. A convenience store shall not contain a drive-through accessory use.
- (14) **FINANCIAL INSTITUTION**
An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public and that may include automatic teller machines (ATM). This use may have a drive-through accessory use.
- (15) **FLEA MARKET**
Businesses with short-term or daily rental of stalls, booths, or selling spaces to individual persons for selling used and new consumer merchandise, antiques, art and craft items, and collectibles at retail. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Uses such as garage/yard sales, junk sales, used car sales, thrift shops, and consignment shops are excluded from this definition.
- (16) **FUNERAL ESTABLISHMENT**
An establishment for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, including a funeral home, mortuary, auditorium, retail sales of funeral-related equipment and goods, laboratory, and temporary storage facilities, but not including cemeteries, columbaria, crematoriums, mausoleums, or any other permanent storage facility for remains.
- (17) **GARAGE, PUBLIC**
A building, other than a household or storage garage, one or more stories in height and used solely for the commercial storage of motor vehicles and boats.

(18) **GASOLINE FILLING STATION**

Any area of land, together with structures thereon, used for the retail sales of motor fuel and may include ancillary/accessory services, such as a car wash; the sale, installation, or minor repair/replacement of lubricants, tires, batteries or other automobile accessories; and the routine servicing and minor mechanical repair of motor vehicles, excluding painting, major body, upholstery, and restoration work. In addition, any such use shall meet the following standards:

- (a) All activities, except those performed at fuel or air pumps, shall be performed within an enclosed building;
- (b) Fuel pumps shall be set back at least 25 feet from any ultimate right-of-way; and
- (c) All auto parts and other storage shall be within an enclosed building.

(19) **HOTEL**

A building which provides temporary lodging accommodations, with entry to individual lodging units being made from the interior of the building and with no direct entrance to individual lodging units from the exterior of the building, and which may provide eating facilities, meeting rooms, recreational facilities, and restaurants located within and forming a part of the hotel building.

(20) **LUMBER YARD/BUILDING SUPPLY**

The wholesale/retail sale of construction and building materials, supplies, and accessories. May include the sale of nursery stock, residential outdoor furniture and appliances, and/or residential lawn and garden equipment as an accessory use.

(21) **MOTOR COURT OR MOTEL**

A building or a group of two or more detached or semidetached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, and used for providing overnight or temporary sleeping accommodations for travelers and is suitable for occupancy at all seasons of the year.

(22) **MEAT AND SEAFOOD MARKET AND BUTCHER SHOP**

A retail establishment in which meat, poultry, and fish are sold. The killing of animals or fish onsite shall be considered a slaughterhouse, and thus such activities are not allowed in conjunction with this retail use. All waste material must be disposed promptly and temporarily stored correctly as required by the Township.

- (23) **MEDICAL MARIJUANA DISPENSARY**
A shop or store holding a permit issued by the Pennsylvania Department of Health to dispense medical marijuana and that sells medical marijuana to the ultimate consumer. Other retail sales, other activities, accessory/ancillary uses, and outside storage/display are not allowed as a part of this use nor are they allowed in/on the same structure/property as this use. In addition, the establishment and operation of a Dispensary shall fully comply with the Pennsylvania Medical Marijuana Act (35 P.S. §10231.101 *et seq.*) and the regulations promulgated thereunder, including, but not limited to, Chapters 1141, 1151, and 1161 of Title 28 of the Pennsylvania Code (28 Pa. Code Chpts. 1141, 1151, & 1161).
- (24) **NEWS DEALERS AND NEWSSTANDS**
A place (such as an outdoor stall) where newspapers, magazines, and periodicals are sold. Any material displayed or being sold containing seminude or totally nude pictures or drawings shall be considered an adult bookstore, and thus such activities are not allowed in conjunction with this retail use.
- (25) **PERSONAL SERVICES**
Shops, including but not limited to a barber/beauty shop, hair/nail salon, electrolysis services, tailor, dressmaking, shoe repair, photographer, travel agency, or similar service uses, excluding repair service, dry-cleaning, tattoo, and massage establishments.
- (26) **PHARMACY**
The art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs or cosmetic material. The sale of liquor, wine, and/or beer shall not be allowed in conjunction with this retail use. A pharmacy which displays more than 40% of the gross floor area of the pharmacy in food products normally sold in grocery stores shall be considered a retail store use and not a pharmacy. Excludes a medical marijuana dispensary.
- (27) **PLANT NURSERY or LANDSCAPING BUSINESS**
The indoor and/or outdoor raising of trees, plants, shrubs, or flowers for sale and storage of landscaping equipment, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for interior decoration of homes, such as a Christmas tree farm. A plant nursery or landscaping business with more than three employees shall be considered a retail store use.
- (28) **PRODUCE SHOP**
The retail sale of fresh agricultural products from permanent enclosed structures. Meat, fish, and/or dairy products are not permitted. Outdoor sales area may not exceed 10% of the enclosed retail sales area.

- (29) **REPAIR SERVICE**
Shops for the repair of small engines, appliances, watches, jewelry, firearms, bicycles, and other similar household items.
- (30) **RESTAURANT**
A commercial establishment for the sale and consumption of food and beverages. Drive-in and fast food restaurants are considered separate and distinct uses from a restaurant, in general. The sale of alcoholic beverages must be incidental to the sale and consumption of food.
- (31) **RESTAURANT, FAST-FOOD**
Any restaurant which is characterized by one or more of the following features:
- (a) Orders are placed and received at a central counter.
 - (b) Orders are frequently packaged for takeout.
 - (c) Orders may be consumed at tables or booths within the facility which must be cleared by the customers.
 - (d) Tableside service is not provided.
 - (e) Disposable containers and utensils are used rather than reusable dishes.
 - (f) Contains a drive-through as an accessory use.
 - (g) Customers place and receive their orders without leaving their cars or other motor vehicles.
- (32) **RETAIL STORE**
A use in which merchandise is sold or rented to the general public but does not include the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, restaurant, or other separately defined uses.
- (33) **SATELLITE USE**
A commercial establishment in a shopping center, located independent of other buildings and frequently near the road frontage of the center. These uses are often ancillary to large stores in the center.
- (34) **SELF-STORAGE FACILITY**
A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property. This use may also include an accessory recreational vehicle storage use.

(35) **SHOPPING CENTER**

A use combining three or more satellite uses, retail stores, specialized retail, supermarkets, baked goods stores, bookstores, camera and photographic supply stores, children's and infants' clothing stores, clothing accessories stores, financial institutions, meat and seafood market and butcher shops, pharmacies, produce shops, personal services, repair services, offices, and/or restaurants.

(36) **SPECIALIZED RETAIL**

Retail shops and stores selling gifts, novelties, flowers, books, periodicals, jewelry, apparel, tobacco, toys and crafts and stationery; a hobby shop; excluding antique stores. Stores in excess of 7,500 square feet in a single structure are not included in this use. Adult bookstores are not included in this use.

(37) **SUPERMARKET**

A retail store with more than 10,000 square feet of retail space where food for humans is the primary item being sold.

(38) **SWIMMING POOL, PUBLIC**

A man-made area with walls of man-made materials constructed or intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the general public.

- (a) A zoning permit shall be required to locate or construct a public swimming pool. Permit plans shall be submitted to the Township that satisfactorily indicate the location, specific dimensions, area, depth, method of fencing and latching, and method and manner of the emptying of the pool. The issued permit shall indicate the approved method of drainage and fencing. Before any swimming pool is filled with water, the Township shall make a final inspection and issue a compliance certificate.
- (b) The pool shall be illuminated by underwater or exterior lights, or both, provided all exterior lights are located so that the light is neither directed or reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.
- (c) A fence shall be provided in conformance with the Township's Building Code. At a minimum, every swimming pool or pool complex shall be entirely surrounded by a permanent wire mesh fence or its equivalent; not less than six (6) feet in height; equipped with automatically closing gates and operating locks that automatically latch. This fence shall be located no closer than ten (10) feet from the edge of any pool.
- (d) There shall be no cross-connection with a public sewerage system.
- (e) The permanent inlet shall be above the overflow level of the pool.

(f) Special setbacks:

- [1] No pool or associated decking/equipment shall be located less than twenty (20) feet from any property or street line.
- [2] No pool or associated decking shall be located under any electric power lines (including service lines), and the pool/decking must be located at least twenty (20) feet (measured horizontally) from such power lines.
- [3] No in-ground pool shall be located less than thirty (30) feet from any cesspool or subsurface sanitary sewer system.

(g) These regulations apply to all pools, spas, hot tubs, etc., and their appurtenant facilities.

(39) **SWIMMING POOL, SEMIPUBLIC**

A man-made area with walls of man-made materials constructed or intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a household or public swimming pool. This includes a pool that serves only residents of a development or members of a club, and their occasional guests.

- (a) A zoning permit shall be required to locate or construct a semipublic swimming pool. Permit plans shall be submitted to the Township that satisfactorily indicate the location, specific dimensions, area, depth, method of fencing and latching, and method and manner of the emptying of the pool. The issued permit shall indicate the approved method of drainage and fencing. Before any swimming pool is filled with water, the Township shall make a final inspection and issue a compliance certificate.
- (b) The pool shall be illuminated by underwater or exterior lights, or both, provided all exterior lights are located so that the light is neither directed or reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.
- (c) A fence shall be provided in conformance with the Township's Building Code. At a minimum, every swimming pool or pool complex shall be entirely surrounded by a permanent wire mesh fence or its equivalent; not less than six (6) feet in height; equipped with automatically closing gates and operating locks that automatically latch. This fence shall be located no closer than ten (10) feet from the edge of any pool.
- (d) There shall be no cross-connection with a public sewerage system.

- (e) The permanent inlet shall be above the overflow level of the pool.
 - (f) Special setbacks:
 - [1] No pool or associated decking/equipment shall be located less than twenty (20) feet from any property or street line.
 - [2] No pool or associated decking shall be located under any electric power lines (including service lines), and the pool/decking must be located at least twenty (20) feet (measured horizontally) from such power lines.
 - [3] No in-ground pool shall be located less than thirty (30) feet from any cesspool or subsurface sanitary sewer system.
 - (g) These regulations apply to all pools, spas, hot tubs, etc., and their appurtenant facilities.
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- (40) TAVERN
A place where alcoholic beverages are served as at least 50% of the total sales. The sale of food and production of beverages may also occur.
 - (41) THEATER
A building or part of a building devoted to the showing of moving pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.
 - (42) TOURIST HOME
A dwelling in which sleeping accommodations for fewer than 10 persons are provided or offered primarily for automobile travelers for compensation.
 - (43) TRADES
A contractor's storage yard and offices for building trades, such as but not limited to: landscaping, plumbing, electrical work, building construction, building remodeling, woodworking, and roofing.
 - (44) TRUCK STOP
A commercial use that primarily involves providing fuel and other services to tractor-trailer trucks. This use may also involve providing repair services, sale of gifts and various household items, a restaurant, showers, and a motel.
 - (45) VETERINARIAN OFFICE OR ANIMAL HOSPITAL
A building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Treatment of "large animals" includes all types of animals including horses, cows and pigs. Housing of primarily healthy

animals shall be considered a "kennel" and shall meet the requirements of that use.

D. INDUSTRIAL USE

Includes manufacturing, distribution, warehousing, and other operations of an industrial nature, and not primarily of a commercial, institutional, or residential nature. The following are specific types of Industrial Uses:

(1) CONCENTRATED ANIMAL FEEDLOT OPERATION (CAFO)

A lot or facility where at least 50 livestock or poultry animals have been, are, or will be housed, stabled, or confined and fed or maintained for a total of at least 45 days in any twelve-month period, and the animal confinement area does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. A facility housing more than 50 animals shall be considered an industrial use and not an agricultural use. It is not necessary that the same animals are fed or maintained on the lot for the forty-five-day period nor do the 45 days need to be consecutive. For the requirements of having a Pennsylvania Nutrient Management Plan, a CAFO is also defined as where the animal density exceeds two AEUs per acre on an annualized basis. (An AEU being defined as 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit). A CAFO shall only be located within the Industrial District as a conditional use on a tract of land with at least 10 acres. All building(s) where slaughtering takes place shall be located at least 250 feet away from all exterior lot lines and at least 1,000 feet away from any existing dwelling or any boundary of a residential zoning district. This use must meet the buffer requirements for an industrial use.

(2) JUNKYARD

Any land or area used for: the storage of paper, rags, scrap metal, or other junk/debris/waste material; the storage of automobiles, vehicles, equipment, appliances, and other types of machinery not in running condition; and/or the dismantling of such items.

(3) DISTRIBUTION

The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration, and packaging. Specifically, a use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a distribution use. This use shall not include a trucking company terminal.

(4) MANUFACTURE

The making, with substantial use of machinery, of some product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, recycling, distribution, and repair, with

substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, or truck terminal.

(5) **MEDICAL MARIJUANA GROWER/PROCESSOR**

An industrial facility holding a permit issued by the Pennsylvania Department of Health to grow and process medical marijuana and that sells medical marijuana to Medical Marijuana Dispensaries for sale to the ultimate consumer. Retail sales, other activities, accessory/ancillary uses, and outside storage/display are not allowed as a part of this use nor are they allowed in/on the same structure/property as this use. In addition, the establishment and operation of a Grower/Processor shall fully comply with the Pennsylvania Medical Marijuana Act (35 P.S. §10231.101 *et seq.*) and the regulations promulgated thereunder, including, but not limited to, Chapters 1141 and 1151 of Title 28 of the Pennsylvania Code (28 Pa. Code Chpts. 1141 & 1151).

(6) **MINERAL EXTRACTION**

The removal of bulk mineral resources from the surface or beneath the surface of the land using significant machinery. Mineral extraction includes, but is not limited to, the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

(7) **PRINTING**

Shall include printing, publishing, lithographing, photocopying, bookbinding, and similar uses.

(8) **RECYCLING COLLECTION CENTER**

A use for collection and temporary storage of more than 500 pounds of common household materials for recycling but that does not involve processing or recycling, other than routine sorting, baling, and weighing of materials.

