Allen Township
Zoning Ordinance

Ordinance No.
2000-03

September 14, 2000
ALLEN TOWNSHIP

BOARD OF SUPERVISORS

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BE IT ORDAINED AND ENACTED by the Board of Supervisors of Allen Township, Northampton County, Pennsylvania, pursuant to the "Pennsylvania Municipalities Planning Code", as follows:

ARTICLE I TITLE, PURPOSE, AND JURISDICTION

Section 100 Title

An Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, and size of structures; the percentages of a lot which may be occupied, the size of yards, courts, and other open spaces; the density and distribution of population, the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purpose, and the use of land for agriculture, water supply, conservation, soil conservation, forestry, or other purpose; and providing for the administration, enforcement, and amendment of this Ordinance in accordance with the provisions of "The Pennsylvania Municipalities Planning Code" as amended from time to time and in accordance with the Allen Township Comprehensive Plan incorporated herein by reference.

Section 101 Short Title

This Ordinance shall be known as and may be cited as the "Allen Township Zoning Ordinance of 2000".

Section 102 Purpose

The purpose of this Zoning Ordinance is to:

a. promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

b. prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

c. preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

d. provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family
dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

e. accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 103 Interpretation

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

a. When the language of this Ordinance is deemed to impose a restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

b. When any regulation made under authority of this Ordinance requires a greater width of size of yards, courts, or other open space, requires a lower height of buildings, or smaller number of stories or require a greater percentage of a lot to be left unoccupied, or imposes other higher standards than are required in or under any other statute, the more restrictive regulation shall govern.

c. Whenever the provisions of any other statute require a greater width or size of yards, courts or open space, or require a greater percentage of lot to be left unoccupied, or impose higher standards that are required by and regulations made under authority of his Ordinance, the provisions of such statute shall govern.

d. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or Ordinances, except those specifically or impliedly repealed by this Ordinance, or any private restrictions placed upon property by Covenant, Deed, or other private Agreement unless repugnant hereto.

e. Provisions in the Allen Township Subdivision and Land Development Regulations providing for varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

Section 104 Application of Regulations

a. Conformity with Use and Building Regulations

1. In all Districts, after the effective date of this Ordinance, any new building or other structure or any tract of land or parts thereof shall be constructed, developed, and used only in accordance with the regulations specified for each District.
2. In all Districts, after the effective date of this Ordinance, any existing building, structure, or use of any tract of land or parts thereof which is not in conformity with the regulations for the District in which it is located shall be deemed a nonconforming structure or use.

3. In all Districts, any legally established use of a structure, building, lot, or any tract of land which use constitutes non-conforming use under the provisions of this Ordinance may be continued.

Section 105 Zoning Map and Districts

a. Adoption of Zoning Map - The areas within the Township as assigned to each District and the location of boundaries of the Districts established by this Ordinance are shown on the Zoning Map, as revised, which together with all explanatory matter thereon is declared to be part of this Ordinance and shall be kept on file with the Township Secretary. If and whenever changes are made in boundaries or other matter included on the said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by the Township Board of Supervisors.

b. District Boundary Lines - The District boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets and roads, the corporate boundary of the Township, or as dimensioned on the Map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Board of Supervisors shall prevail.

Section 106 Severability

It is hereby declared to be the intent of the Governing Body that the provisions of this Ordinance shall be severable and that:

a. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
ARTICLE II DEFINITIONS

Section 200 General

a. Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Ordinance, the meanings given in the following clauses.

b. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:

1. Words in the present tense shall include the future.

2. The singular includes the plural.

3. The word "person" includes a corporation, partnership, and association as well as the individual.

4. The word "lot" includes the word "plot or parcel".

5. The term "shall" is always mandatory.

6. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be occupied".

c. For the purpose of this Ordinance, terms referring to various public bodies and officials shall be interpreted as follows:

1. Board of Supervisors (The Board): The Board of Township Supervisors of Allen Township: The Governing Body of Allen Township.

2. Zoning Hearing Board: The Zoning Hearing Board appointed in accordance to law by the Board (Governing Body of Allen Township).

3. Zoning Officer: The person appointed by the Board as Enforcement Officer of this Ordinance.

4. Planning Commission: The Allen Township Planning Commission appointed in accordance to law by the Board.

c. Comprehensive Plan: The effective Allen Township Comprehensive Plan as adopted by the Board of Supervisors.

d. Official Township Map: The Allen Township Official Map as adopted and revised by the Board of Supervisors.

d. Any word or term not defined herein shall be used with a meaning of standard usage.
Section 201 Accessory

a. Accessory Building: (See Section 1411)

b. Accessory Use: (See Section 1411)

Section 202 Adult Bookstore

An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.

Section 203 Adult Entertainment

c. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

d. A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

Section 204 Adult Mini-Motion Picture Theater

An enclosed building with a capacity of less than fifty (50) persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Section 205 Adult Motion Picture Theater

An enclosed building with a capacity of fifty (50) or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Section 206 Adult Oriented Establishment

The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

a. Adult bookstore
b. Adult mini-motion picture theaters

c. Adult motion picture theaters

d. Massage Establishment

e. Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.

f. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

Section 207 Agricultural Operations

The management and use of farming resources for the production of crops, livestock, or poultry.

Section 208 Alley

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

Section 209 Alluvial Soil

Areas subject to periodic flooding as defined in "Soil Survey of Northampton County, July 1974", as being "on the flood plain" or subject to "flooding".

Section 210 Alteration

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

Section 211 Animal Equivalent Unit (AEU)

One thousand pounds live weight of livestock or poultry animals (as defined by the Pennsylvania Nutrient Management Act), regardless of the actual number of individual animals comprising the unit.

Section 212 Animal Husbandry

The raising and keeping of livestock and poultry not classified as Intensive Agriculture. This includes, but is not limited to, cattle, goats, rabbits, fowl, and sheep.
Section 213  Area

a. Lot Area - The area contained within the property lines of the individual parcels of land shown on a Subdivision Plan or required by this Ordinance, which excludes any area within an existing or designated future street right-of-way. The minimum lot area shall be calculated from the ultimate right-of-way line.

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

c. Floor Area - The sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy.

Section 214  Automobile Repair

Automobile repair garage; including paint spraying and body and fender work or car washing facility, provided that all repair and paint work is performed within an enclosed building.

Section 215  Automotive Sales

Sales of automobiles by a new car dealership; used car sales; and car, pick-up truck, van, trailer, cycle and boat rental.

Section 216  Basement

A story partly underground, having one half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining floor area, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet, or if used for business or dwelling purposes.

Section 217  Bed and Breakfast

The use and occupancy of a single family detached dwelling for accommodating transient guests for rent.

Section 218  Boarder

A boarder is a resident of a boarding house.

Section 219  Boarding House

Any dwelling with fewer than twenty (20) sleeping rooms in which more than three (3) persons, either individually or as families, are commercially housed or lodged, with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house.
Section 220  Building

a. Building - An erection or structure under roof intended for use and occupancy as a habitation or for some purpose of trade, manufacture, ornament, or other use; any structure affording shelter to persons, animals, or property. The word "building" shall include any part thereof.

b. Building Accessory - A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

c. Building, Principal - A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Section 221  Building Height

A vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof or the structure.

Section 222  Building Setback Line

The line parallel to the street at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located.

Section 223  Building Coverage

That percentage of the plot or lot area covered by the building area.

Section 224  Campground

A lot, tract, or parcel of land upon which operates a business where two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

Section 225  Campsite

A plot of ground within a recreational camping park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Section 226  Car Wash

A facility for washing automobiles.
Section 227 Cellar

A story partly underground and having more than one-half of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage, nor shall it be used for separate dwelling purposes.

Section 228 Cemetery

A burial place or graveyard including mausoleum, crematory or columbarium.

Section 229 Cold Frame

A small, temporary structure covered with glass or some other transparent material used to protect plants. A cold frame which remains on the ground for more than three (3) months in a calendar year shall be considered a greenhouse (See Section 265)

Section 230 Commercial Communications Antenna

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

Section 231 Commercial Communications Tower

A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Commercial Communications Antennas.

Section 232 Commercial Forestry

The cutting down of greater than ten (10) trees from a property within a year’s time for the purpose of selling the trees.

Section 233 Commercial School

Trade, professional school, music or dancing school.

Section 234 Community/Group Home

Such facilities shall be for the purpose of providing temporary or permanent housing for more than two (2) and fewer than eight (8) persons who are unable to provide a home for themselves, including the mentally or physically handicapped, or the elderly.
Section 235  Concentrated Animal Operations

Those agricultural operations where the animal density exceeds two (2) AEU's per acre on an annualized basis.

Section 236  Condominium

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

A condominium is a unit with all of the following characteristics:

a.  The unit may be any permitted land use. A condominium is an ownership arrangement, not a land use.

b.  All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Uniform Condominium Act 68 PA C.S.A. Section 3101 et seq., and in accordance with the provisions for open space, roads, or other development features in this Ordinance and the Allen Township Subdivision and Land Development Ordinance.

Section 237  Contracting

Contractor offices and shops such as building, cement, electrical, heating, plumbing, masonry, painting, roofing, fencing, landscaping, and excavating.

Section 238  Conversion

The conversion of an existing building to a number of dwelling units.

Section 239  Crafts

Carpentry shop, cabinetmaking, furnituremaking, and similar crafts.

Section 240  Day Care

Day nursery, nursery school, kindergarten, or other agency giving day care to children, or adults or elderly persons.

Section 241  Density

Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the base site area (excluding existing and proposed road rights-of-way and any required open space).
Section 242 Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or the storage of materials or equipment.

Section 243 District

A Zoning District as laid out on the Zoning Map along with the regulations pertaining thereto.

Section 244 Dormitory

An accessory building for the residency of students, religious orders, teachers, or others engaged in the primary activity of the institution where individuals need to live on the site.

Section 245 Drive-ins and Other Eating Places

Eating place which utilizes an inside window, service area or cafeteria line where customers place their orders and food is served for consumption at seating areas within the building and for customer take-out service. This type of eating place may also have drive-through service.

Section 246 Dwelling

A building containing one or more dwelling units.

a. Dwelling Unit: Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating by one family.

b. Single-family detached dwelling: A dwelling having only one (1) dwelling unit from ground to roof, independent outside access, and open space on all sides.

Mobile homes can be considered single family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to permanent foundation walls. The mobile home foundation shall be provided with anchors and tie-downs, which shall be placed at least at each corner of the mobile home and each shall be able to withstand a minimum tensile strength of 2,800 pounds. All of the apparatuses used to transport the unit shall be removed, including the towing hitch.

c. Single-family attached dwelling: A dwelling containing only one (1) dwelling unit from ground to roof, independent outside access, and a portion of one or two walls in common with adjoining dwellings. Duplexes and townhouses are both S.F.A. dwelling, with the distinction that a duplex unit has only one wall in common with another unit.

d. Multiple-family dwellings: A dwelling containing two or more dwelling units not having party walls, forming complete separation between individual dwelling units. Single family
attached dwellings are specifically excluded from this definition. Garden apartments and condominiums are included in this definition.

Section 247 Dwelling in Combination

Dwelling in combination with an existing or proposed nonresidential use within the same building.

Section 248 Easement

A grant of the specified use of a parcel of land to the public, a corporation, or a person.

Section 249 Eating Place

Eating place for the sale and consumption of food and beverages without drive-in service and without take-out service. All food and beverages are to be served by waiters and waitresses and consumed inside the building while patrons are seated at counters and tables.

Section 250 Educational Institutions and School

See Section (2-121).

Section 251 Emergency Services

Fire, ambulance, rescue, and other emergency services of a Municipal or volunteer nature.

Section 252 Employee

A person who is employed or is engaged in any type of regular activity. This term is utilized in the parking standards of this Ordinance as a measure of the number of parking spaces required. It shall refer to the maximum number of employees on duty at any time, at a place of business, whether the employees are full or part time. If shifts are involved in which two shifts overlap, it refers to the total of both shifts.

Section 253 Extractive Operation

Extractive operations for sand, clay, shale, gravel, topsoil, or similar operations, including borrowing pits (excavations for removing material for filling operations).

Section 254 Fall Zone

The area on the ground within a prescribed radius from the base of a Commercial Communications Tower. The Fall Zone is the area within which there is a potential hazard from falling debris or the collapsing of the Commercial Communications Tower. The Fall Zone shall be determined by the applicant's Engineer and reviewed by the Municipal Engineer.
Section 255  Family

One or more person related by blood, marriage, or adoption, and in addition, any domestic servants or gratuitous guests thereof, or in a group of not more than five persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof; who are living together in a single dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder, or lodger shall not be considered a member of a family.

Section 256  Family Day Care

A family day care use is a facility in which care is provided for one or more but fewer than seven children at any one time where the child care areas are being used as a family business. The time of daily operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m.

Section 257  Farming

The cultivating of the soil and the raising and harvesting of the products of the soil, (excluding forestry, nursery, and greenhouse) not classified as Intensive Agriculture.

Section 258  Fence

Any structure constructed of wood, metal, wire mesh, or masonry erected for the purpose of screening one property from another either to assure privacy or to protect the property screened; for the purpose of this Ordinance a masonry wall is considered to be a fence; also for the purpose of this Ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard", "side yard", and "front yard" line(s).

Section 259  Financial Establishment

Bank, savings and loan association, credit union, and other financial establishment.

Section 260  Flea Market

A periodic sales activity held within a building and/or outdoors, where retail merchants offer goods, new or used, for sale to the public. (This use does not include garage or yard sales.)

Section 261  Flood Plain

(See Article Section 1418 for additional definitions)

a. A relatively flat or low land area adjoining a river, stream, or water course which is subject to partial or complete inundation.

b. An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

Section 262  Floor Area Ratio
The ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

Section 263  Forest

Areas, groves, or stands of mature or largely mature trees (i.e., greater than six (6) inches caliper [diameter] and measured at a height of fourteen (14) inches above ground), covering an area greater than one-quarter of an acre; or groves of mature trees (greater than twelve (12) inches caliper [diameter] and measured at a height of fourteen (14) inches above ground) consisting of more than ten individuals.

Section 264  Funeral Home

An establishment for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Section 265  Greenhouse

A building, usually made of glass or some other transparent material, used for the cultivation, storage, or protection of plants. A cold frame which remains on the ground for more than three (3) months in a calendar year shall be considered a greenhouse.

Section 266  Height of Tower

The overall height of the tower from the base of the tower to the highest point of the tower, including but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

Section 267  Historic Structure

Any structure that is:

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

b.  Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily by the Secretary to qualify as a registered Historic District.

c.  Individually listed on a State inventory of historic placed with historic preservation programs which have been approved by the Secretary of the Interior, or

d.  Individually listed on a local inventory of historic places in the Communities with historic preservation programs that have been certified either:
1. By an approved State program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior in States without approved programs.

Section 268  Home Occupation

An activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes.

Section 269  Hospital

An establishment, licensed by the American Hospital Association, which provides health services primarily for in-patient medical or surgical care of the sick or injured, including such related facilities, such as laboratories, such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices as an integral part of the establishment.

Section 270  Impervious Surface

Impervious surfaces are those surfaces which are non-vegetated and/or water surfaces. All buildings, parking areas, driveways, roads, sidewalks, and any areas in gravel, stone, concrete, and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

Section 271  Impervious Surface Ratio

The impervious surface ratio is a measure of the intensity of use of a parcel of land. It is measured by dividing the total area of all impervious surfaces within the site by the lot area.

Section 272  Indoor Entertainment

An entertainment or recreational facility operated as a gainful business and taking place within a building including a bowling alley, skating rink, billiard hall, movie theater, theater or other similar use.

Section 273  Intensive Agricultural Operations

Specialized agricultural activities including but not limited to, mushroom, pig, poultry, and dry lot livestock production which due to the intensity of production, necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. Any operation meeting the definition of a "Concentrated Animal Operation", as defined by the State Nutrient Management Act, as may be amended from time to time, is to be considered Intensive Agriculture.
Section 274  Intensive Agricultural Facility

Any building or structure used in conjunction with an Intensive Agricultural Operation.

Section 275  Junk Yard

An area of land, with or without buildings, used for the storage of used or discarded materials, including but not limited to waste paper, glass, rags, metal, building materials, house furnishings, machinery, tires, vehicles, or parts thereof. The deposit or storage of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall only be stored in a licensed junk yard.

Section 276  Kennel or Stable

Any lot on which four (4) or more dogs or horses are kept at any point in time, boarded, bred, or trained for fee or not for fee, whether in special buildings or runways, including but not limited to, dog and cat kennels, horse stables, or riding academies.

Section 277  Lake

A permanent body of water, naturally occurring or man-made, covering an area of two (2) or more acres.

Section 278  Large Retail Stores

Stores having more than 10,000 square feet of floor area, such as, supermarkets or department stores selling commodities and goods to the ultimate consumer.

Section 279  Library

Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.

Section 280  Lot or Plot

a. Lot - A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which said lot abuts, even if the ownership to such way is in the owner of the lot. A lot for the purpose of this Ordinance may or may not coincide with a lot of record.

b. Lot of Record - A description of a lot(s) which has been recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania.

c. Corner Lot - A lot which has an interior angle or less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street or streets
shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than one hundred thirty-five degrees (135°).

d. Through Lot - An interior lot having frontage on two parallel or approximately parallel streets.

e. Depth of Lot - The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

f. Lot Width - The distance measured between the side lot lines at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such lot line and the opposite rear lot line.

Section 281 Lot Lines

a. Lot Line - Any boundary line of a lot.

b. Lot Line Rear - Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are now street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of any odd shape, only the one lot line furthest from any street shall be considered a rear lot line. Where two side lot lines of a lot meet at a point, the rear lot line shall be assumed to be a line not less than ten feet (10') long lying within the lot and parallel to the street line.

c. Lot Line Side - Any lot line which is not a street line or a rear lot line.

d. Street Line - The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where an ultimate right-of-way width for a road or street has been established, that width shall determine the location of the street line.

Section 282 Lumber Yard

Lumber yard, where lumber products are sold, excluding planing mill.

Section 283 Manufacturing

Manufacturing, including the assembling, production, processing, cleaning, testing, and distribution of materials, goods, food stuffs, and products.

Section 284 Massage Establishment

Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club,
health club, school gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Section 285  Medical Office

Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.

Section 286  Mill

Mill where grain, lumber, and similar products are processed.

Section 287  Mini-Warehouse

A structure containing separate storage spaces which are leased to the general public for the purpose of storing items generally stored in residential structures.

Section 288  Mobile Home

A transportable, single family dwelling unit intended for permanent occupancy, office, or place of assembly, contained in one or more sections, designed to be joined into one integral unit capable of again being separated for repeat towing, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term does not include recreational vehicles or travel trailers, however, for flood plain management purposes, the term "mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Section 289  Mobile Home Lot

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, if said parcel is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

Section 290  Mobile Home Park

A parcel of land under single ownership which has been planned and improved entirely for placement of mobile homes for non-transient use, consisting of two or more mobile home lots for sale or rent.

Section 291  Modular Home

A transportable, single family dwelling intended for permanent occupancy contained in two or more units and designed for use with a permanent foundation.
Section 292 Motel - Hotel

A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent.

Section 293 Municipal Waste

Any garbage refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid, or contained gaseous material, resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial, or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

Section 294 Municipal Waste Landfill

A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of the operation including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and postclosure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of, or incidental to, the operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge. (PA Code Title 25, Environmental Resources, Part I, Chapter 271.1, as amended.

Section 295 Nursing Home

Licensed nursing or convalescent home. For the purposes of this Ordinance, this definition covers any facility with managed care such as assisted living, progressive care facility, etc.

Section 296 Office

Business, professional, or government office.

Section 297 Open Space

Open space is land used for recreation, resource protection, or amenity, and is protected by the provisions of this Ordinance and the Subdivision and Land Development Ordinance to assure that it remains in such uses. The responsibility of maintaining the open space shall fall upon the landowner or the Homeowners Association in the manner stipulated in Section 707(2) and (3) of the Pennsylvania Municipalities Planning Code. Open space does not include land occupied by buildings, roads, or road right-of-way; nor does it include the yards or lots of single or multifamily dwelling units or parking areas as required by the provisions of this Ordinance. Open space shall be left in a natural state except in the case of recreation uses which may contain
impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

Section 298 Outdoor Entertainment

Outdoor entertainment or recreational facility, including miniature golf and golf driving ranges, operated as a gainful business and not including an outdoor motion picture establishment or vehicular track or course.

Section 299 Outdoor Motion Picture Establishment

An open lot used for the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles. Such use may include facilities for the sale and consumption of food and nonalcoholic beverages.

Section 2-100 Outdoor Recreation Facility/Commercial

A commercial activity conducted entirely outside which is designed to amuse, entertain, or otherwise provide for the recreation of persons, other than the conductors of the activity, and which requires a fee or charge in order for a person to partake in the activity and includes, but is not limited to, tennis, swimming, baseball, basketball, etc. The phrase "Outdoor Recreation Facility" shall specifically be construed to indicate that all activity (recreation) shall occur out of doors. The term "Recreation Facility" shall not be construed to include amusement parks or off-track betting parlors, adult book stores, adult entertainment facilities or theaters.

Section 2-101 Parking

Parking is the temporary storage of motor vehicles. For purposes of this Ordinance, parking is provided for in the following forms:

a. On-Street Parking: The parking of motor vehicles on a street, in a line parallel to the moving lanes of a street.

b. Off-Street Parking: The parking of motor vehicles in an area which has direct access to a street via a driveway or accessway, but which is not located on a street.

1. Common Parking Area: An off-street parking lot or garage designed to serve three or more dwelling units or nonresidential uses.


   b. Common Parking Garage: A deck, building or structure, or part thereof, used for the temporary storage of motor vehicles. Where there is ground level parking, it is covered by a roof. Multiple tiers of parking shall be subject to the building height limitations of this Ordinance.
2. Private Parking Area: An off-street parking lot or garage designed for the temporary storage of a small number of motor vehicles. It is for use by one or two dwelling units only and is located in close proximity to the dwelling unit(s) it serves. A private parking area is located on the fee-simple lot which contains the dwelling unit it serves, or is located on the minimum lot area required by this Ordinance, whether the lot is deeded or for planning purposes only.

   a. Private Parking Lot: An open, uncovered area for the temporary storage of motor vehicles, owned and operated by the residents of the nearby dwelling unit(s).

   b. Private Parking Garage or Carport: A structure which is accessory to, attached to, or part of a dwelling unit which is used for the temporary storage of motor vehicles and owned and operated by the residents thereof.

   c. Community Garage: A structure which is accessory to, attached to, or part of a group of attached dwelling units which is used for the temporary storage of motor vehicles and owned and operated by the residents of those units.

   c. Spillover Parking: An area which is intended to accommodate the occasional need for parking beyond the requirements of the residents of the dwelling unit. The need for spillover parking is created by service vehicles and other occasional visitors.

Section 2-102 Parking Lot or Garage

A lot of record upon which the parking or storing of automotive vehicles is the primary use.

Section 2-103 Planing Mill

Planing Mill where wood products are sold or processed into finished items such as molding, trim, etc.

Section 2-104 Plant Nursery

The outdoor raising of plants, shrubs, and trees for sale and transportation.

Section 2-105 Pond

A permanent body of water, naturally occurring or man-made, covering an area of up to two (2) acres.

Section 2-106 Principal

   a. Principal Building (See Section 220)

   b. Principal Use (See Section 2-144)
Section 2-107 Printing
Printing, publishing, and binding.

Section 2-108 Private Recreational Facility
A recreational facility owned or operated by a nongovernmental agency, subject to the following additional provisions.

Section 2-109 Public Facility
Government building, operating facility (such as police station, highway department yard, etc.) recreational facility or park owned or operated by the municipality or other governmental agency.

Section 2-110 Public Utility Transmission Tower
A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Section 2-111 Recreational Vehicle
A vehicle or piece of equipment intended primarily as temporary living quarters for recreational camping or travel use, whether self-powered or designed to be pulled or carried. The basic entities are, but not limited to, the following: travel trailer, truck-mounted camper, motor home, folding tent camper, and autos, buses, or trucks adapted for vacation use.

Section 2-112 Repair Shop
Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including motor vehicles, motorcycles, trucks, and heavy equipment.

Section 2-113 Research
Research, testing, or experimental laboratory.

Section 2-114 Residential Zoning District
The Rural (R), Low Residential (R1), Medium Residential (R2), High Density Residential (R3), and Mobile Home Park (MHP) Zoning Districts.

Section 2-115 Retail Store
Retail shops and stores with a gross floor area of 10,000 square feet or less selling apparel, books, confections, drugs, dry goods, flowers, food stuff, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, luggage, sporting goods, pets, floor covering, fabrics, garden supplies.
Also included within this use shall be the sale of soft drinks and alcoholic beverages in sealed containers not for consumption on the premises.

Section 2-116 Resource Recovery Facility

A facility or land that is used for any one or a combination of the following: composting, incineration, material separation, recycling, or trash transfer as defined below. Municipal waste landfill operations are not included under this use and open burning of any materials shall specifically be prohibited.

Section 2-117 Rifle, Shooting and Target Ranges; Shooting Preserves

A parcel of land used for the purpose of discharging firearms at fixed and/or moving targets or flying targets (i.e., clay pigeons).

Section 2-118 Right-of-Way

a. Right-of-Way - Land set aside for use as a street, alley, or other means of travel.

b. Existing Right-of-Way - The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.

c. Ultimate Right-of-Way - The right-of-way deemed necessary by Allen Township, as appropriate to provide adequate width for ultimate street improvements. Ultimate right-of-way widths are designated on the Township Official Map.

Section 2-119 Roomer, Boarder, or Lodger

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

Section 2-120 Satellite Dish Antenna

A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar-configured, typically eight to twelve feet in diameter, in the shape of a shallow dish or antenna.
Section 2-121 School and Educational Institution

Religious, sectarian, and non-sectarian, denominational private school or public school which is not conducted as a private gainful business, provided that dormitories or other living accommodations for faculty or students shall meet the minimum requirements of this Ordinance.

Section 2-122 Sewer

a. Public Sewer - A "public sewer" is any municipal owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers when installed to Township specifications.

b. Onlot Sewer - An "onlot" septic tank disposal system providing for disposal of effluent for one building and its accessory building on a single lot, meeting the area requirements of the Zoning District and/or the requirements of the Department of Environmental Protection, whichever is greater.

c. Central Sewer - A sewer system privately owned in which sewage is collected from more than one lot and piped to an approved treatment site.

Section 2-123 Service Business

Service business including barber, beautician, laundry, and dry cleaning, shoe repair, tailor, photographer, and travel agency, upholsterer.

Section 2-124 Service Station

An establishment for the sale of vehicular fuels and the sale and installation of lubricants, tires, batteries, and similar automotive accessories.

Section 2-125 Sexual Activities

The term does not include any of the following:

a. Any art or photography publications which devote at least twenty-five (25%) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.

b. Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news.

c. Any publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.
Section 2-126 Shopping Center

A neighborhood or regional shopping center which is preplanned and designed as a complex of related structures and circulation patterns containing multiple retail, eating, and/or financial establishments.

Section 2-127 Site

The site shall be defined as a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

Section 2-128 Site Area

All land area within the site as defined in the deed. Actual area shall be from an actual site survey rather than deed description.

Section 2-129 Site Area, Base

The Base Site Area is the area of a tract of land remaining after subtracting land which is not contiguous, land previously subdivided and existing and proposed road and utility rights-of-way from the site area.

Section 2-130 Specified Anatomical Areas

a. Less than completely and opaquely covered:
   1. human genitals or pubic region;
   2. buttocks; or
   3. female breasts below a point immediately above the tope of the areola.

b. Human male genitals in a discernible turgid state, even if completely opaquely covered.

Section 2-131 Specified Sexual Activities

The term includes any of the following:

a. Human genitals in a state of sexual stimulation or arousal.

b. Acts of human masturbation, sexual intercourse or sodomy.

c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
Section 2-132 Story

That part of a building located between a floor and the floor or roof next above. A half-story is a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor. A cellar is not a story.

Section 2-133 Street (Includes Private Roadways, Parking, etc.)

Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or any other way for the movement of vehicular traffic, which is an existing State, County, or Township roadway, or a street or way shown upon a final drawing, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way.

Section 2-134 Street Line

The dividing line between the street and the lot. The street line shall be the same as the future right-of-way width as established with the Official Map.

Section 2-135 Structure

A combining of materials assembled, constructed, or erected at a fixed location, including a building, the use of which requires location on the ground or attachment to something having location on the ground.

Section 2-136 Substantial Damage

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal or exceed fifty percent (50%) or more of the market value of the structure before the damage occurred.

Section 2-137 Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of State or Local health, sanitary or safety code specifications which have been identified by the Local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or;

b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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Section 2-138 Tavern

Establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

Section 2-139 Terminal

Railway station, bus station or terminal, or heliport.

Section 2-140 Travel Trailer

A vehicle designed for human habitation and designed as a temporary dwelling for travel, recreation, vacation, and other short term uses.

Section 2-141 Travel Trailer Camp

A lot or part thereof occupied or designed for occupancy by one or more travel trailers or travel units.

Section 2-142 Truck Sales

Truck and heavy equipment repair and sales.

Section 2-143 Truck Terminal

The use of land and/or structures for the storage of trucks and for the transfer of freight from one truck to another.

Section 2-144 Use

a. Use - Any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

b. Use, Accessory - A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use.

c. Use, Principal - The main use on a lot.

Section 2-145 Utilities

Those services customarily rendered by public utility corporations, municipalities, or Municipal Authorities, in the nature of electricity, gas, telephone, water, and sewage, including the appurtenances used in connection with the supplying of such services (building, wires, pipes, poles, and the like).
Transformer station, pumping station, relay station, towers (transmission or relay), substations, switching center, sewage treatment plant, and similar or related installation, not including public incinerators and public or private landfills.

Section 2-146 Vehicular Track or Course

A recreational facility that provides a motor powered vehicle to a patron, for a fee, to drive on a track or course that is located on the premises. For the purposes of this use, a motor powered vehicle is a motorcycle, all-terrain vehicle (three or four wheeled), go-cart, or other vehicle with two, three, or four wheels of a similar nature. These vehicles are usually designed to accommodate only one person.

Section 2-147 Veterinary

Office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use.

Section 2-148 Water

a. Public Water - "Public Water" is water brought in pipes from a central water source. It is Municipally owned, and may supply either a subdivision, development, or large areas of the Township.

b. Onlot Water - Water supplied to a building from an individual well on the lot on which the building is located.

c. Central Water - is water brought in pipes from a central water source. It is privately owned.