(9) **SLAUGHTERHOUSE**

A use involving the killing of animals for the production of food or some other commercial product. Also includes the processing of meat or fish in such a manner as to change its properties with a view to preserving it, improving its quality, or making it functionally more useful. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughterhouse. This shall not include a custom "butcher shop" that does not involve killing of animals (which is a retail sales use).

(10) **SOLID WASTE DISPOSAL FACILITY**

- (a) Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be

required to have all permits required by the state in place prior to initiation of the use: sanitary landfill, solid waste transfer facility, or solid waste-to-energy facility.

- (b) The following uses for the purposes of this chapter shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill, or septage or sludge application.

(11) **SOLID WASTE-TO-ENERGY FACILITY**

A type of solid waste disposal facility that utilizes waste (such as trash, sludge, or any other nonhazardous commercial, residential, or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.

(12) **SOLID WASTE TRANSFER FACILITY**

A type of solid waste disposal facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

(13) **TIRE STORAGE, BULK**

The storage of more than five tires on a lot, except for manufacture or wholesale or retail sales of new tires. All retail or wholesale bulk tire storage sales must be completely conducted indoors to be not considered bulk tire storage.

(14) **TRUCK TERMINAL**

A use involving either a single or a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from and reloaded onto tractor-trailer trucks. This definition shall include large warehouse uses with over 50 truck docks.

- (a) A use that primarily involves loading materials from tractor-trailers onto smaller trucks or smaller trucks onto tractor-trailers shall be considered a distribution use.
- (b) A truck terminal may include the following as clearly accessory uses, if they are closely related to the principal use: repair, washing, refueling, and maintenance facilities for trucks using the terminal; administrative uses for the terminal; and rest facilities for drivers of trucks using the terminal.
- (c) Storage or parking of two or more empty trailers on a single lot that are not associated with any type of specific warehouse or distribution structure on that lot shall also be defined as operating a trucking terminal.

(15) WAREHOUSE

A building or group of buildings containing fewer than 50 loading/unloading docks/areas and used for the indoor storage, transfer, and redistribution of products and materials, including materials owned by third parties that are transported to the site to be unloaded, stored, and subsequently reloaded onto trucks and/or tractor-trailers for delivery to other locations. A related retail use occupying a space constituting less than 5% of the total warehouse space may be included within each warehouse.

(16) WHOLESALE

Sales that primarily involve transactions with other businesses and their agents and not to the general public.

E. INSTITUTIONAL USE

An organization having an educational, social, philanthropic, or religious purpose, such as a hospital, hospice, care facilities for the aged, nursing home, life-care center, assisted living care, church, reformatory, school, college, and university. The following are specific types of Institutional Uses:

(1) ANIMAL CEMETERY

Land or buildings used for the internment or burial of the remains of three or more animals. Burial of up to two animals on a lot shall be a permitted by right accessory use in all districts.

(2) AUDITORIUM, COMMERCIAL

A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances, or sports events, but not a use that meets the definition of a movie theater, adult cabaret, restaurant, drive-in restaurant, or fast-food restaurant.

(3) CARE FACILITIES FOR THE AGED

Institutional facilities that provide support services to the elderly, including personal care facilities, intermediate care facilities, skilled nursing care facilities, nursing homes, and life-care facilities.

(4) CEMETERY

Land or buildings used for the burial only of deceased humans and/or for the cremated remains only of humans.

(5) CHILD DAY-CARE FACILITY

Any of the following, as defined by Pennsylvania Code Title 55, Part V, Subpart D, Article I, Chapters 3270, 3280, and 3290: child day-care center, group child day-care home, or family day-care home.

(6) COMMUNITY CENTER

A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public, residents of a specific development and their occasional guests, or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income persons. This shall not include residential uses.

(7) **CRIMINAL TREATMENT CENTER**

A use, other than a prison, providing living accommodations and treatment facilities for persons needing such treatment because of offenses that are criminal in nature. This shall include, but not be limited to, drug rehabilitation centers, halfway houses for persons recently released from prison, and treatment centers for drunk drivers and juvenile delinquents.

(8) **CULTURAL CENTER**

A building and/or land open to the public which contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial.

(9) **DORMITORY**

A principal or accessory building that includes residential areas occupied exclusively by faculty/staff and/or students/patients of an accredited college or university, state-licensed hospital, or accredited public or private primary or secondary school.

(10) **EDUCATIONAL USE**

Includes any or all of the following institutions of learning:

- (a) **Schools.** Public (including charter schools) and private (including religious, sectarian, nonsectarian, and denominational schools) schools providing primary, elementary, junior high, or high school level education and instruction to both day and boarding students. Does not include child day-care facilities.
- (b) **Institutions of higher learning.** Accredited institutions, including junior colleges, community colleges, four-year colleges, and universities that offer courses of general or specialized study leading to a post-secondary or graduate degree.
- (c) **Trade/vocational schools.** An entity providing instruction in a trade or vocation, such as information technology, carpentry, plumbing, electronics, automobile repair, cosmetology, culinary arts, and other similar activities, leading to a degree or certificate.

(11) **FRATERNITY OR SORORITY HOUSE**

A type of dormitory, regulated as such, which is occupied by organized groups of students currently attending an institution of higher learning, and which is officially recognized as a fraternity or sorority by such institution.

(12) **HOBBY SCHOOL OR STUDIO**

A facility that is primarily intended for teaching, instruction, and practice of a skill, craft, or hobby (i.e., dancing, gymnastics, martial arts, photography, ceramics, music, art, etc.) and does not include viewing or fitness as primary activities.

(13) **HOSPICE**

A facility that provides support services for terminally ill persons, but that does not primarily involve highly skilled medical care. Such use may occur within a hospital, care facilities for the aged, personal care center, or group home. However, if the use involves care of persons with illnesses that can be contagious through the air or casual conduct, the use shall be limited to within a hospital or nursing home.

(14) **HOSPITAL**

A use that involves the diagnosis, treatment, or other medical care of humans that includes care requiring stays overnight and that may also include outpatient care. A medical care use that does not involve stays overnight shall be considered a "medical office or clinic". A hospital may involve care and rehabilitation for medical, dental, or mental health, but shall not include housing of the criminally insane nor primarily involve housing or treatment of persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health-care professions.

(15) **INSTITUTIONAL GROUP LIVING QUARTERS**

Residential living quarters where the residents do not live together as a single housekeeping unit. To be considered a single housekeeping unit, all residents must have common use of and access to all living areas, eating areas, bathrooms, and food preparation and serving areas. Dormitories, barracks, prisons, nursing homes, personal-care homes, life-care facilities for the aged, long-term care areas of hospitals, shelters, wards, juvenile institutions, group homes that meet the above definition, monasteries, convents, and any other similar living quarters that meet the above definition shall be considered an institutional group living quarter.

(16) **INTERMEDIATE CARE FACILITY**

A facility that provides nursing care and related medication or other personal health services on a regular basis to individuals who do not require a degree of care or treatment which a hospital or skilled nursing care facility is designed to provide, but who, because of their mental or physical disability, require hospital or skilled nursing services within the context of a planned program of care and administrative management, supervised on a continuous twenty-four-hour basis in

an institutional setting. Must comply with all state regulations and licensing requirements.

(17) **LIFE-CARE FACILITY**

An age-restricted continuing care development that provides a continuum of accommodations and care, from independent living units to personal care to intermediate care to skilled nursing care to hospice and nursing homes, and enters into contracts to provide lifelong care in exchange for the payment of periodic fees and an entrance fee. Independent living units are dwelling units located within a life-care facility. Must comply with all state regulations and licensing requirements.

(18) **NURSING HOME**

A facility licensed by the state for the housing and intermediate or fully skilled nursing care of four or more persons. Must comply with all state regulations and licensing requirements.

(19) **PERSONAL-CARE FACILITY**

A premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator and who do not require the services of a skilled nursing or intermediate care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, or medication prescribed for self-administration. Sometimes known as an "assisted living facility." Must comply with all state regulations and licensing requirements.

(20) **PLACES OF WORSHIP**

Buildings, such as synagogues, churches, religious retreats, monasteries, seminaries, temples, meetinghouses, and shrines, used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes.

(21) **PRISON**

A correctional or penal institution which persons are required to inhabit by criminal court actions or as the result of a criminal conviction.

(22) **SKILLED NURSING CARE FACILITY**

A premises in which nursing care and related medical or other health services are provided for a period exceeding 24 hours for two or more individuals who are not relatives of the operator, who are not acutely ill or in need of hospitalization but who, because of age, illness, disease, injury, convalescence, or physical or mental infirmity, need such care, including, but not limited to, Alzheimer units and memory care services. Must comply with all state regulations and licensing requirements.

F. **OFFICES.** The following are specific types of Office Uses:

(1) **MEDICAL OFFICE OR CLINIC**

A use involving the treatment and examination of patients by state-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood, or other human materials for medical or dental purposes.

(2) **OFFICE**

A use that involves administrative, clerical, real estate, financial, governmental, or professional operations and operations of a similar character. This use shall not include commercial uses, industrial uses, medical or dental offices, veterinarian offices/animal hospitals, clinics or laboratories, photographic studios, or television or radio broadcasting studios.

G. **RECREATIONAL USE.** The following are specific types of Recreational Uses:

(1) **CAMPGROUND**

A commercial use that is primarily recreational in nature that involves the use of tents, portable toilets, and/or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or by travelers using automobiles, recreational vehicles, bicycles, canoes, rafts, or boats. Also includes the use of tents or cabins for seasonal occupancy or temporary use by organized groups of persons or by private rental purposes. Rental of properties along the Schuylkill River for any type of boat, canoe, or rafting launch or landing shall be considered operating a campground.

(2) **COMMERCIAL INDOOR RECREATION**

A type of commercial recreation use that: a) does not meet the definition of commercial outdoor recreation; and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, rock climbing, and similar uses. This term shall not include any use listed separately as a distinct use by in this chapter, such as a theater.

(3) **COMMERCIAL OUTDOOR RECREATION**

A type of commercial recreation use that: a) has a total building coverage of less than 15%; and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park, outdoor ice skating, and similar uses. This term shall not include any use listed separately as a distinct use by this chapter, such as a target range.

(4) **FAIRGROUNDS**

A use that offers primarily outdoor amusements and activities such as agriculturally and/or horticulturally-related exhibitions and shows, trade shows, boat shows, recreational vehicle shows, temporary tent sales, hobby shows, camping shows, fishing and hunting shows, and firework displays with accessory facilities such as concessions, amusement park rides, commercial games, and

musical concerts. Also includes routine and customary accessory activities on the property of a Township-recognized fire company, such as small games of chance, fundraising breakfasts, and concessions to serve attendees at such events.

(6) **GOLF COURSE**

An outdoor area used for the game of golf, with a minimum of nine holes each requiring a player to hit a ball at least 100 feet. This use may also include a clubhouse (which may include a restaurant, banquet facilities, and/or snack bar), swimming pools, tennis courts, indoor gyms, golf equipment sales, maintenance structures, and similar facilities as accessory uses.

(7) **PARKLAND**

Municipal, county, state and federal parks, including, but not limited to: Audubon Wildlife Sanctuary, Evansburg State Park, and Valley Forge National Historical Park, as well as public lands held for conservation and open space preservation, including open space dedicated to Lower Providence Township or Montgomery County. All parkland is limited to uses of a primarily passive, non-intensive, and non-motorized nature, including, but not limited to, picnicking, walking, running, hiking, bicycling, horseback riding, fishing, ice skating, boating, birdwatching, overnight camping, tennis, basketball, roller hockey, wildlife sanctuary, playground, forest preserve, watershed protection area, and playing fields.

(8) **RACETRACK**

A use primarily involving driving of any type of motor vehicle other than upon driving on a public street, and involving speeds routinely exceeding 40 miles per hour, that involves some element of timekeeping or other competition. Also, covers facilities for the racing of horses or dogs and accessory uses such as restaurants and bars.

(9) **PRIVATE RECREATION**

Indoor and outdoor leisure-time activities that are only open to specific members, guests, or groups connected to the use.

(10) **TARGET RANGE**

An area used for firearm and/or archery shooting practice or competitions.

(11) **TRAILER CAMP OR PARK**

Any land used or designated to be used as parking space for more than one recreational vehicle.

(12) **WILDLIFE SANCTUARY**

A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

H. RESIDENTIAL USE

An existing or proposed dwelling or dwelling unit on a lot. The following are specific types of Residential Uses:

- (1) **DUPLEX**
Two dwelling units on one lot, in a single building, having one wall or floor in common, with yard area on all sides of the building containing the two dwelling units.
- (2) **GARDEN APARTMENT**
A type of multifamily dwelling which is not more than 35 feet in height from the main finished grade level and has direct entrances from the outside to each dwelling unit.
- (3) **GROUP HOME**
A use that meets all of the following criteria:
 - (a) Involves the care of between two and 20 persons who are not related to each other by blood, marriage, adoption, or formal foster relationship;
 - (b) Involves the care of persons who need non-routine support services and oversight in order to reasonably function, because of physical illness or infirmity, old age, physical disability, mental illness, mental disability, or emotional disability, but that is not a criminal treatment center.
 - (c) Involves persons residing in a family-like residential environment; and
 - (d) Operates under an applicable license or certification from an appropriate state or county agency.
- (4) **MOBILE HOME PARK**
A track of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.
- (5) **MULTIFAMILY DWELLING (APARTMENT BUILDING)**
A freestanding residential building of three or more dwelling units, with common walls and floors, constructed on one lot. The dwelling units shall be solely accessed from interior hallways or lobbies, except for balconies or patios shall be allowed as secondary accesses. The dwellings shall have a minimum size of 750 square feet. The yard area or open space upon the lot shall be available for the common use of all the dwelling units.
- (6) **MULTIPLEX**
Three or more dwelling units on one lot, attached side by side, back to back, top to bottom, or side to back, so that at least two intersecting exterior walls of each unit remain unattached. Each dwelling unit shall have one or more common walls

with at least one other dwelling unit. There shall be yard areas or private open space on at least two intersecting exterior sides of each dwelling unit and on all sides of the building containing all of the dwelling units.

(7) OSR OPEN SPACE RESIDENTIAL DEVELOPMENT

- (a) Intent. The primary purpose of this use is to provide alternative zoning standards that will allow and encourage preservation of significant amounts and types of open space and historic resources in the more rural areas of the Township while permitting residential development in the form of small, compact neighborhoods of single-family detached homes in an open space setting. Specific objectives are as follows:
 - [1] Preserve and protect open space and historic resources, including areas containing attractive and/or environmentally significant natural features, such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
 - [2] Locate and design residential neighborhoods to preserve scenic views and elements of rural character, allow direct access to open space, provide privacy and neighborhood identity, and reduce the perceived intensity of development by minimizing views of new development from existing roads.
 - [3] Provide greater design flexibility and efficiency in the siting of services and infrastructure by reducing the length of roads, utility runs, and the amount of paving required for residential development.
 - [4] Create new woodlands through natural succession and reforestation where appropriate; encourage the preservation and improvement of habitat for various forms of wildlife; and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
 - [5] Implement the objectives of the Township's Comprehensive Plan and Park and Recreation Plan by providing open space for active or passive recreation for use by residents of these developments.
- (b) Eligibility criteria. Subdivisions may be developed under the OSR Use in the R-1 and R-2 Districts only, when authorized by the Board of Supervisors as a conditional use. Land within these districts must meet the following eligibility requirements, as well as the conditional use application procedures outlined in this chapter.

- [1] Minimum net tract area: 10 acres.
 - [2] Minimum required open space: 50% of the site shall be suitable for open space and shall be permanently set aside as open space.
 - [c] Sewer and water. Public sanitary sewers and public water shall serve the site or other centralized facilities, acceptable to the Board of Supervisors, shall be used, subject to the approval of the DEP and the Montgomery County Health Department.
 - [4] Ownership. The site to be developed shall be in single ownership or shall be the subject of an application filed jointly by all owners of all tracts, who shall stipulate that all tracts will be developed in accordance with a unified, approved plan.
 - [5] Dwelling type. Single-family detached houses only.
- (c) Site plan requirements. The initial application shall include a site plan meeting the requirements of Chapter 123, Subdivision and Development of Land, for preliminary plans. The required site plan shall also demonstrate compliance with the provisions and intent of this use, other applicable standards of this chapter, as well as with the open space residential design standards in Chapter 123, Subdivision and Development of Land. The site plan shall also include the following:
- [1] Developable area plan. A developable area plan shall identify those parts of the site that are developable and those that are not and it shall be used as the basis for determining the maximum numbers of lots or dwelling units permitted in compliance with the standards set forth within this use definition. Once the developable area is determined, a yield plan must be drawn under the standards found in Subsection (4) below. The developable area plan shall delineate and identify the following features of the site which shall not be included in the developable area, drawn to preliminary plan accuracy, and shall also label the acreage of each identified feature.
 - [a] Floodplains and floodplain boundaries (per elevation survey or otherwise in accordance with the floodplain regulations set forth in this chapter).
 - [b] Jurisdictional wetlands and wetland boundaries (determined by a qualified expert).
 - [c] Water bodies.

- [d] Steep slopes, which are to be regulated in accordance with Steep Slope Conservation District of this chapter.
 - [e] Legal rights-of-way of streets within or bordering the site.
 - [f] Portions of the site that are or were used for other purposes that render those areas not developable (e.g., quarries, existing development that will remain on the property).
 - [2] Identification of scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract. Scenic views and roads are identified in the 1995 Lower Providence Open Space Preservation Plan.
 - [3] Brief descriptions of the historic character of buildings and structures, if applicable.
 - [4] All residential lots shall be grouped and designed according to the open space residential design provisions of Chapter 123, Subdivision and Development of Land, of the Township Code.
- (d) Site capacity and bonus provision for OSR development. The number of lots permitted under the OSR Development Use shall be equal the number of residential lots permitted under the yield plan, as well as any possible use of bonus provisions.
- [1] A yield plan, showing the maximum number of lots that could be developed in accordance with the underlying zoning district(s), shall be prepared for the site proposed for subdivision. This yield plan shall be drawn on a copy of the developable area plan and shall be equivalent to a preliminary plan submitted under Chapter 123, Subdivision and Development of Land, of the Township Code for regular subdivision approval; shall meet all requirements of the underlying zoning district(s), the net lot area calculation, and all other applicable standards of Chapter 123, Subdivision and Development of Land, and this chapter; and must be deemed acceptable to the Lower Providence Township Board of Supervisors, in consultation with the Township Engineer.
 - [a] The number of residential lots permitted under the yield plan shall be multiplied by 1.2 and rounded up to the next whole number for all sites between 10 acres and 19.99 acres in order to determine the number of lots permitted under this use.

- [b] If the site size is 20 acres or over, the number of residential lots permitted under the yield plan shall be multiplied by 1.1 and rounded up to the next whole number in order to determine the number of lots permitted under this use.
- [c] The original number of residential lots permitted under the yield plan may be multiplied by 1.2 and rounded up to the next whole number if an applicant should provide significant assistance to Lower Providence Township for regional transportation improvements listed in the Act 209 Transportation Study of Lower Providence Township. Such assistance will be above and beyond that which is currently required by the Township Transportation Impact Fee Ordinance.
- [d] When a site has both the R-1 and R-2 Districts as underlying zoning designations according to the Zoning Map of the Township, the yield plan must be designed to the requirements of the underlying zoning for each zone. The yield shall be the cumulative total yield as determined for each of the underlying districts.
- [e] Compliance with the standards of these cluster subdivision provisions does not guarantee that the maximum number of dwelling units will be achievable in all cases. The applicant's ability to develop the maximum number may be reduced as a result of the applicant's choices of dwelling styles, building and/or lot sizes, natural constraints of the development site, or other factors.

(e) OSR Dimensional standards. Dimensional standards for single-family detached dwellings shall be as follows:

	R-1 District	R-2 District
Minimum tract size (gross acres)	10 acres	10 acres
Minimum common open space	50%	50%
Minimum net lot size	15,000 sq. ft.	10,000 sq. ft.
Minimum lot width	90 feet	75 feet
Minimum front yard	25 feet	25 feet
Minimum side yard – each side	15 feet	15 feet
Minimum rear yard	40 feet	40 feet
Maximum building coverage (percent of lot area)	20%	25%
Maximum impervious surface coverage (percent of lot area)	35%	40%
Maximum building height	35 feet	35 feet

- (f) Open space residential design standards. All residential lots shall be grouped and designed according to the open space residential design provisions of Chapter 123, Subdivision and Development of Land, of the Township Code.
- (g) Estate lots. An "estate lot" is a large, privately owned lot containing all or part of the open space required as a part of the OSR Use and an existing dwelling unit or structure of historic significance. The purpose of the estate lot is to provide surrounding residents with visual access to open space while keeping the land under private ownership and maintenance. Only a small portion of the estate lot may be developed; the remainder may be farmed or left in its natural state. Public access to estate lots is not required. Any proposed estate lot within an OSR development must adhere to the following standards:
 - [1] The proposed estate lot within the OSR site must contain a principal historic structure identified or determined as such by one or more of the following: the Township's Comprehensive Plan, the Township Board of Supervisors as a structure of local or regional significance and/or character, a listing on the National Register of Historic Places, or being built before 1940.
 - [2] Each estate lot shall be have a minimum lot size of two (2) acres. Only a maximum of one acre of the estate lot may be developed. Such development shall only consist of a new dwelling unit, if one does not already exist upon the lot and/or accessory uses for the dwelling unit on the lot. The remainder of the estate lot must remain undeveloped in accordance with the open space standards set forth in Subsection (8) below and may be used to meet the open space requirement of this Use. This developable area must contain the historic structure.
 - [3] The historic structure on the estate lot must be preserved.
 - [4] If the historic structure on the estate lot is not a dwelling, the one acre developable area of the estate lot that may be developed with a new single-family detached dwelling unit under the cluster standards for one additional lot and all related accessory buildings and structures, paved areas, lawns, and gardens, etc.
 - [5] A declaration of covenants, easements, conditions, and restrictions shall be place upon each estate lot requiring the preservation and future maintenance of the historic structure and open space areas and prohibiting the further subdivision of this lot.

- [6] Any dwellings on estate lots shall not be counted toward the maximum density permitted on a site.
 - [7] New dwellings on estate lots shall be sited in accordance with the open space standards set forth in Subsection (8) below. Specifically, dwellings shall not encroach on environmentally sensitive areas and should not infringe upon scenic views from exterior roads or from other housing units.
 - [8] Every estate lot must abut other open space within the development, if any.
- (h) Open space standards. The portion of the site that is required to be set aside as open space shall meet the following standards:
- [1] Permitted uses. The following uses are permitted in the open space areas:
 - [a] Conservation of open land in its natural state (including woodland, fallow field, or managed meadow).
 - [b] Passive recreation, including but not limited to trails, picnic areas, community gardens, and lawn areas.
 - [c] Active recreation, as may be approved by the Board of Supervisors.
 - [d] Municipal water and sewer facilities, if placed underground.
 - [e] New easements for drainage, access, utilities, and other public purposes.
 - [f] Stormwater management facilities for the proposed development or for a larger area in compliance with a watershed stormwater management plan (adopted in accordance with Act 167); provided, however, that such stormwater management facilities, in total, shall not occupy more than one-third of the required open space and are either underground or naturalized.
 - [2] Prohibited activities. The following activities are prohibited in open space areas:
 - [a] The use of motor vehicles, except within approved driveways and parking areas. Maintenance, law

enforcement, and emergency vehicles are permitted, as needed.

- [b] The cutting of healthy trees; regrading; topsoil removal; or altering, diverting, or modifying water courses or bodies, except in compliance with a land management plan that conforms with the customary standards of forestry, erosion control, and engineering, as determined by the Board of Supervisors.

- [3] Location and design. Open space areas shall be located and designed in accordance with the following standards:

- [a] Open space buffer. All open space areas shall meet the following additional setback requirements:

- i. From the ultimate rights-of-way of feeder or higher classification external roads: 100 feet.
- ii. From all tract boundaries: 50 feet.
- iii. From active recreation areas such as courts or playing fields: 50 feet. (Buffer only applies if active recreation facilities are dedicated to the Township as a public park.)

- [b] Open space siting and design. All open space areas shall meet the following requirements:

- i. All open space areas along roads shall be landscaped according to the OSR standards of Chapter 123, Subdivision and Development of Land, in order to preserve scenic views and integrate the neighborhood into the surrounding landscape unless, existing vegetation is present and deemed to be suitable by the Board of Supervisors.
- ii. Comply conceptually with the recommendations of the Lower Providence Township Recreation Plan, where specified.
- iii. Maximize common boundaries with open space areas on adjacent tracts.
- iv. Provide safe and efficient pedestrian and maintenance access. If individual lots do not have

direct access to common open space, then at least one centrally located access point per neighborhood shall be provided with a minimum width of 25 feet.

[4] Ownership and maintenance. Open space and appurtenant facilities shall be owned and maintained according to the following provisions:

[a] The open space and appurtenant facilities shall be owned by one or more of the following organizations, as approved by the Board of Supervisors:

- i. Fee-simple dedication to the Township, although the Township need not accept the offer of dedication.
- ii. A condominium association.
- iii. A homeowners' association.
- iv. A private conservation organization.
- v. Private ownership with the recordation of restrictive covenants and easements to the benefit of the Township and/or the County.

[b] Unless otherwise agreed to by the Township, the cost and responsibility of maintaining open space and appurtenant facilities shall be borne by the owner of this property and/or facilities. If the facilities are not properly maintained by the owner, the Township may assume responsibility of maintenance and charge the owner a fee which covers maintenance costs, administrative costs, and penalties.

(8) SINGLE-FAMILY, ATTACHED

A freestanding residential building containing more than one dwelling unit which may or may not have common walls or floors and is constructed on one lot or adjacent lots; with each dwelling unit having direct entrance from the outside and having yard or private open space assigned for the exclusive use of the occupants of the dwelling unit located immediately adjacent to the unit. Duplexes, multiplexes, townhouses, and twins are all types of single-family attached uses.

(9) SINGLE-FAMILY, DETACHED

A freestanding residential building containing only one dwelling unit constructed on one lot and having yard area on all sides of the dwelling unit. Mobile, manufactured, and modular homes can be constructed/erected/installed on a lot as

a single-family detached dwelling so long as all of the applicable regulations for such a dwelling are met.

(10) TOWNHOUSE

Three or more dwelling units on one lot or adjacent lots, attached side by side so that each unit has one or two common walls and at least two exterior walls, and with yard area or private open space on at least two sides of each dwelling unit and on three sides of the end units of each building. Each unit shall have its own, separate outside entrance. No side yard setback is required from the common property boundary between individual dwelling units within the same building.

(11) TWIN

Two dwelling units on two adjacent lots, attached side by side, having one common wall, with yard area on at least three sides of each dwelling unit and on all sides of the building containing the two dwelling units. No side yard setback is required from the common property boundary between individual dwelling units within the same building.

I. UTILITY AND GOVERNMENTAL. The following are specific types of Utility and Governmental Uses:

(1) AIRPORT

An area of land or water which is designated, used or intended to be used for the landing and takeoff of motorized aircraft weighing more than 250 pounds each, and any related aircraft support facilities such as for maintenance, refueling, and parking. This use is not intended to regulate the non-routine emergency landing and takeoff of aircraft to pick up seriously injured or ill persons. There are two types of airports:

(a) PRIVATE AIRPORT - An airport limited to a maximum total of 15 flights and/or take-offs in any seven-day period and that is not available for use by the general public.

(b) PUBLIC AIRPORT - An airport that does not meet the definition of a "private airport."