Section 2-149 Wholesale Business, Wholesale Storage, Warehousing

Wholesale business, wholesale storage or warehousing, excluding retail sales.

Section 2-150 Yard

a. Yard - An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

b. Yard, Front - A yard between a structure and its fronting street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. The front yard is measured to the ultimate right-of-way.

c. Yard, Rear - A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
d. Yard, Side - A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.
ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 300 Establishment of Districts

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

Section 301 Classes of Districts

For the purpose of this Ordinance, Allen Township is hereby divided into Districts which shall be designated as follows:

a. Agricultural (A)
b. Rural (R)
c. Low Density Residential (R1)
d. Medium Density Residential (R2)
e. High Density Residential (R3)
f. Mobile Home Park (MHP)
g. Industrial Commercial (I/C)
h. Industrial (I)
i. Highway Commercial (HC)
j. Neighborhood Commercial (NC)

Section 302 Zoning Districts Map

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

Section 303 Interpretation of District Boundaries

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

a. Where District boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines, or streams, such centerlines shall be construed to be such boundaries.

b. Where District boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries, or where District boundaries are extensions of lot lines and connect the intersections of lot lines, such lines shall be said District boundaries.
c. Where District boundaries are so indicated that they are approximately parallel to centerlines of streets or highways, such District boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

Section 304  Statements of Purpose and Intent for the Districts

a. Agricultural District - The primary purpose of this District is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This District also intends to protect and stabilize the Township's agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this District must be willing to accept the impacts associated with normal farming practices, in related businesses.

b. Rural District - This District acknowledges and permits the continuation of sparsely developed areas of the Township. These areas are characterized by large lot detached dwellings and other small scale service uses that provide some local conveniences within a rural setting. This District will continue these development trends but will impose standards upon nonresidential uses that will protect nearby residences. No public utilities are foreseeable within this District, therefore, larger lot sizes are used to provide sufficient space to install on-site sewer and water facilities.

c. Low Density Residential District - This District accommodates suburban residential uses. Some areas of this District coincide with expected sewer and water utility service areas, however, the actual availability of these services is likely to occur at different times in different areas. As a result, permanent densities have been adjusted according to the availability of these public utilities. When no public sewers are provided, minimum lot area requirements have been sized to provide for an initial and an alternate on-site sewage disposal system. Agricultural activities have been allowed acknowledging their likely continuation until such time as the areas are needed for development.

d. Medium Density Residential District - This District accommodates the suburban residential uses and coincides with expected sewer and water utility service areas within the near future. Agricultural activities have been allowed acknowledging their likely continuation until such time as the areas are needed for development.

e. High Density Residential District - This District seeks to accommodate the higher density housing needs of the Township. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere in the Township. This District is located adjacent to the neighboring Boroughs where public water and public sewer extensions are most feasible.

f. Mobile Home Park District - The purpose of this District is to provide for an economically feasible housing choice within the Township at an appropriate density. The location of the District is intended to ensure that the facilities for this type of use are available and that the use will blend with other uses in the Township. Regulations are provided to assure that Mobile Home Parks will be an asset to the Community as well as a quality place for those who choose to reside there.
g. Industrial/Commercial District - This District is established to accommodate those retail and business activities compatible to industrial land uses. A mix of uses is intended to serve a similar user base with similar infrastructure needs while allowing orderly growth of the Township.

h. Industrial District - This District is established to contribute to the soundness of the economic base of the Township by permitting and encouraging industrial development to take place in development to take place in locations that will constitute a harmonious and appropriate addition to the physical development of the Township.

i. Highway Commercial District - This District is established to accommodate those retail and business activities that serve a regional market and are not normally part of a shopping center development and those activities that require merchandising oriented to the highway user.

j. Neighborhood Commercial District - The purpose of this District is to encourage the continuation of a "village" atmosphere for residents and small commercial establishments. The District is to provide basic convenience commercial goods and services to residents who live within an existing Village setting. Uses have been limited to those residents that are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the Local orientation of this District.
ARTICLE IV AGRICULTURAL DISTRICT

Section 401 Uses Permitted By Right

a. Single family detached dwellings.

b. Farming including pasturing, truck gardening, horticulture, and similar enterprises.

c. Animal husbandry

d. Greenhouses (retail sales permitted only as a conditional use below).

e. Plant nursery (retail sales permitted only as conditional use below).

f. Aviaries, hatcheries, and apiaries complying with all State and Federal Regulations.

g. Intensive agricultural operations meeting the requirements of this Ordinance. New operations, structures or the renovation, conversion, or expansion of existing structures to house an intensive agricultural operation are permitted only if the requirements of this Ordinance can be met.

h. Kennel or stable

i. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.

j. Commercial Forestry

k. Publicly owned educational institutions and schools.

l. Churches and similar places of worship.

m. Cemeteries.

n. Public Municipal building and facilities, including libraries.

o. Commercial Communication Antenna.

p. Customary accessory uses and buildings incidental to any of the permitted uses, including the following:

1. Nonpermanent roadside stands for the sale of "home grown" or "homemade" products when located not less than 20 feet from the cartway of any road. More than 50% of the items offered for sale must have been raised and/or harvested by the seller.
Section 402  Uses Permitted By Conditional Use

The following uses will be considered by the Board of Supervisors as conditional use subject to the procedures in this Ordinance:

a. Commercial Communication Tower.
b. Golf Courses and Country Clubs.
c. Outdoor Recreation Facility/Commercial; not including rifle, shooting and target ranges, or shooting preserves.
d. Animal hospitals, veterinary offices.
e. Agriculturally oriented commercial establishments, i.e., farm implement dealers and feed mills.
f. Retail sales in greenhouses and nurseries.

Section 403  Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township S.A.L.D.O. and the Municipalities Planning Code (M.P.C.).

Section 404  Area, Yard, and Height Regulations

404.1 Single family detached dwellings

a. The provisions of subsection (b) and (c) of this section shall apply to all parcels of land legally existing on the effective date of this Ordinance. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single family detached dwellings or lots pursuant to this section. Similarly, any subsequent owner of any parcel of land legally existing on the effective date of this Ordinance shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single family dwellings the number of lots, if any, remaining from the original number permitted by this section.

Any Subdivision or Land Development Plan hereafter filed for a tract of land in the Agricultural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single family detached dwellings as determined by the provisions of this section.

In the event a tract of land, which was not classified as part of the Agricultural District on the effective date of this Ordinance, is hereafter classified as part of the Agricultural District, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification.
c. For each tract of contiguous land in single ownership that is less than thirty (30) acres, as of the effective date of this Ordinance, the provisions of Article V shall apply with regard to single family detached dwellings.

c. For each tract of contiguous land in single ownership that is in excess of thirty (30) acres, there may be one lot subdivided for each thirty (30) acres to be utilized for a single family detached dwelling, provided that the minimum lot area shall be one (1) acre and a maximum lot area of two (2) acres.

404.2 Area, Yard, and Height Requirements

Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Maximum Regulations</th>
<th>Farming, Animal Husbandry, Intensive Agricultural Operations</th>
<th>Single Family Detached Dwelling (Including Farm Dwelling)</th>
<th>Kennel/Stable</th>
<th>All Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>10%</td>
<td>10%</td>
<td>20%</td>
<td>25%</td>
</tr>
<tr>
<td>Minimum Regulations</td>
<td>Lot Area&lt;br&gt;10 Acres&lt;br&gt;(20 acres for Intensive Agriculture)&lt;br&gt;One Dwelling per 30 Acres&lt;br&gt;1 Acre Min - 2 Acre Max&lt;br&gt;6 Acres&lt;br&gt;1 Acre&lt;br&gt;</td>
<td>6 Acres&lt;br&gt;1 Acre&lt;br&gt;1 Acre&lt;br&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width&lt;br&gt;At Street Line</td>
<td>150 Feet&lt;br&gt;100 Feet&lt;br&gt;150 Feet&lt;br&gt;150 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;100 Feet&lt;br&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At Minimum Bldg Setback Line</td>
<td>200 Feet&lt;br&gt;150 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;200 Feet&lt;br&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bldg. Setback</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Total</td>
<td>100 Feet</td>
<td>70 Feet</td>
<td>100 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>One Side</td>
<td>50 Feet</td>
<td>35 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
</tr>
</tbody>
</table>

Section 405 Agricultural Nuisance Disclaimer

All Subdivision and Land Development Plans within the Agricultural Zone must contain the following note:

All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort, and possible injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

---

1 Subject to additional requirements and restrictions
Section 406  General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE V RURAL DISTRICT

Section 501 Uses Permitted By Right

a. Single-family detached dwellings
b. Churches and similar places of worship
c. Cemeteries
d. Publically owned educational institutions and schools
e. Farming including pasturing, truck gardening, horticulture, and similar enterprise
f. Animal husbandry
g. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
h. Public municipal building and facilities, including libraries
i. Animal hospitals and veterinary offices
j. Plant nursery (retail sales permitted only as a Conditional Use below)
k. Greenhouses (retail sales permitted only as a Conditional use below)
l. Aviaries, hatcheries, and apiaries complying with all State and Federal regulations
m. Commercial communications antenna
n. Kennel or stable

o. Customary accessory uses and building incidental to any of the permitted uses, including the following:

1. Nonpermanent roadside stands for the sale of "home grown" or "homemade" products when located not less than 20 feet from the cartway of any road. More than 50% of the items offered for sale must have been raised and/or harvested by the seller.

p. Commercial Forestry
Section 502  Uses Permitted By Conditional Uses

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures in this Ordinance.

a. Commercial communication tower
b. Golf courses and Country Clubs
c. Campgrounds
d. Private educational institutions and schools
e. Private clubs, not including rifle, shooting, and target ranges
f. Commercial swimming pools
g. Bed and breakfast
h. Retail sales in greenhouses and nurseries

Section 503  Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 504  Area, Yard, and Height Regulations

504.1 Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Maximum Permitted</th>
<th>Farming &amp; Animal Husbandry</th>
<th>Single Family Detached Dwelling</th>
<th>Kennel/Stable</th>
<th>All Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>10%</td>
<td>20%</td>
<td>10%</td>
<td>15%</td>
</tr>
<tr>
<td>Minimum Regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>10 Acres</td>
<td>1 Acre</td>
<td>6 Acres</td>
<td>2 Acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>At Street Line 150 Feet</td>
<td>100 Feet</td>
<td>150 Feet</td>
<td>150 Feet</td>
</tr>
<tr>
<td></td>
<td>At Building Setback Line 200 Feet</td>
<td>150 Feet</td>
<td>200 Feet</td>
<td>200 Feet</td>
</tr>
<tr>
<td></td>
<td>Building Setback 50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
</tr>
<tr>
<td></td>
<td>Rear Yard 30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td></td>
<td>Side Yard 30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td></td>
<td>Total 100 Feet</td>
<td>50 Feet</td>
<td>100 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td></td>
<td>One Side 50 Feet</td>
<td>25 Feet</td>
<td>50 Feet</td>
<td>50 Feet</td>
</tr>
</tbody>
</table>

Section 505  General and Specific Regulations

All uses are subject to the applicable regulations of Article XIV and XV.
ARTICLE VI LOW DENSITY RESIDENTIAL DISTRICT

Section 601 Uses Permitted By Right

a. Farming including pasturing, truck gardening, horticulture, and similar enterprise

b. Single-family detached dwellings

c. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources

d. Public municipal buildings and facilities, including libraries

c. Accessory uses customarily incidental to the above permitted uses

d. Commercial Forestry

Section 602 Uses Permitted By Conditional Use

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedure in this Ordinance.

a. Conversion of existing building.

b. Publicly owned educational institutions and schools.

Section 603 Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 604 Area, Yard, and Height Regulations

Lot area, yard and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Available Public Utilities</th>
<th>Minimum Lot Area (ac. ft.)</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Front Yard</th>
<th>Side One Side</th>
<th>Yard (Both Sides)</th>
<th>Rear Yard</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>43,560</td>
<td>130'</td>
<td>20%</td>
<td>50'</td>
<td>35'</td>
<td>(70')</td>
<td>50'</td>
<td>35'</td>
</tr>
<tr>
<td>Public water only</td>
<td>25,000</td>
<td>125'</td>
<td>25%</td>
<td>40'</td>
<td>25'</td>
<td>(50')</td>
<td>30'</td>
<td>35'</td>
</tr>
<tr>
<td>Only public sewers</td>
<td>20,000</td>
<td>125'</td>
<td>25%</td>
<td>25'</td>
<td>15'</td>
<td>(30')</td>
<td>30'</td>
<td>35'</td>
</tr>
<tr>
<td>Public sewer and public water</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other uses</td>
<td>2 acres</td>
<td>200'</td>
<td>20%</td>
<td>50'</td>
<td>30'</td>
<td>(60')</td>
<td>50'</td>
<td>35'</td>
</tr>
</tbody>
</table>
Section 605  General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE VII    MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 701 Uses Permitted By Right

a. Farming including pasturing, truck gardening, horticulture, and similar enterprise
b. Single-family detached dwellings
c. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
d. Public municipal buildings and facilities, including libraries
c. Customary accessory uses and buildings incidental to any of the permitted uses.
d. Commercial Forestry

Section 702 Uses Permitted By Conditional Use

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this ordinance:

a. Conversion of existing building.
b. Publicly owned educational institutions and schools.
c. Nursing Home.