(2) BUS PASSENGER STATION

A location providing public access for the boarding or debarking of passengers on an interstate multi-passenger bus or similar vehicle. Also includes ticketing, fueling, maintenance, and parking facilities; and accessory restaurant and bar uses.

(3) ELECTRIC GENERATION

The production of electricity for distribution within a plant which has received all required state approvals.

- (4) **ELECTRIC SUBSTATION**
An assemblage of equipment for transforming electric power rather than for its generation or utilization.
- (5) **EMERGENCY SERVICES STATION**
A building for the housing of fire, emergency medical, and/or police equipment and for related activities. A private recreation use may be included as an accessory use, if it is a permitted use in that Zoning District. This use may include temporary housing for emergency personnel while on-call.
- (6) **GOVERNMENTAL OFFICE**
Offices housing municipal, state, or federal governmental entities, or the office of an elected governmental official.
- (7) **HELIPORT**
An area of land or water or a surface of a building which is specifically designated, used, or intended to be used for the landing and takeoff of helicopters, and any related aircraft support facilities such as for maintenance, refueling, and parking.. This use is not intended to regulate the non-routine emergency landing and takeoff of aircraft to pick up seriously injured or ill persons. There are two types of heliports:
 - (a) **PRIVATE HELIPORT** - A heliport limited to a maximum total of 10 flights or takeoffs in any seven-day period and that is not available for use by the general public.
 - (b) **PUBLIC HELIPORT** - A heliport that does not meet the definition of a "private heliport."
- (8) **MUNICIPAL USE**
Municipal uses and buildings owned and/or operated by Lower Providence Township, including, but not limited to, administration buildings, police stations, recreational uses and buildings, libraries, water supply facilities, municipal communications facilities, wastewater facilities, road maintenance and equipment facilities, temporary and permanent municipal uses, community centers, community events, and other municipal structures.
- (9) **PUBLIC UTILITY**
A company regulated by the Pennsylvania Public Utility Commission. Cellular communications companies and other companies not defined as a public utility by the Pennsylvania Public Utility Commission shall not be considered a public utility.

(10) **RAILWAY PASSENGER STATION**

A location providing public access for the boarding or debarking of passengers on a commuter or interstate passenger train or similar vehicle that operates upon rails. Also includes ticketing facilities and accessory restaurant and bar uses.

ARTICLE X ZONING DISTRICTS

Section 143-7 (Districts Enumerated) of the Code of the Township of Lower Providence is hereby amended to remove “OSR Open Space Residential Overlay District” from the list of enumerated zoning districts set forth in this Section.

ARTICLE XI. General Provisions

Section 143-14 (Reduction of lot area) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-14. Lot area requirements.

- A. Where a minimum lot area is specified in this chapter, no primary building or use shall be erected or established on any lot of lesser size.
- B. No lot or site shall be reduced in such a way or to such an extent that the area of the lot or the dimensions of required open spaces become smaller than or nonconforming to the applicable requirements set forth in this chapter.
- C. Any real property within the Township which is the subject of a restriction against reduction of lot area, whether by notation or inclusion on a subdivision plan and/or by a deed restriction, or similar instrument or restriction, shall not be reduced in size, or otherwise modified, when such reduction or modification would violate the restriction regardless of the minimum lot areas established within this chapter.
- D. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this chapter nor include any portion of the lot under separate ownership.

ARTICLE XII ACCESSORY USES

Section 143-19 (Accessory uses and accessory buildings/structures; bus shelters) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-19 Accessory uses and accessory buildings/structures.

- A. Nonresidential accessory uses. Nonresidential uses accessory to the principal nonresidential use and meeting the definition of an accessory use shall be authorized in all nonresidential zoning districts subject to any specific limitations on said uses as may be established in the provisions herein applicable to said zoning district.
- B. Nonresidential accessory buildings/structures. All nonresidential accessory buildings/structures authorized in nonresidential zoning districts shall meet all of the zoning district setback requirements and other regulations applicable to the principal building upon the same lot.
- C. Bus shelters shall be a permitted use in all zoning districts, subject to any applicable regulation set forth elsewhere in this chapter.
- D. Solar systems. Solar systems, accessory to the principal use on the same lot, shall be permitted in all zoning districts, subject to any applicable regulation set forth elsewhere in this chapter.
- E. Backup generators. Permanent backup generators, used only on a temporary emergency basis, are permitted in all zoning districts as an accessory use, subject to any applicable regulation set forth elsewhere in this chapter.

ARTICLE XIII GENERAL PROVISIONS

Section 143-20 (Access to public street) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§ 143-20. Access to public street.

- A. Each and every lot shall abut an opened public or private street for at least 50 feet at the right-of-way lines, provided that, in the case of a rear lot, the required abutment along the public street shall be not less than 25 feet for each such lot. The portion of a rear lot required for the access driveway shall not be included in calculating the required front, rear, and side yards or the required lot area.
- B. A lot that only fronts a private street can only be developed and improved if the private street is constructed and improved from the subject lot to the closest opened public street in compliance with the requirements applicable to private streets set forth in chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence. The operation, maintenance, repair, and replacement of such a private street is the sole responsibility of the owners of the lots that front this street, as agreed to by such owners.

- C. A lot that only fronts a paper street can only be developed and improved if the paper street is constructed and improved from the subject lot to the closest opened public street in compliance with the requirements applicable to private streets set forth in chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence. The operation, maintenance, repair, and replacement of such a paper street is the sole responsibility of the owners of the lots that front this street, as agreed to by such owners.

ARTICLE XIV **GENERAL PROVISIONS**

Section 143-22 (Concentrated animal feedlot operations (CAFO)) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-22 **RESERVED.**

ARTICLE XV **GENERAL PROVISIONS**

Section 143-29 (Application and review procedures) of the Code of the Township of Lower Providence is hereby renumbered “Section 143-26”, moved to be placed under “Article III: General Provisions” of the Code of the Township of Lower Providence. The existing text of Section 143-26 shall be amended to read as follows:

§143-26. **Application and review procedures.**

Any subdivision or land development occurring in a residential zoning district (R-1, R-2, R-3, R-4, R-5, and MHP) shall be subject to the application and review procedure set out in Chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence.

- A In the event that an approved subdivision plan contains a combination of two or more housing types (i.e., single-family detached and townhouses), the amount of open space to be provided shall be determined by the higher-density dwelling classification.

ARTICLE XVI **GENERAL PROVISIONS**

Section 143-30 (Projection of awnings, patio covers, patios and decks into yards) of the Code of the Township of Lower Providence is hereby renumbered “Section 143-27”, moved to be placed under “Article III: General Provisions” of the Code of the Township of Lower Providence. The existing text of Section 143-27 shall be amended to read as follows:

§143-27. Projection of awnings, patio covers, patios and decks into yards.

A. Projection of unenclosed awnings, patio covers, patios and decks. Projection of unenclosed awnings, patio covers, patios and decks shall be permitted in all residential districts (R-1, R-2, R-3, R-4, R-5, and MHP) subject to the following provisions:

(1) Front yard intrusion.

- (a) In all residential districts, except the R-4 and R-5 Zoning Districts, unenclosed awnings, patio covers, patios, and decks may project or extend into the front yard setback area a distance not to exceed eight (8) feet beyond the building line; provided, however, that in no event shall any unenclosed awning, patio cover, patio, or deck be closer than 20 feet to the front lot line.
- (b) In the R-4 and R-5 Districts, unenclosed awnings, patio covers, patios, and decks may project or extend into the front yard setback area a distance not to exceed eight (8) feet beyond the building line; provided, however, in no event shall any such extension on any attached residential structure extend or connect to a similar unenclosed awning, patio cover, patio, or deck of an adjoining attached residence.

(2) Rear yard intrusion.

- (a) In all residential districts, except in the R-4 and R-5 Districts, unenclosed awnings, patio covers, patios, and decks may project or extend into the rear yard setback area a distance not to exceed 16 feet; provided, however, that in no event shall any unenclosed awning, patio cover, patio or deck be closer than 20 feet to the rear lot line.
- (b) In the R-4 and R-5 Districts, unenclosed awnings, patio covers, patios, and decks may project or extend into the rear yard setback area a distance not to exceed 16 feet; provided, however, in no event shall any such extension be permitted into any common open space, green space, or landscaping set aside in the original development plan for the residential community. In the case of attached residential structures, no unenclosed awning, patio cover, patio, or deck shall be connected to any other adjoining unenclosed awning, patio cover, patio, or deck.

(3) Side yard intrusion.

- (a) In all residential districts, except the R-4 and R-5 Zoning Districts, unenclosed awnings, patio covers, patios, and decks shall not be located closer than ten (10) feet to any side yard property line.

- (b) In the R-4 and R-5 Districts, unenclosed awnings, patio covers, patios, and decks on any attached residential structure shall not extend or connect to a similar unenclosed awning, patio cover, patio, or deck of an adjoining attached residence and shall not be located closer than ten (10) feet to any side yard property line.
- B. Building coverage. For the purpose of calculating building coverage of any lot in a residential district (R-1, R-2, R-3, R-4, R-5, and MHP), the square footage of any area occupied by any extension of awning, patio cover, patio, or deck into the front, rear, or side yard setback areas shall be included in the total calculation of building coverage and shall otherwise comply with said building coverage regulations contained in this chapter.
- C. Enclosure of projected area. Any awning, patio, or deck which is extended into the front, rear, or side yard setback areas shall not be enclosed, except with insect screening. Open railings at a height not to exceed 40 inches shall be permitted and shall not be considered as an enclosure.
- D. Use as garage/carport/storage shed. Any patio, deck, awning area, or patio cover which is projected into the front, rear, or side yard setback areas shall not be used as a garage, carport, or storage shed.

ARTICLE XVII GENERAL PROVISIONS

Section 143-28 (Design and development standards and requirements) of the Code of the Township of Lower Providence is hereby moved to be placed under “Article III: General Provisions” of the Code of the Township of Lower Providence. The existing text of Section 143-28 shall be amended to read as follows:

§143-28. Design and development standards and requirements

Site development within the R-3, R-4, and R-5 Districts shall be in conformance with an overall plan for locating buildings and structures, providing for safe and efficient circulation of vehicles and pedestrians, preservation and extension of the natural amenities of the site, and providing for the continued maintenance of the land and improvements thereon. The design and the operation and maintenance of the site and improvements with these zoning districts shall meet at least the following minimum standards and requirements:

- A. The architectural character of buildings and structures shall be harmonious.
 - (1) The Township wishes to encourage the creation of visual interest in buildings and to discourage visual monotony due to long, flat building planes. There are many ways to develop visual interest, e.g., wing walls, patios, fences, walls, landscaping, overhanging roofs, projecting rooms from the building face, balconies, detailing, and either vertical and/or horizontal building breaks.. The Township recommends use of any or all of the above methods.

- (2) In order to establish a minimal involvement with aesthetic concerns and to encourage buildings to conform to the surface grade, the following standards are proposed for building breaks. These are not to be considered mandatory or inflexible. However, if the developer does not conform to these standards, he shall demonstrate to the Township's satisfaction what other steps he has taken to alleviate aesthetic monotony and to conform to grade.
 - (a) Vertical breaks: a total break footage of four (4) vertical feet in minimum increments of 16 inches in every 160 horizontal building feet or within three fire walls.
 - (b) Horizontal breaks: a total break footage of eight (8) horizontal feet in minimum increments of 32 inches in every 160 horizontal building feet or within three fire walls. In addition, angles in the building wall of 22° or more will be considered equivalent to an eight-foot break.
- B. Landscaping. The site shall be landscaped in accordance with an overall site landscaping plan providing for at least the following requirements:
 - (1) Screening requirements.
 - (a) When the site to be developed adjoins an area not within the same zoning district, the buffer area of the site shall contain a planted screen to act as a visual barrier unless, upon approval of the Board of Supervisors, equivalent screening is provided by natural areas, topography, or recreational areas. The planted screen shall be composed of plants and trees arranged to form both high-level and low-level screening.
 - (b) The high-level screen shall be composed of a double row of evergreen trees spaced 15 feet apart on center, with the trees in one row offset seven and one half (7½) feet from the trees in the other row, and the rows shall be at least five (5) feet apart. These trees shall be not less than six (6) feet in height at the time of planting and shall be of such species that the expected height at maturity shall be not less than 20 feet.
 - (c) The low-level screen may be any plant materials approved by the Township. Plants shall be not less than two (2) feet in height at the time of planting and spaced at intervals of no more than five (5) feet on center.
 - (2) Any area not used for buildings, structures, paved areas, or screening shall be planted with an all-season ground cover and other landscaping materials in accordance with the landscaping and screening plan. Existing vegetative materials shall be preserved wherever possible.

- C. Lighting in the R-4 and R-5 Districts. The site shall be provided with lighting facilities in accordance with an overall site lighting plan consistent with the light level standards set by the electrical utility company for various conditions of pedestrian and vehicle safety and security. Sites adjoining highways and neighboring properties shall protect such adjoiners from direct glare.
- D. Circulation. A unified circulation system for vehicle and pedestrian use shall be provided in accordance with an overall circulation plan and shall meet the following requirements:
- (1) Dwelling unit location shall correspond to a locator or address system to provide an efficient identification of address location for emergency service or delivery service.
 - (2) Every dwelling unit shall be accessible to the circulation system and be no further than 150 feet from the closest point of servicing by emergency, delivery, and trash collection vehicles. All buildings and structures must be accessible to fire emergency equipment under all weather conditions, and the routes of accessibility must be designed to avoid entrapment of vehicles and equipment and the constraining of fire-fighting operations.
 - (3) All land areas on the site to be used in common by the residents shall be accessible to every dwelling unit by a system of walkways and natural paths as provided for under Chapter 123, Subdivision and Development of Land, of the Code of the Township of Lower Providence.
 - (4) Provisions shall be made for safe and efficient ingress to and egress from public streets and highways without undue congestion or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than 200 feet from the intersection of any two public streets.
- E. Utility systems. All utility lines servicing the development must be placed underground. All utility distribution systems must be acceptable to the selective cutting of service during fire and other emergencies and shall be identified on a plan and furnished to the Township.
- F. Operation and maintenance. The development shall be designed to provide for the normal accouterments and community requirements of household living and property maintenance, including the following:
- (1) Identification of responsible party and the equipment and facilities required for the maintenance and landscaping of buildings and other structures, including storage and maintenance areas.
 - (2) A system for storage and collection of solid waste generated on the site that is consistent with the standards of solid waste management.

- (3) A system for the removal and storage of snow and ice accumulations upon streets, walkways, and parking areas within four hours after the snow has ceased to fall.
 - (4) A system for prevention, reporting, and soliciting of aid in response to the threat of property and person from fire, natural disaster, or criminal intent.
 - (5) A television antenna or receiving system that requires no more than one visible outside antenna per building but is capable of servicing all dwelling units within the building.
 - (6) A storage system for securing personal property that includes consideration of storage needs for immediate use, long-range storage, and ground-level protection of bicycles, perambulators, and similar types of equipment.
- G. No dwelling unit shall be used and no use and occupancy permit shall be issued until it has been adequately provided with both public water and public sanitary sewer service.
- H. Open space.
- (1) Open space, as defined by this chapter, shall be indicated on the site plan and shall conform with the following:
 - (a) A minimum of 20% of the gross site area shall be dedicated as open space, unless a larger area of open space is required by a specific use and/or zoning district. A maximum of 20% of this open space area may consist of floodplain areas.
 - (b) Such land set aside for open space shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location, and topography and shall be subject to the approval of the Board of Supervisors.
 - (c) The developer shall satisfy the Township that there are adequate provisions to assure retention and all future maintenance of such open space areas by maintaining ownership, or by providing for and establishing an organization for the ownership and maintenance of these areas, and such organization shall not be dissolved nor shall it dispose of the open space area by sale or otherwise, except to an organization conceived and established to own and maintain this open space area, without first offering to dedicate the same to the Township. Should the developer or organization retain ownership of the open space area, the following shall be required:
 - [1] A maintenance bond in the amount of 50% of the appraised value of the open space area and all improvements shall be provided to the Township by the developer or organization.

[2] A proof of insurance with liability coverage of \$500,000 per incident and \$1,000,000 aggregate shall be furnished to the Township and renewed annually.

- (d) The area or areas of open space shall be easily and safely accessible for all areas of the development to be served, have good ingress and egress, and have access to a public road. Where access to a public road is by frontage, the frontage shall be a minimum of 50 feet in width. Where access is through easements, a minimum of two (2) easements, each with a minimum width of 20 feet, shall be provided.
- (e) The area or areas of open space should have suitable topography and soil conditions for use and development as a recreation area. Water surfaces and wetlands shall be deleted from the gross area for all calculations.
- (f) Size and shape for the area or areas of open space shall be suitable for development as a park. A guideline is that no single side of a property with a quadrilateral configuration shall amount to more than 40% of the tract's perimeter. An example of an unacceptable piece of land is one that is 30 feet wide and 500 feet long. This guideline does not apply to areas being developed as a bicycle route, pedestrian path, or as a connecting trail to other facilities.
- (g) The proposed open space shall consist of one or more well-placed, adequately sized areas, designed to accommodate the anticipated open space and recreational uses, rather than divided up into numerous smaller parcels with minimal utility as recreational facilities. A suggested guideline is that no area shall consist of less than 40% of the total acreage of the land dedicated or set aside as open space, and in all cases, no open space area shall be less than 5,000 square feet in size. A development or site may contain smaller undeveloped areas, but these areas cannot be counted towards meeting the minimum amount of open space required to be provided under this chapter.
- (h) The area or areas of open space shall, to the greatest extent practical, be easily accessible to essential utilities, including power, water, sewage, and telephone. All of these facilities are placed underground and, no part of them or their supportive equipment shall protrude above ground level, except as approved by the Board of Supervisors.
- (i) Fifty percent (50%) or more of the finished grade of the area or areas of open space to be dedicated or set aside shall have a slope of 3% or less.
- (j) The area or areas of open space shall be compatible with the objectives, guidelines, and recommendations set forth in the Lower Providence

Township Park and Recreation Plan, as amended, and the requirements of Lower Providence Township Recreation Land and Fees, as amended.

- (k) Any design or development of these open space areas shall be done according to current standards established by the National Recreation and Parks Association.
- (2) Should a developer dedicate or set aside a portion of land for open space that fails to meet the quantity and/or quality requirements as outlined elsewhere in this chapter or should the Board of Supervisors determine the land contribution insufficient due to the inclusion of unacceptable parcels of land, as defined in this Section, monetary contributions shall be required to supplement the required land contribution.
- (3) The monetary amount shall be equal to the fair market value of the acreage which the developer has failed to dedicated or set aside, unless the Board of Supervisors has agreed to another process to value this missing open space area. The fair market value shall be determined by an appraisal, conducted by an appraiser selected by the Township and paid for by the developer, of the predevelopment value of the subdivision property. Said contribution shall be made prior to procurement of a building permit, and all money paid to the Township pursuant to this provision shall be kept in a parks and recreation capital revenue fund.

ARTICLE XVIII RESIDENTIAL REGULATIONS

Section 143-29 of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-29 **RESERVED.**

ARTICLE XIX RESIDENTIAL REGULATIONS

Section 143-30 of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-30 **RESERVED.**

ARTICLE XX RESIDENTIAL REGULATIONS

Article IV – Regulations Governing Residential Districts of the Code of the Township of Lower Providence is hereby amended to read as follows:

ARTICLE IV: RESERVED.

ARTICLE XXI

R-1 RESIDENTIAL DISTRICT

Section 143-32 (Use regulations) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-32. Use regulations.

A building or group of buildings may be erected or used and a lot may be used or occupied for any one of the following uses and no other:

A. Uses permitted by right:

- (1) Single-family detached dwelling.
- (2) Agriculture.
- (3) Telephone utility hub station.
- (4) Golf course and golf clubhouse, excluding a separate driving range and miniature golf course.
- (5) Municipal use, governmental offices, emergency services station, and community center for senior citizens.
- (6) Parkland.
- (7) Elementary schools subject to the following additional requirements:
 - (a) The proposed use shall be served by public water and sewer facilities.
 - (b) No outdoor play areas shall be located closer than 75 feet to any property or street line, and outdoor play areas shall be fenced and sufficiently screened to protect the neighborhood from excessive noise and other disturbances. Outdoor play areas include playgrounds and ball fields for group activity.
- (8) Residential accessory uses, buildings, and structures. The following residential accessory uses, buildings, and structures are allowed by right on a lot with a residential or agricultural principal use in accordance with the applicable requirements of this chapter:
 - (a) Accessory buildings/structure, residential.
 - (b) Backup generator.
 - (c) Bus shelter.

- (d) Carport.
 - (e) Garage, household. No more than one detached household garage is allowed upon a lot.
 - (f) Garage/yard sales.
 - (g) Home occupation.
 - (h) In-law suite.
 - (i) Keeping of pets.
 - (j) Sale of agricultural products.
 - (k) Shed, household storage. One household storage shed shall be permitted with a five (5) foot setback from the rear and/or side yard property lines, provided said shed or said structure shall not exceed 12 feet in height, as measured from the lowest point in the grade at the entrance to the structure to the highest peak of the roof ridge.
 - (l) Short-term rental.
 - (m) Solar system.
 - (n) Swimming pool, household.
 - (o) Temporary use or structure.
- (9) Nonresidential accessory uses, buildings, and structures. The following nonresidential accessory uses, buildings, and structures are allowed by right on a lot with a nonresidential principal use in accordance with the applicable requirements of this chapter:
- (a) Nonresidential accessory buildings and/or structure.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Solar system.
 - (e) Temporary use or structure.

B. Uses permitted as a special exception when approved by the Zoning Hearing Board:

- (a) Hospital or sanatorium, and religious or philanthropic use, excluding prisons.
 - (b) Private recreation or wildlife sanctuary.
 - (c) Any public utility use other than an airport, public heliport, railway passenger station, or bus passenger station.
- C. Uses permitted as a conditional use when approved by the Board of Supervisors:
- (1) Open Space Residential (OSR) Development (See §143-6.2 Use Definitions and Regulations).
 - (2) A single Phase 2 outdoor wood-fired boiler, provided the standards for conditional uses and Phase 2 outdoor wood-fired boilers set forth elsewhere in this chapter are met.
 - (3) Concessions, subject to the following additional requirements:
 - (a) Concessions shall be buffered from residential districts or uses and shall not use amplified sound.
 - (b) Concessions shall be located at least 500 feet from any residential property line.
 - (c) Concessions shall be located to prevent, or at a minimum, minimize, the vehicular traffic created by them from going through residential neighborhoods to reduce traffic hazards in these neighborhoods.
 - (4) All educational institutions, other than elementary schools, along with dormitories, cafeterias, and other accessory uses customarily incidental to an educational institution; all subject to the following additional requirements:
 - (a) The proposed use shall be served by public water and sewer facilities.
 - (b) The proposed use shall have direct access to a feeder or higher classification street according to the adopted ultimate right-of-way map.
 - (c) The proposed site shall not be subject to any hazard or nuisance such as toxic matter, flooding, excessive noise or odor, as determined by the Board of Supervisors.
 - (d) The proposed site shall not require extensive cut or fill on the building site.

- (e) No outdoor play areas shall be located closer than 75 feet to any property or street line, and outdoor play areas shall be fenced and sufficiently screened to protect the neighborhood from excessive noise and other disturbances. Outdoor play areas include playgrounds and ball fields for group activity.

ARTICLE XXII R-1 RESIDENTIAL DISTRICT

Section 143-33 (Area, setback, bulk, height and parking requirements) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-33. Area, setback, bulk, and height requirements.

A. Dimensional and area requirements for individual lots shall be as follows:.

	Agricultural Uses	Residential Uses*	Institutional, Recreational, Municipal, & Utility Uses	All Golf Courses
Minimum lot area	5 acres	65,000 sq. ft.	2 acres	130 acres**
Minimum lot width	250 feet	195 feet	200 feet	250 feet
Minimum front yard	75 feet	50 feet	50 feet	100 feet
Minimum side yard	50 feet	50 feet	50 feet	100 feet
Minimum rear yard	75 feet	60 feet	60 feet	100 feet
Maximum building coverage (percent of lot area)	20%	15%	30%	5%
Maximum impervious surface coverage (percent of lot area)	30%	35%	40%	15%

* Does not apply to OSR Developments.

** The minimum lot size for a 9 hole course or a chip & put course is 70 acres.

B. Building Height. All buildings shall not exceed a maximum height of 35 feet, except as otherwise provided herein.

ARTICLE XXIII R-2 RESIDENTIAL DISTRICT

Section 143-36 (Use regulations) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-36. **Use regulations.**

A building or group of buildings may be erected or used and a lot may be used or occupied for any one of the following uses and no other:

A. Uses permitted by right:

- (1) Single-family detached dwelling.
- (2) Telephone utility hub station.
- (3) Golf course and golf clubhouse, excluding a separate driving range and miniature golf course.
- (4) Municipal use, governmental offices, emergency services station, and community center for senior citizens.
- (5) Parkland.
- (6) Elementary schools subject to the following additional requirements:
 - (a) The proposed use shall be served by public water and sewer facilities.
 - (b) No outdoor play areas shall be located closer than 75 feet to any property or street line, and outdoor play areas shall be fenced and sufficiently screened to protect the neighborhood from excessive noise and other disturbances. Outdoor play areas include playgrounds and ball fields for group activity.
- (7) Residential accessory uses, buildings, and structures. The following residential accessory uses, buildings, and structures are allowed by right on a lot with a residential principal use in accordance with the applicable requirements of this chapter:
 - (a) Accessory building/structure, residential.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Carport.
 - (e) Garage, household No more than one detached household garage is allowed upon a lot.
 - (f) Garage/yard sales.

- (g) Home occupation.
- (h) In-law suite.
- (i) Keeping of pets.
- (j) Sale of agricultural products.
- (k) Shed, household storage. One household storage shed shall be permitted with a five (5) foot setback from the rear and/or side yard property lines, provided said shed or said structure shall not exceed 12 feet in height, as measured from the lowest point in the grade at the entrance to the structure to the highest peak of the roof ridge.
- (l) Short-term rental.
- (m) Solar system.
- (n) Household swimming pool.
- (o) Temporary use or structure.
- (8) Nonresidential accessory uses, buildings, and structures. The following nonresidential accessory uses, buildings, and structures are allowed by right on a lot with a nonresidential principal use in accordance with the applicable requirements of this chapter:
 - (a) Nonresidential accessory buildings and/or structure.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Solar system.
 - (e) Temporary use or structure.

B. Uses permitted as a special exception when approved by the Zoning Hearing Board:

- (a) Hospital or sanatorium, and religious or philanthropic use, excluding prisons.
- (b) Private recreation or wildlife sanctuary.
- (c) Any public utility use other than an airport, public heliport, railway passenger station, or bus passenger station.

C Uses permitted as a conditional use when approved by the Board of Supervisors:

- (1) Open Space Residential (OSR) Development (See §143-6.2 Use Definitions and Regulations).
- (2) All educational institutions, other than elementary schools, along with dormitories, cafeterias, and other accessory uses customarily incidental to an educational institution; all subject to the following additional requirements:
 - (a) The proposed use shall be served by public water and sewer facilities.
 - (b) The proposed use shall have direct access to a feeder or higher classification street according to the adopted ultimate right-of-way map.
 - (c) The proposed site shall not be subject to any hazard or nuisance such as toxic matter, flooding, excessive noise or odor, as determined by the Board of Supervisors.
 - (d) The proposed site shall not require extensive cut or fill on the building site.
 - (e) No outdoor play areas shall be located closer than 75 feet to any property or street line, and outdoor play areas shall be fenced and sufficiently screened to protect the neighborhood from excessive noise and other disturbances. Outdoor play areas include playgrounds and ball fields for group activity.
- (3) Village House development option in compliance with the following design standards and the procedural requirements set forth in §143-118, Subsection B through E.
 - (a) Tract area. The minimum tract area for the Village House development option shall be 8.5 gross acres. The maximum tract area for the Village House development option shall be 15 gross acres.
 - (b) Permitted uses. Single-family detached dwellings at a maximum density of 2.5 dwelling units per gross acre, rounded down to the nearest whole number of dwelling units.
 - (c) Minimum open space. A minimum of 25% of the gross area of the tract shall be set aside as open space. At least 33% of the required minimum open space shall be in the form of improved common areas or greens. Open space areas may include stormwater management facilities. All open space shall meet the general requirements for open space set forth in this chapter, including, but not limited to, §143-28.H.