Section 703 Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 704 Area, Yard, and Height Regulations

Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Available Public Utilities</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Front Yard</th>
<th>Side One Side</th>
<th>Yard (Both Sides)</th>
<th>Rear Yard</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>43,560</td>
<td>130'</td>
<td>20%</td>
<td>50'</td>
<td>35'</td>
<td>(70')</td>
<td>50'</td>
<td>35'</td>
</tr>
<tr>
<td>None/ Public water only</td>
<td>25,000</td>
<td>125'</td>
<td>25%</td>
<td>40'</td>
<td>25'</td>
<td>(50')</td>
<td>30'</td>
<td>35'</td>
</tr>
<tr>
<td>Only public sewers</td>
<td>12,000</td>
<td>90'</td>
<td>25%</td>
<td>25'</td>
<td>10'</td>
<td>(20')</td>
<td>25'</td>
<td>35'</td>
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<tr>
<td>Public sewer and public water</td>
<td>2 acres</td>
<td>200'</td>
<td>20%</td>
<td>50'</td>
<td>30'</td>
<td>(60')</td>
<td>50'</td>
<td>35'</td>
</tr>
</tbody>
</table>
Section 705  General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE VII  HIGH DENSITY RESIDENTIAL DISTRICT

Section 801  Uses Permitted By Right

a. Single-family detached dwellings
b. Duplexes
c. Farming including pasturing, truck gardening, horticulture, and similar enterprise
d. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
e. Public municipal buildings and facilities, including libraries
c. Customary accessory uses and buildings incidental to any of the permitted uses
d. Commercial Forestry

Section 802  Uses Permitted by Conditional Use

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this ordinance:

a. Townhouses
b. Multiple-family dwellings (including condominiums and garden apartments)
c. Nursing Home

Section 803  Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 804  Area, Yard, and Height Regulations

Lot area, yard, and height requirements (except as otherwise noted)
Table 1
USE: SINGLE FAMILY DETACHED DWELLINGS

<table>
<thead>
<tr>
<th>Available Public Utilities</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Front Yard</th>
<th>Minimum Side One Side</th>
<th>Minimum Yard (Both Sides)</th>
<th>Minimum Rear Yard</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached Dwellings</td>
<td>43,560 (1 acre)</td>
<td>130'</td>
<td>20%</td>
<td>50'</td>
<td>35'</td>
<td>(70')</td>
<td>50'</td>
<td>35'</td>
</tr>
<tr>
<td>None/ Public water only</td>
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<td>125'</td>
<td>25%</td>
<td>40'</td>
<td>25'</td>
<td>(50')</td>
<td>30'</td>
<td>35'</td>
</tr>
<tr>
<td>Only public sewers</td>
<td>12,000</td>
<td>90'</td>
<td>25%</td>
<td>25'</td>
<td>10'</td>
<td>(20')</td>
<td>25'</td>
<td>35'</td>
</tr>
</tbody>
</table>

Table 2
USES PERMITTED ONLY WITH PUBLIC SEWER AND PUBLIC WATER FACILITIES AVAILABLE

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Maximum Density Unit/Gross Acre</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Minimum Front Yard</th>
<th>Minimum Side One Side</th>
<th>Minimum Yard (Both Sides)</th>
<th>Minimum Rear Yard</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplexes</td>
<td>4,500</td>
<td>6</td>
<td>45'</td>
<td>35%</td>
<td>25'</td>
<td>10'</td>
<td>(N/A)</td>
<td>25'</td>
<td>35</td>
</tr>
<tr>
<td>Townhouse</td>
<td>3,000</td>
<td>8</td>
<td>22'</td>
<td>40%</td>
<td>30'</td>
<td>20'</td>
<td>(End Units)</td>
<td>25'</td>
<td>35</td>
</tr>
<tr>
<td>Multiple Family</td>
<td>2 Acres</td>
<td>12</td>
<td>20'</td>
<td>60%</td>
<td>50'</td>
<td>30'</td>
<td>(60')</td>
<td>50'</td>
<td>35</td>
</tr>
</tbody>
</table>

1. The minimum lot area within a duplex subdivision is 4,500 square feet; however, the average lot area of each phase of a subdivision is a minimum of 6,000 square feet and no more than 20% of the total number of lots in any given phase can be less than 6,000 square feet in area.

2. The following additional standards apply to townhouses:
   a. Minimum building spacing is fifty feet (50').
   b. Maximum dwelling units/structure is eight (8).
   c. If a townhouse structure contains two (2) or more units, no more than two (2) adjacent units shall have the same front yard setback. The minimum variation of setback shall be four feet (4').
   d. Townhouses must front on a local road with a minimum cartway width of forty feet (40') with curb and sidewalk and a minimum right-of-way of sixty feet (60').
e. Minimum off-street parking required as follows:

3-bedroom unit - 2 spaces
4-bedroom unit - 3 spaces

3. In those instances where several multiple-family or townhouse dwelling building groupings are located on the same lot, the following regulations apply:

   a. Front to front, rear to rear, or front to rear, parallel buildings shall have eighty feet (80') between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten feet (10') at one end if increased by similar or greater distance at the other end.

   b. A yard space of fifty feet (50') is required between end walls of buildings.

   c. A yard space of one hundred feet (100') is required between end walls and front or rear faces of buildings and one hundred feet (100') between rear and front faces of buildings.

   d. Land Development Plan approval is required to verify compliance with all Ordinance provisions such as parking, landscaping, buffering, etc.

   e. All buildings must have frontage on a public or private street, with a minimum cartway of forty feet (40') with curb and sidewalk and a sixty-foot (60') right-of-way (if public).

   f. All multi-family developments must have direct access to a public collector or arterial road.

   g. A minimum lot area of 5,500 square feet per dwelling unit is required.

   h. The maximum density is 12 dwelling units/acre.

   i. The maximum units per structure is 12 for condominium style and 8 for single family attached style.

   j. Land shall be reserved and maintained by the owner for recreation and open space at 1,000 square feet per dwelling unit; 5,000 square feet total minimum (paving areas not included). In addition, land or fees shall be dedicated to the Township for recreation in accordance with the Township Subdivision and Land Development Ordinance.
Table 3

OTHER USES

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq.ft.)</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Front Yard</th>
<th>Side Yard (Both Sides)</th>
<th>Rear Yard</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Uses</td>
<td>2 Acres</td>
<td>200'</td>
<td>20%</td>
<td>50'</td>
<td>.50'</td>
<td>35'</td>
</tr>
</tbody>
</table>

Section 805  General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE IX MOBILE HOME PARK DISTRICT

Section 901 Uses Permitted By Right

a. Farming including pasturing, truck gardening, horticulture, and similar enterprise (subject to requirements in Article IV)

b. Single family detached dwellings

c. Mobile home park, subject to the requirements of Section 904

d. Public municipal buildings and facilities; including libraries

e. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources

c. Customary accessory uses and buildings incidental to any of the permitted uses.

d. Commercial Forestry

Section 902 Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 903 Area, Yard, and Height Regulations

<table>
<thead>
<tr>
<th>Lot area, yard, and height requirements (except as otherwise noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Regulations</strong></td>
</tr>
<tr>
<td>Building Height</td>
</tr>
<tr>
<td>Lot Coverage</td>
</tr>
<tr>
<td><strong>Minimum Regulations</strong></td>
</tr>
<tr>
<td>Lot Area</td>
</tr>
<tr>
<td>Lot Width</td>
</tr>
<tr>
<td>At street line</td>
</tr>
<tr>
<td>At minimum building setback line</td>
</tr>
<tr>
<td>Rear Yard</td>
</tr>
<tr>
<td>Side Yard</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>One Side</td>
</tr>
</tbody>
</table>

Section 904 Mobile Home Park Regulations

a. Minimum park size for a mobile home park is ten (10) acres.

b. A mobile home park shall have direct access to an arterial or collector highway either by fronting directly or through another mobile home park.
c. Occupancy: The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be nine (9).

d. Mobile Home lots shall meet the following minimum dimensional requirements:

<table>
<thead>
<tr>
<th>Minimum lot area</th>
<th>7,500 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width at setback line</td>
<td>75 feet</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>35%</td>
</tr>
<tr>
<td>Minimum yards</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>35 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>40 feet</td>
</tr>
<tr>
<td>Side</td>
<td></td>
</tr>
<tr>
<td>One Side</td>
<td>15 feet</td>
</tr>
<tr>
<td>Total</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum unit spacing</td>
<td>30 feet</td>
</tr>
<tr>
<td>Off-street parking spaces</td>
<td>2</td>
</tr>
</tbody>
</table>

1. Minimum open space for all mobile parks shall be 15% of the total park area and shall be permanent open space, maintained by the park owners.

2. The maximum density shall be four (4) dwelling units/Acre.

e. Site Drainage

1. The ground surface of all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner without risk of harmful runoff to lands adjoining or in the vicinity of the proposed mobile home park.

2. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection.

3. Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any mobile home park.

f. Soil and Ground Cover Requirements

1. Exposed ground surfaces in all parts of every park shall be paved, covered with stone, screenings, or other solid material or protected with a vegetation growth that is capable of preventing soil erosion and any elimination of dust during dry weather. The paved surfaces shall not substantially increase or concentrate surface drainage runoff.

2. Park grounds shall be maintained free of vegetative growth which may harbor rodents or insects or other pests harmful to man.
g. Mobile Home Lots

1. Every mobile home must be placed on a foundation, pad, pilars, etc., in accordance with BOCA or the home manufacturer, whichever is more strict.

2. Each mobile home lot shall have direct frontage/access to a street in the mobile home park.

3. The corners of the mobile home shall be anchored to prevent wind overturn and rocking, by the use of augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds each.

4. Appropriate certification must be provided to the Zoning Officer from the manufacturer that the home construction meets all components of the Township Building Code.

h. Skirting

1. The area between ground level and the perimeter of the mobile home shall be enclosed by means of a skirting of wood, aluminum, or other similar material prior to occupancy of the mobile home.

i. Maintenance of Open Space Areas

1. All land required to be set aside for open space shall be designated as such in the plans submitted for subdivision approval. The plans shall contain the following statement: "Open space lands may not be separately sold, nor may such land be further developed or subdivided."

2. The subdivision plans shall designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used.

   i. Lawn: A grass area, with or without trees, which may be used by residents for a variety of purposes and which shall be mowed regularly to ensure a neat and tidy appearance.

   ii. Natural Area: An area of natural vegetation undisturbed during construction, or replanted. Such area may contain pathways, but shall otherwise be maintained only to prevent the spread of weeds, undesirable plants such as poison ivy, the maintenance of free flowing streams, and to prevent the accumulation of trash or litter.

   iii. Recreation Area: An area designated for specific recreation use including but not limited to tennis, swimming, shuffleboard, playfield, and tot lot. Such areas shall be maintained in such a manner as not to create a hazard or nuisance, and shall perpetuate the proposed use.
3. No more than 40% of the open space may be in the required buffer zone.

4. The common open space shall be provided in contiguous areas of not less than one (1) acre.

j. Street System

1. General Requirements: A safe and convenient vehicular access shall be provided for abutting public streets or roads.

2. Access and Internal Streets: Access to internal streets of mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. Streets shall have a minimum road pavement width of forty feet (40').

3. Intersections: Within fifty feet (50') of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty feet (150') shall be kept between center lines of offset intersecting streets. Intersection of more than two (2) streets at one point is prohibited.

4. Streets shall be constructed in conformance with the standards of Allen Township for materials and thickness. Curbs shall be provided along all streets to channel water to drainage facilities. Curb construction shall be in conformance with Allen Township Subdivision and Land Development Ordinance. Sidewalks shall also be required along all roads within or adjacent to the park.

k. Off-Street Parking

Where recreational facilities are provided, adequate off-street parking for same shall also be provided.

l. Sewage Disposal and Water Distribution

1. Public sewage collection and treatment and public water shall be required in all mobile home parks and shall be approved by the Pennsylvania Department of Environmental Protection and be consistent with the Township Sewage Facilities Plan.

2. The sewer and water system and lateral connections must be constructed and designed in accordance with the Allen Township Authority and Department of Environmental Protection regulations and provided for dedication to the Allen Township Authority.

m. Electrical Distribution System

1. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances with local electric power company specifications regulating such systems.
2. Power Distribution Lines:
   a. All utility lines shall be installed underground.
   b. All direct burial conductors or cable shall be buried at least eighteen inches (18") below the ground surface and shall be insulated and specifically designed for the purpose, as required by the appropriate electrical utility company.

3. Individual Electrical Connections: Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

4. Ground Required: All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor, run with branch circuit conductors and other approved methods of ground metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

n. Fuel Supply and Storage:
      a. The systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
      b. The systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in an effective operating condition.
      c. All liquified petroleum gas piping outside the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in the mobile home.
      d. No liquefied petroleum gas vessel shall be stored or located inside or beneath any mobile home or other structure.

2. Fuel Oil Supply Systems:
   a. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and

b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

c. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within five inches (5") of storage tanks.

d. All fuel storage tanks of cylinders shall be securely placed and shall be not less than five feet (5') from any mobile home exit.

e. Storage tanks located in areas subject to traffic shall be protected against physical damage.

o. Refuse Handling

The storage, collection, and disposal of refuse in a mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards, or air pollution and shall comply with any state and/or local agency having jurisdiction.

p. Insect and Rodent Control

Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall be submitted on the final plan and shall conform to the requirements of any state and/or local agency having jurisdiction.

q. Exterior Lighting of Streets and Grounds

Adequate provisions shall be made in all mobile home parks for exterior lighting of streets and common ground as the public safety, welfare, and protection of the mobile home park residents and visitors shall require.

r. Storage Within Mobile Home Parks

Owner or operator of said park shall provide an adequate storage area to permit the residents to park and store campers and boats. This area shall be paved and screened by fence or living screen from the remainder of the mobile home park. No campers or boats shall be stored other than in such a storage area. No abandoned, unlicensed vehicles shall be permitted within the park.

One (1) storage space shall be provided per four (4) mobile home spaces and shall be a minimum of 200 square feet per space; dimensional, no less than 10 feet by 20 feet.
s. Subdivision Ordinance

The provisions, regulations, and procedures provided in the Allen Township Subdivision and Land Development Ordinance shall apply to Mobile Home Parks and no such park shall be opened or constructed without full compliance with same.

As-built plans of all park improvements including, but not limited to, location of all mobile home pads, utility services such as water and sewer, underground electric, telephone, storm drainage, and service and recreation facilities shall be submitted to Allen Township prior to the issuance of any and all permits for mobile home occupancy.

t. Service/Park Buildings, Structures, and Facilities

These buildings are permitted within the park as long as they are for the benefit of park residents only and not marketed for use by the general public. Such buildings, structures, etc. include central offices, maintenance building, general store, swimming pool, bathhouse, etc. These structures and facilities must be located on individual lots within the park and conform to the following standards.

<table>
<thead>
<tr>
<th>Building setback</th>
<th>40 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>40 feet</td>
</tr>
<tr>
<td>Lot coverage</td>
<td>40%</td>
</tr>
</tbody>
</table>

Off-street parking: In accordance with the use proposed with the facility.

Section 905 General and Specific Requirements

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE X  INDUSTRIAL/COMMERCIAL DISTRICT

Section 1001  Uses Permitted By Right

a. Farming including pasturing, truck gardening, horticulture, and similar enterprise
b. Plant Nursery
c. Greenhouses
d. Commercial School
e. Public municipal buildings and facilities including libraries
f. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
g. The following commercial uses, subject to the requirements in Article XIV D  
   1. Office
h. The following industrial uses subject to the requirements of Article XIV E  
   1. Research
   2. Wholesale
   3. Printing
   4. Contracting
   5. Truck Terminal
   6. Crafts
   7. Planing Mill
   8. Mill
   8. Wholesale business, wholesale storage, warehousing
i. Fitness and Exercise Center or Club
j. Commercial Communications Antenna and Tower
k. Terminal
1. Day Care

c. Customary accessory uses and buildings incidental to any of the permitted uses
d. Commercial Forestry

Section 1002 Uses Permitted By Conditional Use

The following uses will be considered by the Board of Supervisors as conditional uses subject to the procedures of this ordinance:

a. Outdoor Recreation Facility/Commercial; rifle, shooting and target ranges; shooting preserves

b. Golf Course (private and public)
c. Private Club
d. Manufacturing subject to the requirements in Article XIV E
e. The following commercial uses subject to the requirements in Article XIV D

1. Retail Store
2. Large Retail Store
3. Service Business
4. Financial Establishment
5. Eating Place
6. Drive-in, other eating place
7. Repair Shop
8. Hospital
9. Funeral Home
10. Motel, Hotel
11. Indoor Entertainment
12. Outdoor Entertainment
13. Lumber Yard
14. Veterinary
15. Service Station
16. Automobile Sales
17. Mini-warehouse
18. Nursing Home
19. Medical Office
20. Automobile Repair
21. Truck Sales
22. Parking Lot or Garage
23. Shopping Center
24. Bed and Breakfast
25. Car Wash

Section 1003 Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 1004 Area, Yard, and Height Regulations

Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Maximum Regulations</th>
<th>Office</th>
<th>Manufacturing and All Permitted Uses</th>
<th>All Conditional Uses (Except Manufacturing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>60%</td>
<td>60%</td>
<td>70%</td>
</tr>
<tr>
<td>Minimum Regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>1 Acre</td>
<td>3 Acres</td>
<td>1 Acre</td>
</tr>
<tr>
<td>Lot Width</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At street line</td>
<td>50 feet</td>
<td>100 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>At minimum building</td>
<td>100 feet</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Setback line</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Setback</td>
<td>50 feet</td>
<td>100 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40 feet</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>40 feet</td>
<td>100 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>One Side</td>
<td>20 feet</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>
Maximum building height may be extended to sixty feet (60') if:

1. The site is served by public water,
2. The plan receives approval from the Lehigh Valley Airport Authority, and
3. The applicant must obtain BOCA design review and provide construction inspections from an independent review agency. The applicant must submit proof of compliance of design review before building permit issuance and proof of compliance of inspections before certificate of occupancy is issued. Upon Township implementation of its building codes, the provisions of that ordinance will take precedence over this requirement.

Section 1005 General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE XI   INDUSTRIAL DISTRICT

Section 1101 Uses Permitted By Right

a. Farming including pasturing, truck gardening, agriculture, and similar enterprises, (subject to requirements of Article IV).

b. Indoor rifle, shooting and target ranges, shooting preserves.

c. The following industrial uses, subject to the requirements in Article XIV E

   1. Manufacturing
   2. Research
   3. Wholesale
   4. Printing
   5. Contracting
   6. Truck Terminal
   7. Crafts
   8. Planing Mill
   9. Mill

d. The following commercial uses, subject to the requirements in Article XIV D

   1. Lumber Yard
   2. Eating Place

e. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.

f. Public municipal buildings and facilities, including libraries.

c. Customary accessory uses and buildings incidental to any of the permitted uses.

d. Commercial Forestry
Section 1102 Uses Permitted By Conditional Use

The following uses will be considered by the Board of Supervisors as Conditional Uses subject to the procedures of this Ordinance:

a. Adult Related Facilities
b. Junk yard
c. Extractive Operation
d. Municipal Waste Landfill
e. Resource Recovery Facility
f. Vehicular Track or Course
g. Outdoor rifle, shooting, and target ranges

Section 1103 Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 1104 Area, Yard, and Height Regulations

Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Maximum Permitted</th>
<th>Industrial Uses</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height¹</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>60%</td>
<td>60%</td>
</tr>
</tbody>
</table>

Minimum Regulations

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>3 acres</th>
<th>1 acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>100 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>At street line</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Building setback</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td>100 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>Total One Side</td>
<td>50 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

¹ Maximum building height may be extended to sixty feet (60') if:

1. The site is served by public water,
2. The plan receives approval from the Lehigh Valley Airport Authority, and
3. The applicant must obtain BOCA design review and provide construction inspections from an independent review agency. The applicant must submit proof of compliance of design review before building permit issuance and proof of compliance of inspections before certificate of occupancy is issued. Upon Township
ARTICLE XII  HIGHWAY COMMERCIAL DISTRICT

Section 1201  Uses Permitted By Right

a.  Farming including pasturing, truck gardening, agriculture, and similar enterprises (subject to requirements of Article IV).

b.  The following commercial uses subject to the requirements in Article XIV D

1.  Retail Store
2.  Large Retail Store
3.  Service Business
4.  Financial Establishment
5.  Office
6.  Medical Office
7.  Eating Place
8.  Drive-in, other Eating Place
9.  Repair Shop
10.  Motel, Hotel
11.  Indoor Entertainment
12.  Tavern
13.  Lumber Yard
14.  Service Station
15.  Automobile Sales
16.  Automobile Repair
17.  Truck Sales
18.  Mini-Warehouse
19.  Car Wash
implementation of its building codes, the provisions of that ordinance will take precedence over this requirement.

Section 1105 General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
c. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.

d. Public municipal buildings and facilities, including libraries.

e. Day Care

c. Customary accessory uses incidental to any of the permitted uses

d. Commercial Forestry

Section 1202 Land Development Plan Approval

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

Section 1203 Area, Yard, Height Regulations

Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Building Height</th>
<th>All Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage</td>
<td>70%</td>
</tr>
</tbody>
</table>

Minimum Regulations

| Lot Area         | 1 acre   |
| Lot Width        |          |
| At street line   | 75 feet  |
| At building setback line | 100 feet |
| Building Setback | 50 feet  |
| Rear Yard        | 20 feet  |
| Side Yard        |          |
| Total            | 40 feet  |
| One Side         | 20 feet  |

Section 1204 General and Specific Regulations

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE XIII  NEIGHBORHOOD COMMERCIAL DISTRICT

Section 1301  Uses Permitted By Right

a.  Farming including pasturing, truck gardening, agriculture, and similar enterprises (subject to requirements in Article IV).

b.  The following commercial uses, subject to the requirements of Article XIV D

1.  Office
2.  Medical Office
3.  Retail Store
4.  Service Business
5.  Financial Establishment
6.  Eating Place
7.  Repair Shop
8.  Funeral Home
9.  Tavern
10.  Veterinary
11.  Bed and Breakfast
12.  Nursing Home

c.  Single family detached dwelling

d.  Duplex (allowed only with public sewer)

e.  Rooming house

f.  Churches or place of worship

g.  Community/Group Home

h.  Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources.

i.  Public municipal buildings and facilities, including libraries.
j. Customary accessory uses incidental to any of the permitted uses.

k. Day Care.

**Section 1302 Uses Permitted By Conditional Use**

- Conversion of existing building
- Dwelling in combination

**Section 1303 Land Development Plan Approval**

Land Development Plan review by the Planning Commission and approval by the Board of Supervisors shall be required for all uses as required by the Township Subdivision and Land Development Ordinance and the Municipalities Planning Code (MPC).

**Section 1304 Area, Yard, and Height Regulations**

Lot area, yard, and height requirements (except as otherwise noted)

<table>
<thead>
<tr>
<th>Minimum Permitted</th>
<th>Any Use Without Public Sewer</th>
<th>All Uses with Public Sewer (Except Duplex)</th>
<th>Duplex with Public Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>70%</td>
<td>70% (SFD 35%)</td>
<td>35%</td>
</tr>
<tr>
<td>Minimum Requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>1 acre</td>
<td>12,000 square feet</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At street line</td>
<td>75 feet</td>
<td>75 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>At building setback line</td>
<td>100 feet</td>
<td>100 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>Building Setback</td>
<td>25 feet</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>15 feet</td>
<td>15 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>30 feet</td>
<td>30 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>One Side</td>
<td>15 feet</td>
<td>15 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

**Section 1305 General and Specific Regulations**

All uses are subject to the applicable regulations of Articles XIV and XV.
ARTICLE XIV  PERFORMANCE STANDARDS

A. GENERAL PERFORMANCE STANDARDS

Section 1400  Compliance

All uses and activities shall comply with the standards in this Article XIV.

Section 1401  Lot Use Requirements

a. Any proposed use must be a permitted use in that District (either by right or upon receiving conditional use approval) or must have received a variance for its use.

b. This Ordinance does not prohibit more than one of the same use or more than one principal use on any lot. If this condition is proposed, no part of a required minimum lot area or required open space can be used by another use or structure to meet its required minimums. Unless otherwise permitted by the Board of Supervisors during subdivision and/or land development review, any use or structure must occupy a portion of the lot sufficiently sized and oriented to allow it to be subdivided from that parent tract without creating any nonconformities.

Section 1402  Visibility at Street Intersections

On a corner lot, within the triangular area computed by the method described below, nothing shall be erected, placed, or allowed to grow to a height in excess of two feet (2') above the centerline grades of the intersecting streets.

a. No vehicle, object, or other obstruction of a height in excess of two feet (2') shall be parked or placed within the "clear sight triangle" depicted below.

b. No hedge, shrub, tree, or other growth shall be maintained within the "clear sight triangle" at a height in excess of two feet (2') except existing trees.

1. Leaves and branches of existing trees within the "clear sight triangle" shall be trimmed away to a height of at least ten feet (10') above the centerline grades of the intersection streets.

c. The area of the "clear sight triangle" to be preserved at intersections is determined by connecting a straight line between two points. Each point is on the centerline of one of the intersecting streets a distance "d" from the point of street centerline intersections.

<table>
<thead>
<tr>
<th>&quot;d&quot;</th>
<th>Township Designation for Major Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>75 feet</td>
<td>Local</td>
</tr>
<tr>
<td>90 feet</td>
<td>Collector</td>
</tr>
<tr>
<td>120 feet</td>
<td>Arterial</td>
</tr>
</tbody>
</table>
1. Example of "clear sight triangle" - a right angle intersection.

![Diagram of clear sight triangle]

2. Example of a "clear sight triangle" - a non-right angle intersection.

![Diagram of clear sight triangle]

d. "Clear sight triangle" requirements have precedence over any other setback, yard, or other requirements unless they are more stringent than the "clear sight triangle" requirement; the most demanding requirement shall apply.

e. The "clear sight triangle" extends from a vertical height of two feet (2') to a vertical height of ten feet (10') at minimum.

f. Traffic directional signs and parts thereof are excluded from the requirements of Section 1402.

Section 1403 Yard Requirements

a. Minimum yards shall be required from all public and private roads, streets, highways, and property lines.
b. The required front yard varies depending upon the functional classification of the road, street, or highway; the functional classification of roads in the Township is delineated on its Official Map.

c. Setback Requirements - No building or structures shall be placed within any required yard or ultimate road, street, or highway right-of-way line except lamp posts, driveways, mail boxes, sidewalks, and utility lines, or such incidental items as may be agreed to by the Board of Supervisors during the Site or Land Development Plan Review.

   i. In the case of a proposed street; the street right-of-way line, the street classification, and the setback line shall be shown on the Subdivision Plan.

d. Where a lot extends through from street to street or in the case of a corner lot, the applicable front yard setback requirements shall be applied to both streets.

e. Exceptions for Existing Alignment - If the alignment of existing buildings on either side of a lot within a distance of fifty feet (50') of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the Supervisors may accept the average of such existing alignment within that distance as the required front yard, but in no case shall the front yard be less than twenty feet (20').

f. Projection into Yards - Ground story bay windows, porches, and chimney flues may project into required yard areas no more than four feet (4') [ADA required facilities are exempt]. Such projections shall not occupy more than one third the length of the building wall. Cornices and gutters may project not more than two feet (2') into a required yard. Fire escapes may be permitted in accordance with this section in side and rear yards only.

Section 1404 Planting, Structures, and Fences in Yards & Setbacks

a. A fence shall be permitted on any property line. All fences shall be installed with the finished side of the fence not containing the support beams or posts facing toward the neighboring property.

b. No fence shall exceed the following height limitations.

   1. Any fence located within the front yard shall be a maximum of 36 inches high and be able to be seen through from the street.

   2. No fence shall exceed six feet (6') in height for a Residential Use.

   3. No fences shall exceed eight feet (8') in height in a Commercial/Industrial Use.

c. Planted hedges must be setback a minimum of 3 feet from the property line.

d. The clear site triangle regulations in §1402 may not be violated.
Section 1405 Environmental Performance Standards

a. Applicability - The Zoning Map identifies the following environmental features: flood plains, forest, and steep slopes.

b. Overlay Concept - The environmental features shown on the Zoning Map are considered to apply an overlay zoning designation supplementing the requirements of the underlying District. The more restrictive requirement shall apply.

c. Discrepancies and Additional Environmental Regulations - Applicants may dispute the presence of environmental features on his/her site by presenting a plan for Township review based on actual field measurements and/or calculations and certified by a Professional Land Surveyor or a Professional Engineer. The Zoning Officer shall review the plan and make the final determination, accepting review from the Township Engineer, the Planning Commission, and the Board of Supervisors, if necessary.

Also, environmental features not identified on the Zoning Map may be present on a site. All applicable environmental performance standards contained in this Article must be followed and the features shown on the applicant's Site Plan, Land Development Plan, and/or Subdivision Plan.

d. Flood Plains - All such lands shall remain as permanent open space, unless otherwise allowed in Section 1419.

e. Steep Slopes - In areas of steep slopes, i.e., those above 8%, the following standards shall apply.

   1. 15%-25% - If any part of the lot located outside of the minimum required yard area (i.e., within the building setback lines) contains slopes of 15%-25%, the required minimum lot size and required minimum lot width shall double and the required maximum density and coverage shall be halved.

   2. 25% or more - If any part of the lot located outside of the minimum required yard area (i.e., within the building setback lines) contains slopes greater than 25%, the required minimum lot size and required maximum lot width shall triple and the required maximum density and coverage shall be one third of the specified maximum.

   3. Any earthwork performed on a slope of 8% or greater must have a Grading Plan, following the requirements of Ordinance 89-3, as amended.

   4. Performing grading to avoid requirements of this Ordinance is hereby prohibited.

   5. In the case of property containing both steep slopes and forests, the more restrictive minimum lot size and a required maximum lot width shall be applied.

f. Forest - Properties which contain forests, as defined by this Ordinance, subsequent to the effective date of this Ordinance, shall be subject to the following regulations.
1. The minimum lot size, maximum density of development permitted, and maximum lot coverage for any property containing forests is established in accordance with the following requirements.

### RESIDENTIAL LOT SIZE, LOT WIDTH DEVELOPMENT DENSITY, AND COVER FACTORS

<table>
<thead>
<tr>
<th>Percentage of Property Covered by Forest</th>
<th>Lot Size and Width Factor *</th>
<th>Development Density and Cover Factor **</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% - 25%</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>25.1% - 50%</td>
<td>1.5</td>
<td>0.67</td>
</tr>
<tr>
<td>50.1% - 100%</td>
<td>2.0</td>
<td>0.50</td>
</tr>
</tbody>
</table>

### NON-RESIDENTIAL, DEVELOPMENT DENSITY AND COVER FACTOR

<table>
<thead>
<tr>
<th>Percent of Property Covered by Forest</th>
<th>Development Density and Cover Factor **</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% - 25%</td>
<td>1.0</td>
</tr>
<tr>
<td>25.1% - 50%</td>
<td>0.85</td>
</tr>
<tr>
<td>50.1% - 100%</td>
<td>0.75</td>
</tr>
</tbody>
</table>

* This factor shall be multiplied by the Zoning District lot size and width requirement to obtain the adjusted minimum lot size and width.

** This factor shall be multiplied by the Zoning District density and lot coverage requirement to obtain the adjusted maximum allowed development density and lot coverage.

2. Removing forests or existing trees to avoid requirements of this Ordinance is hereby prohibited.

3. A minimum of 80% of forest area shall be preserved as undisturbed forests, except for removal of dead or diseased trees, and/or except for normal removal of trees for prudent forest management to allow for proper tree growth. This calculation of 80% in both cases shall be made after the lot size criteria of this Ordinance have been met as listed above. If the preservation of forests (as required by this section) results in less development density and onlot coverage than otherwise allowed, the more restrictive requirement shall be utilized.

4. The "forest" definition and delineation shall be determined on the basis of lot lines that exist as of the effective date of this Ordinance. The delineation of forests shall be made during the preparation of any Subdivision or Land Development Plan for approval by the Township, on the basis of the property prior to the creation of building lots in any proposed subdivision. Once the delineation of forests is made, the lot layout for that subdivision and/or development density and coverage for that Subdivision and/or Land Development Plan would be based upon the criteria of this section.
5. In any case, if a lot owner wished to develop a single lot with a single family detached dwelling, the owner shall be permitted to remove the minimum amount of forest required for construction of his dwelling and grading of his building and normal accessory items (for example: driveway, septic system, pool, shed, etc.).