- (d) Lot area. The minimum lot area shall be 8,000 square feet per dwelling.
- (e) Lot width. The minimum lot width shall be 55 feet, as measured at the building setback line.
- (f) Building coverage. Not more than 30% of the area of the building lot may be covered by buildings.
- (g) Impervious coverage. The maximum impervious coverage of each building lot shall not exceed 45% at the time of initial land development and an additional 5% for the future homeowner. The total impervious coverage per building lot shall not exceed 50%.
- (h) Yard requirements.
 - [1] Front yard. There shall be at least one front yard on each lot. Every front yard shall be not less than 25 feet in depth from the street line. For corner lots, a front yard shall be provided along each street frontage.
 - [2] Side yard. There shall be at least one side yard on each lot. Every side yard shall have a minimum width of 10 feet. Side yards which abut lots with existing residential uses shall have a minimum width of 20 feet.
 - [3] Rear yard. There shall be at least one rear yard on each lot. Every rear yard shall be not less than 30 feet in depth. Rear yards which abut lots with existing residential uses shall have a minimum depth of 60 feet. Except patios may extend into the required rear yard a maximum of 10 feet, and decks may extend into the required rear yard a maximum of 10 feet provided that the deck height (excluding handrails) is less than 5 feet.
- (i) Height. The maximum height of buildings or structures in a Village House development shall be 35 feet, and such buildings or structures shall not exceed three stories, exclusive of basements.
- (j) Parking. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.
- (k) Additional regulations for a Village House development:
 - [1] The development must be served by public sewer and water facilities.

- [2] The development shall be designed with public or private streets.
- [3] An accessory use building shall not be permitted, except for one shed or other accessory building for the purpose of storage of lawn care equipment, products, and household goods shall be permitted with a five-foot setback from the rear and/or side yard property lines, provided said building shall not exceed 150 square feet in building coverage and shall not exceed 12 feet in height, as measured from the lowest point in the grade at the entrance to the building to the highest peak of the roof ridge.
- [4] Architectural design standards:
 - [a] Roofs shall be pitched and architectural features such as porches, staggered setbacks, bay windows, gables, dormers, and decorative garage doors are encouraged to enhance the design.
 - [b] The facades shall be comprised of at least two materials, one of which shall be masonry.
 - [c] The applicant shall submit representative architectural examples at the time of the conditional use application.

ARTICLE XXIV R-2 RESIDENTIAL DISTRICT

Section 143-37 (Area, setback, bulk, height and parking requirements) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-37. Area, setback, bulk, and height requirements.

- A. Dimensional requirements for single-family detached dwellings (does not apply to OSR or Village House Developments).
 - (1) For any project requiring land development or subdivision approval from the Township, the maximum building coverage permitted shall be 30% of the net site area, and the maximum impervious surface coverage shall be 45% of the net site area.
 - (2) The dimensional and area requirements shall be determined by availability of public water and sanitary sewer service, as follows:

Requirement	No Public Service	Either Water or Sanitary Sewer Service Only	Both Water and Sanitary Sewer Service
Minimum lot area	40,000 square feet	30,000 square feet	25,000 square feet
Minimum lot width	175 feet	150 feet	100 feet
Minimum Setbacks:			
Front yard	50 feet	50 feet	50 feet
Side yard	30 feet	25 feet	20 feet
Rear yard	60 feet	60 feet	60 feet
Maximum building coverage (percentage of lot area)	20%	20%	20%
Maximum impervious surface coverage (percentage of lot area)	35%	35%	35%

- B. Dimensional requirements for all other Uses. The following requirements apply to all Uses other than single-family detached dwellings, unless a more-restrictive requirement is set forth elsewhere in this chapter.

	Agricultural Uses	Institutional, Recreational, Municipal, & Utility Uses	All Golf Courses
Minimum lot area	5 acres	2 acres	130 acres*
Minimum lot width	250 feet	200 feet	250 feet
Minimum front yard	75 feet	50 feet	100 feet
Minimum side yard	50 feet	50 feet	100 feet
Minimum rear yard	75 feet	60 feet	100 feet
Maximum building coverage (percentage of lot area)	20%	30%	5%
Maximum impervious surface coverage (percentage of lot area)	30%	40%	15%

* The minimum lot size for a 9 hole course or a chip & put course is 70 acres.

- C. Building Height. All buildings shall not exceed a maximum height of 35 feet, except as otherwise provided herein.

ARTICLE XXV R-2 RESIDENTIAL DISTRICT

Section 143-38 (Design and development standards and requirements) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-38 Design and development standards and requirements.

Site development within an R-2 District shall be in accordance with an overall plan for locating buildings and structures, providing a safe and efficient circulation of vehicles and pedestrians, preservation and extension of the natural amenities of the site, and providing for the continued maintenance of the land improvements thereon.

ARTICLE XXVI OSR DISTRICT

Article VII – OSR Open Space Residential Overlay District of the Code of the Township of Lower Providence, and Sections 143-40 through 143-46.1 listed within this Article are hereby amended to read as follows:

ARTICLE VII: RESERVED.

§143-40 RESERVED.

§143-41 RESERVED.

§143-42 RESERVED.

§143-43 RESERVED.

§143-44 RESERVED.

§143-45 RESERVED.

§143-46 RESERVED.

§143-46.1 RESERVED.

ARTICLE XXVII R-3 RESIDENTIAL DISTRICT

Section 143-48 (Use regulations) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-48. **Use regulations.**

A building or group of buildings may be erected or used and a lot may be used or occupied for any one of the following uses and no other:

A. Uses permitted by right:

- (1) Single-family detached, twin, and duplex dwellings; all at a maximum density of 3.0 dwelling units per gross acre.
- (2) Telephone utility hub station.
- (3) Municipal use, governmental offices, emergency services station, and community center for senior citizens.
- (4) Residential accessory uses, buildings, and structures. The following residential accessory uses, buildings, and structures are allowed by right on a lot with a residential principal use in accordance with the applicable requirements of this chapter:
 - (a) Accessory building/structure, residential.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Carport.
 - (e) Garage, household. No more than one detached household garage is allowed upon a lot.
 - (f) Garage/yard sales.
 - (g) Home occupation.
 - (h) In-law suite.
 - (i) Keeping of pets.
 - (j) Sale of agricultural products.
 - (k) Shed, household storage. One household storage shed shall be permitted with a five-foot setback from the rear and/or side yard property lines, provided said shed or said structure shall not exceed 120 square feet in overall size and shall not exceed 12 feet in height, as measured from the

lowest point in the grade at the entrance to the structure to the highest peak of the roof ridge.

- (l) Short-term rental.
 - (m) Solar system.
 - (n) Swimming pool, household.
 - (o) Temporary use or structure.
- (5) Nonresidential accessory uses, buildings, and structures. The following nonresidential accessory uses, buildings, and structures are allowed by right on a lot with a nonresidential principal use in accordance with the applicable requirements of this chapter:
- (a) Nonresidential accessory building and/or structure.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Solar system.
 - (e) Temporary use or structure.
- B. Uses permitted as a special exception when approved by the Zoning Hearing Board:
- (a) Hospital or sanatorium, and religious or philanthropic use, excluding prisons.
 - (b) Parkland, private recreation, or wildlife sanctuary.
 - (c) Any public utility use other than an airport, public heliport, railway passenger station, or bus passenger station.

ARTICLE XXVIII R-3 RESIDENTIAL DISTRICT

Section 143-49 (Area, setback, bulk, height and parking requirements) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-49. Area, setback, bulk, and height requirements.

- A. Dimensional requirements for single-family detached, twin, and duplex dwellings.

- (1) Any project requiring land development or subdivision approval from the Township shall meet the following requirements:
 - (a) The gross site area shall be a minimum of ten (10) acres.
 - (b) The site shall be separated from adjacent properties, except those containing single-family detached dwellings, by a buffer strip of 35 feet.
 - (c) The maximum building coverage shall be thirty-five percent (35%) of the net site area.
 - (d) The maximum impervious surface coverage shall be fifty-five percent (55%) of the net site area.
 - (e) A portion of the site shall be set aside as open space in accordance with the requirements of this chapter, including, but not limited to, §143-28.H
 - (f) Twenty percent (20%) of the open space shall be improved as common areas or greens.
- (2) The dimensional and area requirements for individual lots shall be as follows:

Requirement	Residential Uses
Minimum lot area	8,000 sq. ft.
Minimum lot width	65 feet
Minimum Setbacks:	
Front yard	25 feet
Side yard	10 feet
Rear yard	25 feet
Maximum building coverage (percentage of lot area)	20%
Maximum impervious surface coverage (percentage of lot area)	35%

- (3) All dwellings shall be served by public water and sanitary sewer systems.
- (4) Buildings. Buildings shall be located and constructed so as to provide a minimum setback as follows:
 - (a) From site internal service roads: 25 feet.
 - (b) From parking lots and sidewalks: 15 feet.

(c) From the boundary lines of other zoning districts: 50 feet.

- B. Dimensional requirements for all other Uses. The following requirements apply to all uses other than single-family detached, twin, and duplex dwellings, unless a more-restrictive requirement is set forth elsewhere in this chapter.

Requirement	Institutional, Recreational, Municipal, & Utility Uses
Minimum lot area	2 acres
Minimum lot width	200 feet
Minimum front yard	50 feet
Minimum side yard	50 feet
Minimum rear yard	60 feet
Maximum building coverage (percent of lot area)	30%
Maximum impervious surface coverage (percent of lot area)	40%

- C. Building Height. All buildings shall not exceed a maximum height of 35 feet, except as otherwise provided herein.

ARTICLE XXIX R-4 RESIDENTIAL DISTRICT

Section 143-52 (Use regulations) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-52. Use regulations.

A building or group of buildings may be erected or used and a lot may be used or occupied for any one of the following uses and no other:

A. Uses permitted by right:

- (1) Townhouse and multiplex dwellings, both at a maximum density of 6.0 dwelling units per gross acre.
- (2) Single-family detached, twin, and duplex dwellings; all at a maximum density of 3.0 dwelling units per gross acre.
- (3) Municipal use, governmental offices, emergency services station, and community center for senior citizens.

- (4) Residential accessory uses, buildings, and structures. The following residential accessory uses, buildings, and structures are allowed by right on a lot with a residential principal use in accordance with the applicable requirements of this chapter:
- (a) Accessory building/structure, residential.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Carport.
 - (e) Garage, household. No more than one detached household garage is allowed upon a lot.
 - (f) Garage/yard sale.
 - (g) Home occupation.
 - (h) In-law suite.
 - (i) Keeping of pets.
 - (j) Sale of agricultural products.
 - (k) Shed, household storage. One household storage shed shall be permitted with a five-foot setback from the rear and/or side yard property lines, provided said shed or said structure shall not exceed 120 square feet in overall size and shall not exceed 12 feet in height, as measured from the lowest point in the grade at the entrance to the structure to the highest peak of the roof ridge.
 - (l) Short-term rental.
 - (m) Solar system.
 - (n) Swimming pool, household.
 - (o) Temporary use or structure.
 - (p) Parking or storage of private automobiles owned by the occupants and guests of the attached dwellings in garages or parking lots located on the same lot or site as the dwellings.

- (q) Playgrounds or parks for the use of the occupants and guests of the attached dwellings located on the same lot or site as the dwellings.
- (5) Nonresidential accessory uses, buildings, and structures. The following nonresidential accessory uses, buildings, and structures are allowed by right on a lot with a nonresidential principal use in accordance with the applicable requirements of this chapter:
 - (a) Nonresidential accessory building and/or structure.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Solar system.
 - (e) Temporary use or structure.
- B. Uses permitted as a special exception when approved by the Zoning Hearing Board:
 - (a) Parkland, private recreation, or wildlife sanctuary.
 - (b) Any public utility use other than an airport, public heliport, railway passenger station, or bus passenger station.
 - (c) Swimming pool, semipublic for the use of occupants and guests of the attached dwellings located on the same lot or site as the dwellings.
- C. Only one dwelling type shall be allowed on any site or lot. The mixing of permitted dwelling types shall not be permitted on the same site or lot.

ARTICLE XXX R-4 RESIDENTIAL DISTRICT

Section 143-53 (Area, setback, bulk, height and parking requirements) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-53. Area, setback, bulk, and height requirements.

- A. Dimensional and area requirements for townhouse, multiplex, single-family detached, twin, and duplex dwellings.
 - (1) Any project requiring land development or subdivision approval from the Township shall meet the following requirements:
 - (a) The site area shall be a minimum of five (5) acres.

- (b) The site shall be separated by a buffer strip of 35 feet from adjacent properties.
- (c) The maximum building coverage shall be 30% of the net site area.
- (d) The maximum impervious surface coverage shall be 45% of the net site area.
- (e) A portion of the site shall be set aside as open space in accordance with the requirements of this chapter, including, but not limited to, §143-28.H.
- (f) Twenty percent (20%) of the open space shall be improved as common areas or greens.