6. In the case of property containing both steep slopes and forests, the more restrictive minimum lot size and required maximum lot width shall be applied.

g. Lakes, Ponds, Wetlands, or Watercourses - These areas shall be left as permanent open space. Quarries are not included in this section.

1. Lake Shorelines - The shorelines of lakes, to a distance of 300 feet from the shorelines, shall contain no more than 10% impervious surfaces. At least 70% shall be permanent open space.

2. Pond Shorelines - The shorelines of ponds shall, to a distance of 100 feet from the shorelines, contain no more than 10% impervious surfaces. At least 80% shall be permanent open space.

h. Stormwater - Stormwater management for all subdivisions and land developments consistent with the Township Stormwater Management Ordinance must be provided.

i. Soil Erosion and Sedimentation - All developments shall protect streams, lakes, and ponds from sedimentation damage control erosion in accordance with the "Clean Streams Law PL 1987", Chapter 102, Latest Edition, as amended.

Section 1406 Buffer Yards

Buffer yards are required for Townhouse Subdivisions, Mobile Home Parks, Golf Courses, and for any use in the HC, I, and I/C Districts where it adjoins any property in a Residential Zoning District or any existing residential properties. Townhouse subdivisions are not required to buffer from other existing Townhouse Subdivisions or property with a Townhouse Subdivision having received Preliminary Plan approval. Extractive operations must comply with buffer yards as established in Section 1516.

a. In Townhouse and Multi-Family Subdivisions and Mobile Home Parks, the buffer yard shall be part of the open space and not part of the lot area assigned to a dwelling unit, unless open space is not required for the development.

b. The buffer yard shall be measured from the District boundary line, property line, or from the near street where a street serves as the District boundary line or property line.

c. The buffer yards may be coterminous with required front, side, or rear yards, and in case of conflict, the larger yard requirements shall apply.
d. In all buffer yards, the exterior fifty-foot width (thirty feet in Townhouse and Multi-Family Subdivisions and twelve feet for a hospital) shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass in conformance with existing regulations.

e. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard, however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior fifty-foot width.

f. All buffer yards, except Residential Subdivisions or Mobile Park Homes, shall include a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air-borne particles, glare, and noise. Such screen planting shall be located within the exterior fifty feet of the buffer yard, and shall be in accordance with the following requirements:

1. Plant materials used in the screen planting shall be at least four feet (4') high when planted and shall be of such species as will produce a dense visual screen at least eight feet (8') high within four (4) years.

2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.

3. The screen planting shall be so placed that at maturity it will be not closer than three feet (3') from any street or property line.

4. In accordance with the provisions of this Ordinance, a "clear sight triangle" shall be maintained at all street intersections and all points where private accessways intersect public streets.

5. The screen planting shall be broken only at points of vehicular or pedestrian access, and required drainage.

g. In Townhouse and Multi-Family Subdivisions and Mobile Park Home Parks, the following shall apply:

1. The buffer yard may be averaged. The width in (j) below is average with the minimum being 60% of the average.

2. All existing deciduous and coniferous trees above 2 inches caliper and/or 6 feet in height shall be preserved in the buffer yard except where clearance is required to ensure sight distances. Any removal should, where feasible, involve relocation rather than clearing.

3. Buffer width and planting material shall be laid out to respect existing or proposed off-site uses. The minimum width may be used where compatible single family uses adjoin, or where the property abuts nonbuildable land. The object of planting shall be defined in the plan as: visual barrier, noise barrier of to prevent access to hazardous areas.
4. Generally, a minimum of 25% of plant material shall be evergreen and 10% flowering. Planting shall be adequate in quantity to fully cover the minimum thirty-foot buffer, but may be clumped or grouped for maximum efficiency.

   a. Where noise and glare are problems, 50% of the plantings shall be evergreens.

   b. Where hazardous conditions exist, hedgerows with thick, thorny plants are desirable (excluding noxious weeds). Plantings should be such as to make access difficult.

   c. Where visual screening is most important, evergreens and flowering trees should increase to 50% of the total.

5. Self-maintaining ground cover or grass shall be planted to the edge of the buffer.

6. The buffer must produce a dense visual barrier to a height of 8 feet within four years.

7. The screen planting shall be broken only at points of vehicular or pedestrian access, and required drainage.

h. No screen planting shall be required along streets that form District boundary lines, provided that:

   1. No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from the adjacent residential properties or Residential Districts (R, R1, R2, or R3).

   2. Only the front of any proposed building shall be visible from the adjacent residential properties or Residential Districts (R, R1, R2, or R3).

i. Prior to the issuance of any Zoning Permit, complete plans showing the arrangement of all buffer yards; the placement, species, and size of all plant materials; and the placement, size material, and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.

j. Size of the Buffer Yards - The following are the required buffer yard widths for each use requiring a buffer yard. Unless noted otherwise, the buffer yard is applicable to any property line adjacent to a residential property or residentially zoned (R, R1, R2, or R3) property.

   1. Townhouses - Garden Apartments: Thirty feet with no more than 30% of the required open space area (if any) in the buffer yard.

   2. Mobile Home Park: Fifty feet on all property lines.

   3. Golf Course: Fifty feet.
4. Hospital: Twelve feet.

5. Office Uses: Fifty feet.


7. Industrial Uses: Fifty feet.

k. The buffer yards shall be shown on any required Site Plan, Land Development Plan, and/or Subdivision Plan and shall be sealed by a Registered Landscape Architect.

l. The buffer yard landscaping and/or barriers must be permanently maintained by the property owner and any dead landscaping replaced. A protective easement shall be provided.

m. At the discretion of the Board of Supervisors, the Board of Supervisors may accept the existence of existing, mature tree lines as meeting the requirements of this section. A protective easement shall be required to ensure their preservation and maintenance.

Section 1407 Hazards and Nuisances

No land or building in any Zoning District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electromagnetism; or other condition, substance, or element; in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

Procedures

a. An application for a Building Permit or a Certificate of Occupancy for a use shall include a plan or proposed construction and a description of the proposed machinery, operations and products, and specification for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this section.

b. The applicant shall also file with such plans and specifications a statement acknowledging his understanding of the applicable performance standards and stating his agreement to conform with the same at all times.

c. Fire and Explosion Hazards - All activities involving, and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and Local laws and regulations shall also apply.

d. Vibration - No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond any lot line; nor shall any vibration
produced exceed 0.002g peak at up to fifty cps frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

1. Vibrations occurring at higher than fifty cps frequency or aperiodic vibrations shall not induce acceleration exceeding .001g.

2. Single impulse aperiodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding .01g.

e. Noise - The sound levels at any lot line from any operation within a lot shall not exceed the decibel levels in the designated octave bands stated below.

1. Sound pressure level shall be measured according to specifications and procedures published by the American Standards Association.

2. For smooth and continuous noise.

<table>
<thead>
<tr>
<th>Frequency Band (Cycles Per Second)</th>
<th>Maximum Sound Pressure Level (Decibels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 150</td>
<td>67</td>
</tr>
<tr>
<td>150 - 300</td>
<td>59</td>
</tr>
<tr>
<td>300 - 600</td>
<td>52</td>
</tr>
<tr>
<td>600 - 1200</td>
<td>46</td>
</tr>
<tr>
<td>1200 - 2400</td>
<td>40</td>
</tr>
<tr>
<td>2400 - 4800</td>
<td>34</td>
</tr>
<tr>
<td>4800 - above</td>
<td>32</td>
</tr>
</tbody>
</table>

3. For noise between 10:00 p.m. and 7:00 a.m., reduce above maximum by 3 decibels.

4. For irregular, pulsating, or periodic noise, reduce above maximum by 3 decibels.

5. For smooth noise which occurs less than five percent (5%) of any one hour period, raise maximum by 3 decibels.

6. The above standards do not apply to construction or demolition activities or emergency alarm signals.

f. Odor - No emission of noxious odor other than agricultural in nature as perceived by the human olfactory sense at any lot line shall be permitted.

g. Air Pollution - No fly ash, fume, vapor, gas, or other form of air pollution shall be permitted that exceeds any air pollution standard or air quality criteria established by the Bureau of Air Environmental Protection.

Specific standards and regulations are contained in the Bureau's "Regulations", as amended.
h. Glare

1. Direct glare is defined for the purpose of this Ordinance as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature process as welding or petroleum or metallurgical refining.

2. Indirect glare is defined for the purpose of this Ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.

3. No direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be sixty degrees (60°) drawn perpendicular to the ground, such luminaries shall be placed not more than sixteen feet (16') above the ground level and the maximum illumination at ground level shall not be in excess of three-foot (3') candles.

4. A luminary less than four feet (4') above the ground may have a cone angle of ninety degrees (90°).

5. Indirect glare produced by illuminating a reflecting surface shall not exceed 0.3 foot candles instantaneous maximum measurement or 0.1 foot candles average measurement.

6. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

i. Liquid or Solid Wastes - No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with State Health or Environmental Protection Department Standards, Township Standards, or other regulating Agency Standards.

1. Materials of such nature or temperature that will contaminate any water supply or otherwise cause the creation of dangerous elements, shall be prohibited.

2. The accumulation of solid or liquid wastes conducive to the breeding of rodents or insects thus formulating a health or safety hazard, shall be prohibited.

j. Radioactive or Hazardous Waste - No radioactive or hazardous waste, as defined by the United States Environmental Protection Agency, shall be stored or disposed of in any District.

k. Storage of Gas, Liquids, and Solids

1. No underground or subsurface storage of chemicals, either gas, liquid or solids shall be permitted in any District, except for underground storage of petroleum products as regulated by the State Police and/or other State or Federal Regulatory Agency.

2. No above ground or surface storage of chemicals, either gas, liquid or solids in any quantity in excess of twenty cubic feet (20 cf) in volume, shall be stored or maintained
within 300 feet of a Residential District boundary, or within 300 feet of a residential dwelling, except for chemicals, such as heating oil, or propane, which may be required for the normal heating and cooling of a building and fire suppressant chemicals developing chemicals and janitorial chemicals and lawn and agricultural fertilizers in a quantity not to exceed forty cubic feet (40cf).

Section 1408 Waiver of Height Requirements

a. Nothing herein shall restrict the height of a church spire, cupola, dome mast, belfry, clock tower, radio tower, or transmission line, flagpole, water tank, elevator, or stair bullhead, stage tower, scenery loft, smoke stack, silo or similar structure, so long as sufficient yard exists, adjacent to such structure, to allow such structure to fall completely within the lot lines if such structure were to fail.

All Federal Airport Regulations must be followed.

b. Structures for which height restrictions have been waived shall not have a lot coverage at the base in excess of ten percent (10%) of the lot area.

d. Structures for which height restrictions have been waived shall not be used for residency or tenancy purposes.

c. Structures for which height restrictions have been waived shall not have any advertising sign or device inscribed upon or attached to such structures.

Section 1409 Traffic Impact Study

The Township reserves the right to require a Traffic Impact Study in accordance with provisions hereinafter set forth, if in the opinion of the Township, the proposed use could generate significant traffic flow. The Traffic Impact Study shall be based on the following criteria:

a. General Site Description - The site description shall include the size, location, proposed land uses, construction, staging and completion date and types of dwelling units, if applicable. A brief description of other major existing and proposed land developments within one half mile of the proposal which shall constitute the study area, except that a study area of one mile from the proposal shall be used for any commercial development of greater than 200,000 square feet of total floor area.

b. Traffic Facilities Description - The description shall contain a full documentation of the proposed internal and existing highway system. The report shall describe the external roadway system within the area. Major intersections in the area shall be identified and sketched. All future highway improvements which are part of proposed surrounding developments shall be noted and included in the calculations.

c. Existing Traffic Conditions - Existing traffic conditions shall be measured and documented for all streets and intersections in the area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and for the hour(s) of predicted peak development
generated hour(s) traffic shall be recorded. Traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and predicted peak development generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the predicted peak development generated hour(s) for all streets and major intersections in the study area. Levels of service shall be determined for each major road segment and turning movement. Detailed traffic counts of existing local streets not provided or proposed for through access are not required. A tabulation of accident locations during a recent 3-year period shall be shown.

This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or turning movements experiencing Levels of Service D, E, or F, as described in Highway Capacity Manual, Special Report No. 209, dated 1985, shall be noted as congestion locations.

d. Traffic Impact of the Development - Estimation of vehicular trips to result from the proposal shall be computed from the average daily peak highway hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Trip Generation Manual, published by the Institute of Transportation Engineers, or, at the request of the Township, said calculations shall be substantiated by physical counts at similar type developments. These estimated development generated traffic volumes shall be provided for both inbound and outbound traffic movements, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These estimated volumes shall be distributed to the area and assigned to the existing streets and intersections throughout the area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Any characteristics of the site that will cause particular trip generation problems shall be noted. For retail sales uses, the increased traffic during the holiday seasons and during weekends shall be forecast and analyzed.

e. Analysis of Traffic Impact - The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (straight line projections based on historical data), the development generated traffic and the traffic generated by other proposed developments in the study area. A second volume/capacity analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections.

All access points shall be examined as to the necessity of installing traffic signals. This evaluation shall compare the projected traffic to State warrant regulations for traffic signal installation.

f. Conclusions and Recommendations - Levels of Service for all streets and intersections shall be listed. All streets and/or intersections showing a Level of Service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the
following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, and traffic signal installation and operation including signal timing. All physical street improvements shall be shown in sketches.

g. Cost of Needed Projects - Approximate costs for all needed transportation improvements shall be developed within a defined impact area.

h. Administration

i. The full cost of the traffic study and Township reviews of the study shall be borne by the applicant.

2. The traffic study shall be reviewed by the Township Engineer or other professional reviewer designated by the Township.

3. The project manager for any traffic impact report shall be a professional traffic engineer or transportation planner with significant experience in traffic studies.

4. In place of individual traffic studies, the Board of Supervisors may by resolution establish a fee schedule for traffic studies. The applicant shall then pay such fees which shall be used for a coordinated study of more than one proposed development in an area of the Township.

5. The Board of Supervisors shall approve the traffic study as complete prior to granting final approval to a land development, subdivision, or conditional use application, unless a specific process for determining any needed traffic improvements is made a condition of such approval.

i. Applicant's Responsibility - The applicant shall respond to the traffic impact report by stating to what degree he/she is willing to assist in funding or completing any off-site improvements that are needed and to state what on-site improvements he/she proposes. These improvements may include structural or nonstructural improvements. Nonstructural improvements include long-term commitments by employers or developers to support van pools, bus pools, staggered work hours or public bus service.

j. Future Stages of Development - The traffic study shall include not only an analysis of one individual project proposed at one point in time, but also the overall projected impacts of future development of all nearby lands owned by the applicant or that the applicant has an option to purchase. The study shall include a projection of the traffic expected from this future development, using reasonable alternatives if no definite plans are available.

k. Other Proposed Development - The study should also take into account traffic that can be expected as a result of other development which has been approved and development for which plans have been submitted to the Township and are being actively pursued.

l. Timing of Required Traffic Improvements - No occupancy permit shall be granted for a use or uses until such traffic improvements that have been required by PennDOT or the Township to serve the use are in place and operating, unless the Board of Supervisors require or
allow funds for a required traffic improvement to be placed in a dedicated escrow account to be used when such improvements are warranted.

Section 1410 General Site Landscaping

The following general site landscaping requirements shall apply to all properties required to submit Land Development Plans following the requirements of this Ordinance.

a. All properties must provide for a total area of landscaping equal to ten percent (10%) of any proposed area of impervious cover.

1. This landscaping shall be distributed throughout the property to enhance the buildings and parking areas and the property's appearance from surrounding properties and roads.

2. The property owner is required to maintain this landscaping in a neat and healthy manner, and is required to replace dead and diseased plants.

b. Landscaping used to satisfy this requirement shall be credited as follows:

1. Every large deciduous tree provided, for example Red Oak (quercus borealis), Green Ash (fraxinus lanceolata), and Sweetgum (liquidambar styraciflus), shall count as 200 square feet of landscaping credit.

2. Every medium deciduous tree provided, for example Red Maple (acer rubrum), Callery Pear (pyrus calleryana), and Golden Raintree (koelreuteria paniculata), shall count as 150 square feet of landscaping credit.

3. Every small deciduous tree or Evergreen provided, for example Flowering Dogwood (cornus florida), Kwanzan Cherry (prunus serrulate kwanzan), and White Pine (pinus strumbus), shall count as 100 square feet of landscaping credit.

4. Any area occupied by shrubs, flower beds and/or foundation plantings shall count as landscaping credit toward this landscaping requirement on a square foot per square foot basis.

c. These general site landscaping requirements are in addition to any planting strips, planting screens, buffer strips or street trees, as required elsewhere in this Ordinance or in other Ordinances of the Township.

d. Any existing trees or plant material to be protected and preserved, and not counted toward other landscaping requirements in this or other Township Ordinances, may count toward the required landscaping area, using the provisions stated in Section 1410(b).

e. In meeting these general site landscaping requirements, at least ten percent (10%) of the credits (as outlined above) must be provided by way of "large deciduous trees" with a further minimum of at least one such tree for each lot regulated by this section of the Ordinance.
Section 1411 Accessory Uses and Structures

a. Any structure or use on a lot, other than a primary structure or use must be clearly accessory to the primary use (which must be allowed on that property). For example, barns are to be used as a primary or accessory structure for the storage of farm materials and/or livestock associated with the primary use of the farm i.e., farming. Storage of materials in the barn not associated with farming would, therefore, be prohibited.

b. Except as noted below, accessory buildings must meet all yard and setback requirements of this Ordinance.

c. Completely detached accessory buildings for all nonresidential uses being ten feet or less in height may occupy a required side or rear yard, but shall not be located closer than 10' to any side or rear property line (see exception below) nor closer than 15' to the rear of the primary building on the lot and 25' from the nearest point of the primary building of any adjacent lot (see exception below).

Completely detached accessory buildings, up to 10 feet in height, for residential uses shall be setback from a side or rear property line a minimum distance equal to 10% of the required minimum lot width (at the setback line) for that use in that District or a distance of 10 feet, whichever is less.

Since attached structures (such as duplexes and townhouses) have no side yard requirements on their common lot lines, no lot line setbacks or adjacent building setbacks above are applicable for these small accessory buildings.

d. Completely detached accessory buildings in (c) above may be increased in height, provided that for every 1 foot in height above 10 feet, there shall be added 1 foot additional setback to the side or rear lot lines.

Section 1412 Storage

a. Outdoor Storage - Specific provisions of outdoor storage are governed in this Article. No outdoor storage is permitted on a site unless it is related to the primary use of the site. The storage of D.E.P. classified hazardous materials must be in quantities and stored in a manner consistent with D.E.P. regulations. No materials or wastes shall be deposited upon a lot in some form or manner that they may be transported off the lot by any natural causes or forces.

b. Indoor Storage - Specific provisions of indoor storage are governed in this Article. No indoor storage is permitted on a site unless it is related to the primary use of the site. The storage of D.E.P. classified hazardous materials must be in quantities and stored in a manner consistent with D.E.P. regulations.

c. Storage of Recreation Vehicles & Travel Trailers - No more than two of either a recreational vehicle or travel trailer or combination thereof may be stored on a lot occupied by the owner of the recreational vehicle and/or travel trailer, provided such recreational vehicle and/or travel trailer shall be placed in such a position so as to meet all dimensional requirements.
for the District within which it is located. This provision is for the storage or occupation of recreational vehicles only and not the storage or occupation of a mobile home.

Section 1413 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

a. Driveways (Single Family Dwellings) - Access to single family dwellings shall be provided by driveways and subject to the following criteria:

1. Number per Lot - No more than two driveway connections per lot shall be permitted.

2. Clear Sight Triangle - Driveways shall be located and constructed so that a clear sight triangle or 75 feet as measured along the street centerline for local roads, and 100 feet as measured along the street centerline for collector or arterial roads, and 5 feet along the driveway centerline is maintained; no permanent obstructions over 30 inches high shall be placed within this area.

3. Access Permits - Driveways shall not be permitted to have direct access to State roads or highways, unless authorized by the Pennsylvania Department of Transportation through insurance of a Highway Occupancy Permit, or to Township roads unless a Road Occupancy Permit has been obtained from the Township.

4. Intersection - Driveways shall intersect streets at right angles, wherever possible.

5. Grades - Driveway grades shall not exceed the following:

   Seven percent (7%) when access to an arterial street or highway is permitted.

   Ten percent (10%) with access to a local or collector street.

6. Location - The centerline of a driveway at the point of access to a street shall not be located closer to a street intersection than the following distances:

   One hundred fifty feet (150') if either street is an arterial street.

   One hundred feet (100') if one street is a collector and the other street is either a collector or local street.

   Seventy-five feet (75') if both streets are local streets.

   Driveways shall not be located within five feet (5') of any fire hydrant or adjoining lot line, unless shared with an adjacent lot.
7. Road Classification - Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.

8. Driveway Width - No driveway shall provide a curb cut exceeding twenty feet (20') in width.

9. Drainage - Driveways shall not be constructed in a manner to be inconsistent with the design, maintenance, and drainage of the street.

b. Access Drive (Non Single Family Development) - Vehicular access to uses other than single family dwellings shall be provided by access drives and subject to the following standards:

1. Number Per Lot - Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two per lot frontage. The Township Supervisors may grant permission for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

2. Clear Sight Triangle - Access drives shall be located and constructed so that clear sight triangle of 75 feet as measured along the street centerline, for local roads, and 100 feet as measured along the street centerline for collector or arterial roads, and 5 feet along the centerline of the access drive is maintained; no permanent obstructions over 30 inches high shall be placed within this area.

3. Access Permits - Access drives shall not be permitted to have direct access to State roads or highways, unless authorized by the Pennsylvania Department of Transportation through issuance of a Highway Occupancy Permit, or to Township roads unless a Road Occupancy Permit has been obtained from the Township.

4. Intersection - Access drives shall intersect streets at right angles, wherever possible.

5. Grades - Access drive grades shall not exceed the following:

   Seven percent (7%) when access to an arterial street or highway is permitted.

   Ten percent (10%) with access to a local or collector street.

6. Location - The centerline of an access drive at the point of access to a street shall not be located closer to a street intersection than the following distances:

   Three hundred feet (300') if either street is an arterial street.

   Two hundred feet (200') if one street is a collector and the other street is either a collector or local street.

   One hundred fifty feet (150') if both streets are local streets.
Access drives shall not be located within 15 feet of any fire hydrant or adjoining property line, however, this setback can be waived, by the Board of Supervisors, along one property line when a joint parking lot is shared by adjoining uses.

7. Surfacing - With the exception of farm lanes, all access drives shall be paved with concrete or bituminous paving material, or another dust-free material suitable to the Board of Supervisors.

8. Access Drive Width and Radius - Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the property line, shall conform with the following schedule:

<table>
<thead>
<tr>
<th>Number of Lanes</th>
<th>Minimum Width (feet)</th>
<th>Maximum Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Lane</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>Two Lanes</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>Three Lanes</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

In all cases, the radius of the edge of the access drive apron shall be at least 15 feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.

All nonresidential driveways shall be curbed at the street line, unless otherwise allowed by the Board of Supervisors.

Section 1414 Swimming Pools

a. Swimming pools shall be located to the side of or in the rear of the primary structure of the lot. No swimming pools are permitted closer to a street right-of-way than the front of the primary structure.

b. Pools shall be setback at least 10 feet from any lot line or electric line. This setback shall also apply in the case of attached structures (such as duplexes and townhouses).

c. In-ground swimming pools must be located entirely within a chain link or wooden fence (or equivalent) with a minimum height of 48 inches. A locking gate must be provided for the fence.

d. Above-ground swimming pools having an exposed sidewall of less than 48 inches must also be enclosed in a fence to a minimum height of 48 inches from the ground. The fence may be attached to the pool sidewalls.

e. Any above-ground swimming pool must have a retractable locking ladder and/or locking gate to the steps of a side deck.

f. Fencing must be installed prior to filling the pool with water.
g. If BOCA or the property owner's insurances would demand stricter standards, the property owner must follow the stricter standards.

Section 1415 Animals as Pets

Single family dwellings may have animals as pets, if not classified as animal husbandry or kennel/stable, if the following criteria are met. These pets shall not be a commercial business and must be the responsibility of a family member living on the property. The following regulations must be followed.

a. Location of shelters and/or housing of pets shall not be within a distance of 15 feet from the property line nor within 75 feet of any dwelling other than the owner's dwelling. And further provided that no building used in such connection shall be maintained or established within such distance. All such buildings to be located to the rear of the main structure or dwelling.

b. Shelters and/or Housing - All shelters and/or housing of animals shall be constructed of suitable materials providing protection for the animal. Sufficient ventilation and sunlight shall be provided in the structure. The structure shall have a roof and all materials shall be securely attached to the structural elements of the shelter or housing. Shelters or housing made of materials unsupported or unattached will not be permitted.

c. Animal runs and yards in which animals are kept, exercised, and trained shall be maintained in good condition. Ground areas shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The area shall be so graded to prevent accumulation of stormwater runoff.

d. For purposes of this Zoning Ordinance, any animals classified as animal husbandry or kennel/stable, such as, goats, and other livestock and poultry shall not be considered as pets. For purposes of this Zoning Ordinance any property owner desiring to keep a horse as a pet must have a minimum lot size of two (2) acres. For each additional horse in excess of one (1) an additional 1.5 acres per horse shall be required. Any property containing four (4) or more horses shall be considered a stable. The location of any corral shall be a minimum distance of one hundred (100) feet from every property line boundary.

e. Any animals typically found in zoos or governed by the PA Game Commission (i.e., lions, tigers, bobcats, etc.) are not permitted.

Section 1416 Temporary Structures

A permit may be issued for use of a temporary structure or use necessary during construction or special circumstances of a nonrecurring nature, subject to:

a. The time period of the permit shall be 6 months. This permit may be renewed for 2 additional 3-month trial periods by the Zoning Officer. After that, any permit extensions may only be granted by the Board of Supervisors after the applicant has proven just cause.
b. Such structures must be removed completely upon expiration of the permit without cost to the Municipality.

c. Adequate sewer and water provisions must be present.

Section 1417 Exceptions to Minimum Lot Sizes

a. The minimum lot size provisions of this Ordinance shall not prevent the construction of a single family dwelling on any lot that was lawfully created but does not meet the dimensional requirements of this Ordinance, provided that:

1. Such lot is not less than 10,000 square feet.

2. Lots not served by public water and sewers shall meet all requirements of the Department of Environmental Protection.

3. The percentage of lot area covered by a single family dwelling shall not exceed fifteen percent (15%) of the area of the lot.

4. The front and rear yards shall aggregate at least sixty percent (60%) of the total lot depth, but in no case shall either the front yard or the rear yard be less than 20 feet.

5. The side yards shall aggregate at least forty percent (40%) of the total of width, but in no case shall either side be less than 15 feet.

6. The lot has access to a public street or approved private street.

b. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this Ordinance, in any case where a reparation or reploting could create one or more lots which would conform to the Ordinance.

B. FLOOD PLAIN PERFORMANCE

Section 1418 Flood Plain Performance

a. Purpose - The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development will cause unacceptable increases in flood heights, velocities, and frequencies.

Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.

Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

b. Applicability - These provisions shall apply to all lands within the jurisdiction of the Township of Allen and shown as being located within the boundaries of the designated flood plain Districts which are considered as a part of the Official Zoning Map.

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

d. Warning and Disclaimer of Liability - The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Flood Plain Districts or that land uses permitted within such Districts will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of Allen or any officer, consultant or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

e. Establishment of the Flood Plain Zoning Districts

1. Basis of District - The Flood Plain District is defined and established as those areas of the Township subject to flooding as defined in Item i, ii, and iii of this section. The Flood Plain District shall include areas subject to inundation by waters of the one hundred year flood. The basis for the delineation of this District shall be the most current Flood Insurance Study for the Township of Allen approved by FEMA and shall be comprised of three (3) areas as follows:

i. The Floodway (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this area are specifically defined in the Floodway Date Table of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map, or as may be defined by the Pennsylvania Department of Environmental Protection.

ii. The Flood Fringe (FF) shall be that area of the one hundred year flood plain not included in the Floodway. The basis for the outermost boundary of this area shall be the one hundred year flood elevations contained in the flood profiles of the
above-referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Boundary and Floodway Map.

iii. The General Flood Plain (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by FIA. Where the specific one hundred year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey - Flood Prone Quadrangle, etc., the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic techniques. Hydrologic and hydrologic analysis shall be undertaken only by Professional Engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township of Allen.

2. Overlay Concept

i. The flood Plain District described above shall be overlays to the underlying Districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Flood Plain District shall serve as a supplement to the underlying District provisions.

ii. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain District and those of any underlying District, the more restrictive provisions and/or those pertaining to the Flood Plain District shall apply.

iii. In the event any provision concerning a Flood Plain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying District provision shall remain applicable.

f. Zoning Map - The boundaries of the Flood Plain District are established as part of the Official Zoning Map of the Township of Allen which is declared to be a part of this Ordinance and which shall be kept on file at the Township of Allen Offices.

g. District Boundary Changes - The delineation of any of the Flood Plain District may be revised by the governing body where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission, or other qualified Agency or individual documents that notification for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

h. Interpretation of District Boundaries - Initial interpretation of the boundaries of the Flood Plain District shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the District boundary shall
be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

i. District Provisions - All uses, activities, and development occurring within any Flood Plain District shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and Ordinances such as the Township of Allen Subdivision and Land Development Ordinance. In addition, all such uses, activities, and development shall be undertaken only in compliance with Federal or State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, Latest Edition, as amended. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the Municipality, a permit shall be obtained from the Department of Environmental Protection.

1. Permitted Uses - In the Flood Plain District, no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate Local and/or State Authorities as required above. Further, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:

   i. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

   ii. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas, but including no facilities subject to damage by flooding.

   iii. Detention basins, sanitary and storm sewers may be allowed as permitted uses provided approval therefore is obtained from the Township Board of Supervisors and the Township Engineer. The location, materials, and restoration and methods of construction involved for said detention basins, sanitary and storm sewers shall be within the sole discretion of the Township Board of Supervisors and the Township Engineer.

   iv. Front, side, and rear yard and lot area in excess of the minimum dimensional and area requirements established for each Zoning District.