(2) The dimensional and area requirements for individual lots shall be as follows:

Requirement	Townhouse	Multiplex	Twin/ duplex	Single family detached
Minimum lot area	2,500 square feet	10,000 square feet	6,000 square feet	10,000 square feet
Minimum lot width	25 feet	75 feet	65 feet	75 feet
Minimum setbacks:				
Front yard	25 feet	40 feet	30 feet	35 feet
Side yard	20 feet	20 feet	15 feet	20 feet
Rear yard	30 feet	35 feet	25 feet	30 feet
Maximum building coverage (percentage of lot area)	45%	45%	40%	40%
Maximum impervious surface coverage (percentage of lot area)	60%	60%	50%	50%

(3) Buildings. Buildings shall be located and constructed so as to provide:

- (a) No more than six (6) dwelling units per building for townhouse buildings and no more than four (4) dwelling units per building for multiplex buildings.
- (b) A minimum setback of 30 feet from site internal service roads.
- (c) The following minimum separation distances between buildings:

[1] Front to front, front to back, or back to back: 60 feet.

[2] Side to front or side to back: 40 feet.

[3] Side to side: 25 feet.

(d) A maximum building length of not more than 160 feet.

(4) All dwellings shall be served by public water and sanitary sewer systems.

B. Dimensional and area requirements for all other Uses. The following requirements apply to all Uses other than townhouse, multiplex, single-family detached, twin, and duplex dwellings, unless a more restrictive requirement is set forth elsewhere in this chapter.

	Institutional, Recreational, Municipal, & Utility Uses
Minimum lot size	2 acres
Minimum lot width	200 feet
Minimum front yard	50 feet
Minimum side yard	50 feet
Minimum rear yard	60 feet
Maximum building coverage (percent of lot area)	30%
Maximum impervious coverage (percent of lot area)	40%

C. Building Height. All buildings shall not exceed a maximum height of 35 feet, except as otherwise provided herein.

ARTICLE XXXI R-5 RESIDENTIAL DISTRICT

Section 143-56 (Use regulations) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-56. **Use regulations.**

A building or group of buildings may be erected or used and a lot may be used or occupied for any one of the following uses and no other:

A. Uses permitted by right:

(1) Multifamily dwellings, including garden apartments; all at a maximum density of 9.0 dwelling units per gross acre.

- (2) Townhouse and multiplex dwellings; all at a maximum density of 6.0 dwelling units per gross acre
- (3) Single-family detached, twin, and duplex dwellings; all at a maximum density of 3.0 dwelling units per gross acre.
- (4) Municipal use, governmental offices, emergency services station, and community center for senior citizens.
- (5) Residential accessory uses. The following residential accessory uses, buildings, and structures are allowed by right on a lot with a residential or agricultural principal use in accordance with the applicable requirements of this chapter:
 - (a) Accessory building/structure, residential.
 - (b) Backup generator.
 - (c) Bus shelter.
 - (d) Carport.
 - (e) Garage, household. No more than one detached household garage is allowed upon a lot.
 - (f) Garage/yard sale.
 - (g) Home occupation.
 - (h) In-law suite.
 - (i) Keeping of pets.
 - (j) Sale of agricultural products.
 - (k) Shed, household storage. One household storage shed shall be permitted with a five-foot setback from the rear and/or side yard property lines, provided said shed or said structure shall not exceed 120 square feet in overall size and shall not exceed 12 feet in height, as measured from the lowest point in the grade at the entrance to the structure to the highest peak of the roof ridge.
 - (l) Short-term rental.
 - (m) Solar system.
 - (n) Swimming pool, household.

- (o) Temporary use or structure.
 - (p) Parking or storage of private automobiles owned by the occupants and guests of the attached and/or multifamily dwellings in garages or parking lots located on the same lot or site as the dwellings.
 - (q) Playgrounds or parks for the use of the occupants and guests of the attached and/or multifamily dwellings located on the same lot or site as the dwellings.
- (6) Nonresidential accessory uses, buildings, and structures. The following nonresidential accessory uses, buildings, and structures are allowed by right on a lot with a nonresidential principal use in accordance with the applicable requirements of this chapter:
 - (a) Nonresidential accessory buildings and/or structures.
 - (b) Backup generators.
 - (c) Bus shelters.
 - (d) Solar systems.
 - (e) Temporary use or structure.
- B. Uses permitted as a special exception when approved by the Zoning Hearing Board:
 - (a) Parkland, private recreation, or wildlife sanctuary.
 - (b) Any public utility use other than an airport, public heliport, railway passenger station, or bus passenger station.
 - (c) Swimming pool, semipublic for the use of occupants and guests of the attached and/or multifamily dwellings located on the same lot or site as the dwellings.

ARTICLE XXXII R-5 RESIDENTIAL DISTRICT

Section 143-57 (Area, setback, bulk, height and parking requirements) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-57. **Area, setback, bulk, and height requirements.**

A. Dimensional and area requirements for townhouse, multiplex, single-family detached, twin, and duplex dwellings.

(1) Any project requiring land development or subdivision approval from the Township shall meet the following requirements:

- (a) The site area shall be a minimum of ten (10) acres.
- (b) The site shall be separated by a buffer strip of 35 feet from adjacent properties.
- (c) The maximum building coverage shall be 30% of the net site area.
- (d) The maximum impervious surface coverage shall be 45% of the net site area.
- (e) A portion of the site shall be set aside as open space in accordance with the requirements of this chapter, including, but not limited to, §143-28.H
- (f) Twenty percent (20%) of the open space shall be improved as common areas or greens.

(2) The dimensional and area requirements for individual lots shall be as follows:

Requirement	Townhouse	Multiplex	Twin/ duplex	Single-family detached
Minimum lot area	2,500 square feet	10,000 square feet	6,000 square feet	10,000 square feet
Minimum lot width	25 feet	75 feet	65 feet	75 feet
Minimum setbacks:				
Front yard	25 feet	40 feet	30 feet	35 feet
Side yard	20 feet	20 feet	15 feet	20 feet
Rear yard	30 feet	35 feet	25 feet	30 feet
Maximum building coverage (percent of lot area)	45%	45%	40%	40%
Maximum impervious surface coverage (percent of lot area)	60%	60%	50%	50%

(3) **Buildings.** Buildings shall be located and constructed so as to provide:

- (a) No more than six (6) dwelling units per building for townhouse buildings and no more than four (4) dwelling units per building for multiplex buildings.
- (b) A minimum setback of 30 feet from site internal service roads.
- (c) The following minimum separation distances between buildings:
 - [1] Front to front, front to back, or back to back: 60 feet.
 - [2] Side to front or side to back: 40 feet.
 - [3] Side to side: 25 feet.
- (d) A maximum building length of not more than 160 feet.
- (4) All dwellings shall be served by public water and sanitary sewer systems.

B. Dimensional and area requirements for multifamily dwellings.

- (1) Any project requiring land development or subdivision approval from the Township shall meet the following requirements:
 - (a) The site shall be a minimum of ten (10) acres.
 - (b) The site shall be separated by a buffer strip of 50 feet from the ultimate right-of-way of an abutting street and by a buffer strip of 35 feet from adjacent properties.
 - (c) The maximum building coverage shall be 35% of the net site area.
 - (d) The maximum impervious surface coverage shall be 65% of the net site area.
 - (e) A portion of the site shall be set aside as open space in accordance with the requirements of this chapter, including, but not limited to, §143-28.H
- (2) The minimum dimensional and area requirements shall be as follows:

Minimum site width	200 feet
Minimum front yard	50 feet
Minimum side yard	35 feet
Minimum rear yard	35 feet
- (3) Buildings. Buildings shall be located and constructed so as to provide:

- (a) No more than 12 dwelling units per building for garden apartment dwellings. No more than 20 dwelling units per building for other types of multifamily dwellings.
 - (b) A minimum setback of 30 feet from site internal service roads.
 - (c) A 45 foot separation distances between buildings.
 - (d) A maximum building length of not more than 160 feet.
- C. Dimensional and area requirements for all other uses. The following requirements apply to all non-residential uses, unless a more-restrictive requirement is set forth elsewhere in this chapter.
- | | |
|--|---|
| | Institutional, Recreational,
Municipal, & Utility Uses |
| Minimum lot size | 2 acres |
| Minimum lot width | 200 feet |
| Minimum front yard | 50 feet |
| Minimum side yard | 50 feet |
| Minimum rear yard | 60 feet |
| Maximum building coverage
(percent of lot area) | 30% |
| Maximum impervious surface
coverage (percent of lot area) | 40% |
- D. Building Height. All buildings shall not exceed a maximum height of 55 feet, except as otherwise provided herein.

ARTICLE XXXIII MHP DISTRICT

Article XI - MHP Mobile Home Park District (§§143-59 – 143-69) of the Code of the Township of Lower Providence is hereby amended to read as follows:

ARTICLE XI: MHP MOBILE HOME PARK DISTRICT

§143-59. Legislative intent.

- A. In addition to the statement of community development objectives, it is hereby declared to be the specific intent of this article to establish standards of performance and promote the desirable benefits which planned mobile home developments may have upon the community and the residents within them. It is further the intent of this article to ensure

the interdependency and compatibility of proposed mobile home developments with essential utilities and surrounding land uses in the Township.

B. It shall further be the intent of this district to:

- (1) Reflect the changes in the technology of home building and land development so that resulting economies may inure to the benefit of those who need homes.
- (2) Further the general welfare by extending greater opportunities for better and more affordable housing to all present and prospective residents of Lower Providence Township.
- (3) Provide for better quality and greater variety in type, design, and layout of mobile home developments than has been evident in many mobile home parks in the past by enforcing uniform standards, promoting desirable design criteria, and encouraging innovative site design approaches.
- (4) Provide for a diversity in housing types and prices throughout the Township.
- (5) Encourage mobile home developments that are beneficial, rather than detrimental, to property values and the general welfare of the area in which they are proposed.

§143-60. Use regulations.

A mobile home park is allowed only in the MHP District. The uses which are permissible in a mobile home park are as follows:

- A. Residential uses. A mobile home park may include mobile homes of single width or multiple width or both, single-family detached modular homes, conventionally built single-family detached homes, or any combination thereof, but shall not include travel trailers or motor homes. No more than 25% of the total number of dwelling units in a mobile home park may be conventionally built or modular single-family detached dwellings. No mobile or modular home may be occupied before furnishing the Township a copy of the Structural Engineering Bulletin(s) indicating approval by the United States Department of Housing and Urban Development of the dwelling or the components of the dwelling.
- B. Areas for nonresidential uses.
 - (1) No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing, recreation, and well-being of the residents of the park and/or required for the management and maintenance of the park.
 - (2) A convenience store may be allowed by the Board of Supervisors if no similar use exists or is actively proposed within a one (1) mile radius of the mobile home

park, and the applicant demonstrates to the Board's satisfaction through a market study that such use is justifiable and will be supported primarily by the residents of the mobile home park. No such convenience store shall offer the sale of gasoline nor shall it be opened until at least 50% of the dwelling units in the mobile home park are occupied. Signage requirements, parking requirements, and other requirements generally applicable to convenience stores shall apply. In addition, the maximum number of residential dwelling units permitted within the park shall be reduced by one (1) for each 8,000 square feet of land or a part thereof devoted to the convenience store. The store shall be a single story and not exceed 4,000 square feet of building coverage. The lot for the store shall meet the dimensional requirements for a single-family detached home listed below and shall front a public road. The store shall be located so as to minimize any negative impact upon neighboring residential uses and zoning districts.

- (3) Nothing in this article shall be deemed as prohibiting the rental, sale, or resale of a mobile home located on a mobile home stand and connected to the pertinent utilities. Similarly, a model or display area is permissible on a temporary basis provided those models are developed in accordance with all applicable regulations of this article and other applicable ordinances, and the use of the models for sales or rental promotion ceases when the mobile home park is fully developed.

C. Accessory uses.

- (1) Accessory uses and structures customarily incidental to the maintenance, servicing, recreation, and well-being of mobile home park residents shall be permitted only as part of an approved development plan for the site. All such accessory uses and structures shall be located on a separate lot from other uses within the mobile home park and shall be setback from all other lot lines, buildings, and structures at least 30 feet. Such accessory uses and structures shall include, but not be limited to the following:
 - (a) Maintenance sheds.
 - (b) Common parking areas.
 - (c) Playgrounds or parks for the use of the occupants and guests of the dwellings within the mobile home park.
 - (d) By special exception, semi-public swimming pools for the use of occupants and guests of the dwellings within the mobile home park.
- (2) The following accessory uses shall be permitted on the individual mobile home lots, so long as all other applicable requirements are met:
 - (a) One household storage shed shall be permitted with a five (5) foot setback from the rear and/or side yard property lines, provided said shed or said

structure shall not exceed 120 square feet in overall size and shall not exceed 12 feet in height, as measured from the lowest point in the grade at the entrance to the structure to the highest peak of the roof ridge.

- (b) Garage/yard sales.
 - (c) Keeping of pets.
 - (d) No-impact home-based business.
 - (e) Temporary use or structure.
- (3) Added rooms specifically designed by the mobile home manufacturers for the enlargement of mobile homes and other additions architecturally compatible with the unit may be joined onto a mobile home, provided that all other applicable requirements are met.

§143-61. Development Standards.

- A. Any new mobile home park or any expansion to an existing park shall be subject to the following standards:
- (1) The tract of land to be developed shall be under single ownership or shall be the subject of an application filed by the owners of the entire tract.
 - (2) Any tract of land to be used as a mobile home park must have a minimum site area of 15 contiguous acres. At least fifty percent (50%) of the site for a mobile home park must meet the definition of net site area.
 - (3) The maximum building coverage permitted upon the site of the mobile home park shall be thirty percent (30%) of the net site area; and the maximum impervious surface coverage permitted upon the site of the mobile home park shall be forty percent (40%) of the net site area.
 - (4) At least thirty percent (30%) of the net site area shall be set aside as open space. At least thirty percent (30%) of the provided open space shall be improved as common areas, greens, or for active recreation. No more than thirty percent (30%) of the provided open space shall be located within the perimeter screen buffer yard. All open space shall meet the general requirements for open space set forth in this chapter, including, but not limited to, §143-28.H.
 - (5) A screen buffer at least 25 feet wide shall be provided along the property boundary of a mobile home park. The buffer shall be designed according to the requirements of §123-50 of Chapter 123, Subdivision and Development of Land, for a multifamily development.

- (6) No mobile home, single-family detached home, or other principal building shall be located closer than 75 feet to any boundary of the mobile home park it is located in, regardless of whether that boundary abuts a lot, water body, road or other right-of-way. Every mobile home, single-family detached home, and other principal building shall have access to an improved street within the mobile home park in accordance with Chapter 123 (Subdivision and Development of Land)
- (7) Mobile home parks shall not be located directly abutting conventionally built single-family detached housing, except where extensive natural buffering exists and will be retained or can be created so as to functionally and visually separate the two sites or where compatible units of modular or conventionally built homes will be located in the mobile home park adjacent to the existing residences. The developer shall provide any necessary transition between differing residential structural types and densities within the mobile home park tract.
- (8) Any site proposed for a mobile home park shall, in the opinion of the Board, be easily accessible to essential community facilities and services, such as employment centers, shopping centers, schools, and police and fire protection.
- (9) All the dwellings and uses within a mobile home park must be served exclusively by public water and sewer facilities.
- (10) Any tract intended for a mobile home park must have direct access to a feeder road (or a road of a higher classification), as determined by the adopted ultimate right-of-way map. Plans evidencing the provision for safe and effective ingress and egress to and from the public streets and highways servicing the proposed mobile home park, without causing undue confusion or interference with the normal traffic flow, shall be submitted to the Township and must be approved by the Township Engineer.
- (11) The applicant shall demonstrate to the satisfaction of the Board compliance with all State and Federal regulations applicable to mobile homes, modular homes, industrial housing, and mobile home parks.
- (12) No mobile home or other principal building shall be located within the Floodplain Conservation District, the Steep Slope Conservation District, or the Riparian Buffer Overlay Zone. No mobile home be placed on land having a natural grade of greater than eight percent (8.0%) nor shall such land be graded to a lesser-percentage slope for the purpose of accommodating a mobile home.
- (13) Any and all buildings (principal or accessory) within a mobile home park shall be separated a minimum of ten (10) feet. No building or structure built, erected, or located within a mobile home park shall exceed a height of two (2) stories or 25 feet.

- (14) Lots within the mobile home park shall not be rented for periods of less than a month (30 days).
- (15) Centralized mailboxes shall be provided for all the residences in the mobile home park.

§143-62. Density.

The total number of lots in a mobile home park shall not exceed a maximum density of five (5) lots per acre of net site area. All land not contained within the net site area shall be excluded from density calculations.

§143-63. Site design for conventionally built and modular homes.

- A. Lots for modular single-family detached homes or conventionally built single-family detached homes located within the mobile home park shall comply with the following dimensional and area standards:

Requirement	Single-family detached
Minimum lot area	8,000 square feet
Minimum lot width	75 feet
Minimum setbacks:	
Front yard	30 feet
Side yard	15 feet
Rear yard	25 feet
Maximum building coverage (percent of lot area)	35%
Maximum impervious surface coverage (percent of lot area)	50%

§143-64. Site design for mobile homes.

- A. Mobile home lots located within the mobile home park shall comply with the following dimensional and area standards:

Requirement	Single-wide home	Double-wide home
Minimum lot area*	4,000 square feet	6,500 square feet
Minimum lot width	40 feet	65 feet
Minimum setbacks:		
Front (hitch)	8 feet	8 feet
Long sides	10 feet	10 feet
Rear	15 feet	15 feet
From other mobile homes	25 feet	25 feet
Maximum building coverage (percent of lot area)	35%	35%
Maximum impervious surface coverage (percent of lot area)	50%	50%

* Exclusive of common driveways or parking areas.

- B. All of the mobile homes located along a street or driveway shall be oriented in the same direction with a front yard setback variance between the homes of no greater than four (4) feet.
- C. No mobile home lot shall be less than 25 feet in width at the right-of-way line of a public street or the equivalent right-of-way line or the edge of the pavement of a private street or drive, as applicable.
- D. No more than one mobile home shall be placed on a mobile home lot, and the mobile home shall be occupied by not more than a single family. The stacking of mobile homes on top of each other shall not be permitted.
- E. Parking requirements for mobile homes shall be the same as a single-family dwelling and shall be provided on the mobile home lot for that mobile home or in common parking areas. Parking areas provided for in common use by the residents shall be located within 150 feet of the most distant mobile home to be served by the parking area and shall be no closer than 25 feet to any mobile home lot.
- F. The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
- G. Each mobile home shall be placed on a permanent foundation of at least eight poured concrete or masonry pillars set on a concrete base at least eight (8) inches thick. The pillars shall be spaced no more than ten (10) feet apart with the end piers being no farther than five (5) feet from the ends of the unit. The pillars shall be at least one (1) foot by two (2) feet in size and at least 36 inches below grade. Each pillar shall have installed a tie-down ring to which the mobile home shall be secured.

- H. Any addition to a mobile homes, including, without limitation, all projections, awnings, roofed porches, and additions, shall be considered to be part of the mobile home to which it is attached and shall meet all setback requirements, except as may be expressly exempted by the terms of this chapter.

§143-65. **RESERVED.**

§143-66. **RESERVED.**

§143-67. **RESERVED.**

§143-68. **RESERVED.**

§143-69. **RESERVED.**

ARTICLE XXXIV NONCONFORMING LOTS

Section 143-145 of Chapter 143, Zoning, of the Code of the Township of Lower Providence is hereby amended to read as follows:

§143-145. **Land.**

- A. Use. Any land, the existing lawful use of which at the time of passage of this chapter does not conform to the regulations of the district in which it is located, either because of the original passage of this chapter or because of subsequent amendments of applicable regulations, shall have such use considered as a nonconforming use, which may continue on such land but shall be subject to the regulations governing nonconforming uses.
- B. Dimensions.
- (1) A existing nonconforming lot which, continuously from before the time of the enactment of the original Lower Providence Township Zoning Ordinance on May 8, 1955, has been of lawful public record and in single and separate ownership may be utilized for construction of a single family detached dwelling provided that:
- (a) Such lot is not less than one (1) acre in the R-1 zoning district and not less than 80 % of the minimum lot area in all other zoning districts.
- (b) The building coverage on the lot shall not exceed 20% of the area of the lot, and impervious surface coverage on the lot shall not exceed 35% of the area of the lot; unless a higher building coverage limitation or impervious surface limitation for a single family detached dwelling is allowed in the zoning district in which the lot is located.

- (c) The front and rear yards shall aggregate at least 60% of the total lot depth or meet the normal requirements of the zoning district in which the lot is located. In no case shall a front yard or a rear yard be less than 30 feet in depth.
 - (d) The side yards shall aggregate at least 40% of the total lot width or meet the normal requirements of the zoning district in which the lot is located. In no case shall a side yard be less than 12 feet in width.
 - (e) The lot is served by public water and sewer in all zoning districts except the R-1. Those lots not served by public water and sewer shall meet all requirements of the Montgomery County Department of Health and Chapter 117, Sewers, of the Township Code.
 - (f) The lot is located in a residential district, the RPW Ridge Pike West District, Ridge Pike Business District, or the Village Commercial Districts.
- (2) A nonconforming lot which is located in nonresidential district such as the General Commercial District, the Highway Commercial District, the Professional and Business Office District, the Mixed-Use District, the Industrial District, the Industrial Park District, the Limited Industrial District, the Public Facilities and Open Space Overlay District, or the Institutional Overlay District must obtain the necessary variances to be developed.
 - (3) As of or subsequent to January 19, 2020 (the date of adoption of this provision), where two or more adjacent lots, one or more of which is nonconforming based on lot size, are concurrently owned by the same owner, these adjacent lots shall be merged to minimize the nonconformity. The term “same owner” as used in this subsection includes, in addition to a single person or entity, multiple persons with familial relationships and multiple parties with common ownership, business, and/or financial interests. Corporations, partnerships, or other for-profit or non-profit entities organized or used for the purpose of avoiding of having adjacent lots being owned by the “same owner” are not recognized as separate owners for the purposes of this subsection.

ARTICLE XXXV. VIOLATIONS; ENFORCEMENT

A new Section, 143-175A - Enforceability of Conditions, is hereby added to Chapter 143, Zoning, of the Lower Providence Township Code and shall read as follows:

§143-175A. Enforceability of Conditions.

The occupation, use, improvement, or maintenance of any building, structure, or land in violation of any condition of approval concerning land development, subdivision, variances, special exceptions, or conditional uses imposed by the Board of Supervisors or the Zoning Hearing Board is prohibited and shall constitute a violation of this chapter. Such violation may be enforced by the Township or an affected property owner in accordance with the enforcement provisions set forth in Article VI of the Pennsylvania Municipalities Planning Code for zoning ordinance violations.

ARTICLE XXXVI GENERAL PROVISIONS

Subsection 143-261.F of the Code of the Township of Lower Providence is hereby amended to read as follows:

F. RESERVED.

ARTICLE XXXVII FENCES AND WALLS

Chapter 81 (Fences and Walls) of the Code of the Township of Lower Providence is hereby amended to read as follows:

§81-1. Permit required; standards.

- A. A fence permit shall be required whenever a fence or wall is constructed, erected, installed, replaced or altered within the Township. The construction, erection, installation, replacement, and/or alteration of all fences and walls shall be in compliance with all Township codes and ordinances and the following, whichever being the more stringent:
- B. No fence, buried cable electronic pet control device, or wall to shall be constructed, erected, or installed within a street right-of-way, floodway, floodway fringe, utility easement, or drainage easement. A waiver may be granted for this subsection by the Lower Providence Township Board of Supervisors if the property owner agrees, as set forth by the Board of Supervisors, to:
 - (1) Be responsible for all legal costs incurred by the creation, approval, and recording of an easement agreement between the property owner and Township to be recorded with Montgomery County Recorder of Deeds Office;
 - (2) Replace the fence, buried cable electronic pet control device, or wall at his/her own cost if removal is desired by the Township or any other utility company for any reason and at any time; and

- (3) Perform any and all stormwater management work, including grading and the construction and installation of stormwater facilities, to prevent the blockage or the diversion of stormwater runoff.
- C. No fence or wall shall block or interfere with the clear sight triangle for the intersection of any public or private roads.
- D. Fences in the front yard, as defined and required under chapter 143, Zoning, of the Code of the Township of Lower Providence, shall not exceed a maximum height of five (5) feet; shall not obstruct vision at driveway or adjacent street; and shall be an open metal, vinyl, or wooden split-rail fence composed of openings of no less than four (4) inches. Walls in such a front yard shall not exceed a maximum height of thirty (30) inches above grade on both sides of the wall. Chain link fences are prohibited within all front yards, except in nonresidential zoning districts when specifically approved by the Lower Providence Township Board of Supervisors. Fences in the rear yard or side yards, as defined and required under chapter 143, Zoning, of the Code of the Township of Lower Providence shall not exceed a maximum height of eight (8) feet. Walls in such a side or rear yard shall not exceed a maximum height of six (6) feet.
- E. Fences and walls shall be constructed, erected, and installed so as to place the structural members toward the property being enclosed by the fence or wall and so the front or "good side" of the structure faces outward from the lot, thereby presenting the best appearance toward adjacent properties.
- F. The use of razor wire, barbed wire, or glass shards is prohibited in conjunction with any residential use and can only be used in conjunction with a nonresidential use with the prior approval of the Board of Supervisors, where such use is necessary for safety and security reasons.
- G. When an existing fence or wall, not in conformance with this chapter, is removed and replaced, a permit shall be required, and the fence or wall shall be brought into full compliance with all provisions of this chapter. Normal maintenance or removal (not replacement) of a fence or wall shall not require the issuance of a permit.
- H. Any fence or wall which, in the judgment of the Township Zoning Officer, is dilapidated; unsafe; dangerous; or a threat to the health, safety, and welfare of the residents of Lower Providence Township, shall be brought into compliance with all the provisions of this chapter.

§81-2. Exemptions.

- A. Fences and walls used for agricultural and recreational purposes to contain livestock and/or protect crops shall be exempt from the requirements of this chapter, provided that these fences and walls do not hinder visibility or pose a threat to the public health, safety, or welfare. In no case, shall such fences exceed ten (10) feet in height or such walls exceed six (6) feet in height.

- B. Fences and walls of an historic nature; and accessory to an officially designated historic structure, shall be exempt from the provisions of this chapter, so long as they are properly maintained.
- C. Buried cable electronic pet control devices shall be exempt from the provisions of this chapter, provided that they do not pose a threat to the public health, safety, or welfare; are not installed within the right-of-way of any street; and are not installed closer than three (3) feet to any property line.

§81-3. Fees.

From time to time, the Board of Supervisors of Lower Providence Township may adopt, by resolution, a fee schedule for the issuance of a fence permit under the requirements of this chapter.

§81-4. Enforcement; violations and penalties.

In addition to any other remedy available under law or in equity, any person, corporation, or entity convicted of a violation of this chapter shall be subject to a fine in an amount not to exceed \$500 per day per violation, together with costs of prosecution. Each day a violation continues shall constitute a separate offense. Enforcement of this chapter shall be brought by the filing of a citation with a magisterial district judge in the same manner provided for enforcement of summary offenses. Nothing in this section shall prohibit the Township from enforcing the provisions of this chapter by any other remedy available at law or in equity. The remedies provided herein shall be cumulative and concurrent and shall be in addition to any other remedies available to the Township at law or in equity.

ARTICLE XXXVIII SWIMMING POOLS

Chapter 126 (Swimming Pools) of the Code of the Township of Lower Providence is hereby amended to read as follows:

Chapter 126 (**Reserved**)

ARTICLE XXXIX REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE XXXX SEVERABILITY.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the

validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE XXXXI EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after final enactment.

ENACTED and ***ORDAINED*** this _____ day of _____, 2020.

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Don D. Delamater, Township Manager

Jason Sorgini

Colleen Eckman

Cara Coless

Peter MacFarland

Gary Neights