2. Uses Permitted by Conditional Use - The following uses and activities may be permitted by conditional use provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance.

   i. Roads, driveways, or parking areas.
ii. Utilities and public facilities and improvements such as railroads, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.

iii. Water related uses and activities such as marinas, docks, wharves, piers, etc.

iv. Extraction of sand, gravel, and other materials.

v. Temporary uses such as circuses, carnivals, and similar activities.

vi. Accessory uses customarily incidental to the permitted uses above, providing no structures are located in the Flood Plain District.

3. Prohibited Uses - The following uses shall be specifically prohibited in the Flood Plain District.

i. All freestanding structures, buildings, mobile homes, and retaining walls, with the exception of flood retention dams, culverts, and bridges, as approved by the Pennsylvania Department of Environmental Protection.

ii. The filling of marshlands, grading of any type, removal of topsoil, damming, or the relocation of any watercourse without approval of the Allen Township Board of Supervisors and the Allen Township Planning Commission and the approval of the Pennsylvania Department of Environmental Protection shall be forbidden.

iii. Sanitary, landfills, dumps, junkyards, outdoor storage of vehicles and materials.

iv. On-site sewage disposal systems.

v. Private water supplies or wells shall be prohibited from being located in the Flood Plain District.

vi. Hospitals - Public or Private.

vii. Nursing Homes - Public or Private.


ix. New Mobile Home Parks and Mobile Home Subdivisions and substantial improvements to such existing Parks and Subdivisions.

x. Storage of the following materials and substances.

1. Acetone
2. Ammonia
3. Benzene
4. Calcium Carbide
5. Carbon Disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric Acid
9. Hydrocyanic Acid
10. Magnesium
11. Nitric Acid and Oxides of Nitrogen
12. Petroleum Products-Gasoline, Fuel Oil, and the like
13. Phosphorous
14. Potassium
15. Sodium
16. Sulfur and Sulfur Products
17. Pesticides (including: Fungicides, Insecticides, and Rodenticide)
18. Radioactive Substances insofar as such Substances are not otherwise subject to regulation
19. Other similarly Hazardous Substances.

xi. Cemetery.

j. Conditional Use and Variances

1. Application Procedure - The application for a conditional use or variance shall be accompanied by the following:

   i. Detailed engineering studies indicating the effects of the proposed use on drainage and streams on all adjacent properties as well as the property in question.

   ii. A determination of elevations of the existing ground, proposed finished ground, and lowest floor (including basement) certified by a Registered Professional Engineer or Architect.

k. Procedure for Consideration of a Conditional Use Exception or Variance - All applications for approval of a conditional use or variance shall be considered using standards listed in Articles XVIII & XIX, and:

1. The Board of Supervisors or the Zoning Hearing Board may require that recommendations of the County Conservation District be submitted as part of the application for a conditional use or variance in matters concerning or related to the Flood Plain District.

2. The Board of Supervisors or the Zoning Hearing Board may request review recommendations from the Township Planning Commission, the Township Engineer, and the Lehigh Valley Planning Commission for review purposes, and the subject recommendations shall become part of the public hearing testimony. The final hearing shall not be held until such recommendations have been received by the Board of Supervisors or the Zoning Hearing Board.
3. In rendering a decision, the Board of Supervisors or the Zoning Hearing Board may impose special measures or conditions as deemed necessary and appropriate for the use to conform with the intent of the Ordinance.

1. Standards for Granting of Conditional Uses or Variances - The Board of Supervisors or the Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives herein. The Board of Supervisors or the Zoning Hearing Board, in considering conditional use or variance applications, shall consider the following:

   1. The effect of the use shall not substantially alter the cross section profile of the stream and flood plains at the location of the proposed use.

   2. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.

   3. The general welfare or public interest of Allen Township or other Municipalities in the same watershed shall not be adversely affected.

   4. Any new structure or substantially improved structure permitted by conditional use or variance shall be constructed and placed on the lot so as to offer the minimum obstruction of the flow of water, and shall be designed to have the minimum effect upon the flow and height of flood water. Such structures also shall be elevated so that the lowest floor (including basement) shall be one foot above the Base Flood Elevation.

   5. Any new structure permitted by conditional use or variance shall be floodproofed in compliance with the requirements of the U.S. Army Corps of Engineers as outlined in the Elevated Residential Structures Book.

   In addition, any such structure shall be firmly anchored to prevent flotation, collapse, or lateral movement as evidenced by the design and report of a Registered Structural or Civil Engineer. Such structure shall be constructed so as to prevent the entrance of flood waters into the water supply and waste treatment systems as well as other utility and facility systems.

   6. An affirmative decision shall not be issued by the Board of Supervisors or the Zoning Hearing Board for an application within the designated floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements as evidenced by permits granted by the proper State Agency.

   7. The Board of Supervisors or the Zoning Hearing Board shall notify the applicant in writing over the signatures of the Board that (1) the issuance of a decision to allow construction of a structure below the Base Flood Elevation will result in increased premium rates for flood insurance, (2) such construction below the Base Flood Elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required.
m. Conditional Uses and Variances - Additional Factors to be Considered - In passing upon application for conditional uses and variances, the Board of Supervisors or the Zoning Hearing Board shall consider all relevant factors and procedures specified in other section of the Zoning Ordinance and the following:

1. The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed uses, development, or activity that will cause any increase in flood levels in the Floodway District.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the Community.

6. The requirements of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for the area.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

The Board of Supervisors or the Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any qualified person or Agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Conditional uses and/or variances shall only be issued after the Board of Supervisors or the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety,
(c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with Local laws or Ordinances.

n. Subdivision and Land Development Approval - All plans for Subdivision and Land Development, a portion or portions of which are within the Flood Plain District, including the development of any recreation or utility use, and activity adjacent to the Flood Plain District shall be reviewed, and approved by the Allen Township Planning Commission and the Allen Township Board of Supervisors. Uses and/or activity adjacent to the Flood Plain District shall be in accordance with the regulations and requirements of the Township Zoning Ordinance and the Districts in which the area exists.

o. Definitions

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

2. Flood - A temporary inundation of normally dry land areas.

3. Flood Plain - (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

4. Flood Plain Districts - Those Flood Plain Districts specifically designated in the Township of Allen Zoning Ordinance as being inundated primarily by the one hundred year flood. Included would be areas identified as Floodway (FW), Flood Fringe (FF), and General Flood Plain (FA).

5. One Hundred Year Flood - A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any one year).

C. AIRPORT ZONING PERFORMANCE STANDARDS

Section 1419 Airport Zoning Performance Standards

a. Purpose - The purpose of these provisions is to regulate and restrict obstructions as a potential for endangering the lives and property of users of the Lehigh Valley International Airport (LVIA), and property or occupants of land in the vicinity; that an obstruction may affect existing and future instrument approach minimums of LVIA; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of LVIA and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by LVIA;
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented, and;

3. That the prevention of these obstructions should be accomplished, to the extent legally possible.

b. Establishment of the Airport Zone - In order to carry out the provisions of these Performance Standards, there is created and established a certain zone which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to LVIA, are taken from the Department of Transportation Federal Aviation Administration Advisory Circular AC 150/5190-4, dated August 23, 1977, latest revision. The zone is shown and made a part of this Ordinance and applies to all properties south and west of the Airport Zone line on the Zoning Map. This Zone is considered an overlay to the underlying Zoning Districts.

c. Airport Zone Height Limitations - Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow, in this zone created by this Ordinance, to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for the zone as follows:

1. The construction or erection of any structure above a height of 35 feet shall require written approval of the Federal Aviation Administration and/or the Lehigh-Northampton Airport Authority and a variance from the Zoning Hearing Board.

d. Use Restrictions - Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interface with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

e. Nonconforming Uses

1. Regulations Not Retroactive - The regulations prescribed herein shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. Marketing and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed
necessary by the Lehigh-Northampton Airport Authority and/or Federal Aviation Administration to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

f. Special Cases

1. Existing Uses - No Zoning Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance of any amendments thereto, or than it is when the application for a Zoning Permit is made.

2. Nonconforming Uses Abandoned or Destroyed - Whenever the Allen Township Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no Zoning Permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

3. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Zoning Hearing Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration and/or Lehigh-Northampton Airport Authority as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a liberal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Lehigh-Northampton Airport Authority and/or Federal Aviation Administration for advice as to the aeronautical effects of the variance. If the Lehigh-Northampton Airport Authority and/or the Federal Aviation Administration does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.

4. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary and/or required by the Federal Aviation Administration.

g. Enforcement - It shall be the duty of the Allen Township Zoning Officer to administer and enforce the regulations prescribed herein. Applications for Zoning Permits and variances shall be made to the Allen Township Zoning Officer upon a form supplied by the Township. Applications required by this Ordinance to be submitted to the Allen Township Zoning Officer shall be promptly considered and granted or denied, per the requirements set forth in Article Administration. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Allen Township Zoning Officer.
h. Definitions

1. Airport - Lehigh Valley International Airport (LVIA).

2. Airport Elevation - The highest point of an airport’s usable landing area measured in feet from sea level.

3. Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

4. Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Zoning Map, the datum shall mean sea level elevation unless otherwise specified.

5. Nonconforming Use - Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

6. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 1402C of this Ordinance.

7. Person - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, includes a trustee, a receiver, an assignee, or a similar representative of any of them.

8. Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

9. Structure - An object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.


D. COMMERCIAL PERFORMANCE STANDARDS

Section 1420 Applicability

The following standards apply to all uses designated as commercial uses in this Ordinance:

a. Any proposed use proposing to generate water or sewer flows greater than 400 gpd/acre must be connected to public water and public sewer.

Any proposed use creating process wastewater must be connected to public sewer.
b. All permitted and accessory uses, except for off-street loading and parking, and signs shall be conducted within enclosed buildings except for those uses requiring outdoor exposure, such as nurseries.

c. Traffic

1. All commercial uses shall have access and egress directly to a collector or non-residential local road. Direct access to an arterial road is permitted only if the Board of Supervisors determines that no other means of access is physically possible and the applicant has performed all traffic upgrades, the Board of Supervisors has determined is necessary.

2. All vehicle access and egress shall be controlled by the use of a landscape strip constructed parallel to the highway.

3. All access and egress points shall be located not less than 200 feet from the intersection of any street right-of-way lines.

4. Access and egress points must be separated from other access and egress points by 200-foot minimums.

5. Outbound traffic control shall be controlled so that vehicles move in defined traffic lanes. Physical barriers to prevent "cutting across" parking areas may be required by the Township.

d. Trash dumpsters shall be contained within locking fences and screened from view by adjacent properties by fence type or landscaping and located a minimum of 25 feet from any lot line.

e. Any property lines abutting an existing residential property or residentially zoned land shall be screened by a 25-foot wide dense visual barrier of landscaping within the required buffer yard designed by a Registered Professional Landscape Architect. This screen must be permanently maintained by the property owner.

f. Landscaping and all-season groundcover shall be included on all areas not covered by buildings, structures, parking areas, or access/egress drives.

g. Unified Commercial Development Plans for several commercial uses (such as shopping center) may be permitted subject to the following additional regulations:

1. The land shall be in single ownership or under a guaranteed unified management control.

2. The total building coverage shall not exceed 25 percent.

h. Off-street parking is permitted within the front, side, and rear yards but must be a minimum of 25 feet from any lot line.
i. All parking areas and driveways must be paved with a permanent hard surface.

j. Off-street loading is permitted within the side and rear yards but must be located at least 25 feet from a side or rear lot line. No off-street loading is permitted within a front yard.

k. All parking areas and walking areas must be lighted in accordance with the standards in this Ordinance.

l. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration and deceleration lanes as may be required by the Pennsylvania Department of Transportation or the Township. The developer may be required to prepare a Traffic Study for this determination whether the site accesses a Township or State highway, as determined by the Township.

m. Any uses proposing shopping carts shall provide definite areas on the site for the storage of said carts. The storage areas shall be clearly marked throughout the parking areas.

n. All organic rubbish shall be in airtight, vermin-proof containers.

o. Outdoor storage is permitted within 20 feet of a property line and must not be visible from adjacent residentially zoned property or existing residentially used property.

E. INDUSTRIAL PERFORMANCE STANDARDS

Section 1421 Applicability

The following standards apply to all uses designated as industrial uses in this Ordinance:

a. Any proposed use proposing to generate water or sewer flows greater than 400 gpd/acre must be connected to public water and public sewer.

Any use creating process wastewater must be connected to public sewer.

b. Traffic

1. All industrial uses shall have access and egress directly to a collector or non-residential local road. Direct access to an arterial road is permitted only if the Board of Supervisors determines that no other means of access is physically possible and the applicant has performed all traffic upgrades, the Board of Supervisors has determined is necessary.

2. All vehicle access and egress shall be controlled by the use of a landscape strip constructed parallel to the highway.

3. All access and egress points shall be located not less than 200 feet from the intersection of any street or right-of-way lines.

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4. Access and egress points must be separated from other access and egress points by a 200-foot minimum.

5. Outbound traffic control shall be controlled so that vehicles move in defined traffic lanes. Physical barriers to prevent "cutting across" parking areas may be required by the Township.

c. Trash dumpsters shall be contained within locking fences screened from view by adjacent properties by fence type or landscaping and located a minimum of 25 feet from any lot line.

d. Any property lines abutting an existing residential property or residentially zoned land shall be screened by a dense visual barrier of landscaping within the required buffer yard designed by a Registered Professional Landscape Architect. This screen must be permanently maintained by the property owner.

e. Landscaping and all-season groundcover shall be included on all areas not covered by buildings, structures, parking areas, or access/egress drives.

f. Off-street parking is permitted within the front, side, and rear yards but must be a minimum of 25 feet from any lot line.

g. All parking areas and driveways must be paved with a permanent hard surface.

h. Off-street loading is permitted within the side and rear yards but must be located at least 25 feet from a side or rear lot line. No off-street loading is permitted within a front yard.

i. All parking areas and walking areas must be lighted in accordance with the standards in this Ordinance.

j. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration and deceleration lanes as may be required by the Pennsylvania Department of Transportation or the Township. The developer may be required to prepare a Traffic Study for this determination whether the site accesses a Township or State highway, as determined by the Township.

k. The applicant for any proposed industrial use must certify that their proposed primary use does not involve the use of hazardous chemicals or materials and that no potential danger, hazard, or nuisances exists for its employees, building occupants, or surrounding areas.

l. Outdoor storage is permitted, subject to:

1. No outdoor storage is permitted in the front yard.

2. Outdoor storage is permitted in side and rear yards (outside of any required screen) a minimum of 20 feet from any property line.
3. Outdoor storage shall not be visible from any street, existing residential property, or Residential Zoning District.

m. All organic rubbish shall be in airtight, vermin-proof containers.

n. A written Emergency Plan of access must be provided by the owner. This plan shall be submitted to the Township at the time of submission for Land Development Plan approval. This plan shall include all MSDS for all proposed materials on site. If any additions or deletions of materials having MSDS from the site are made, the owner of the facility must provide this revised information to the Township within 48 hours.

F. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1422

a. Off-Street Parking and/or Loading Facilities - Off-street parking and loading facilities, including access driveways, shall be required in accordance with the provisions of this Article as a condition precedent to the occupancy of such building or use. During the Land Development review, the standards of this Section 1423 are subject to the review and approval of the Board of Supervisors and may be waived by the Board of Supervisors with just cause. Facilities shall be provided for the entire building or use:

1. Whenever a building is constructed or a new use established,

2. Whenever the use of an existing building is changed to a use requiring more parking and/or loading facilities and,

3. Whenever an existing building is altered or enlarged so as to increase the amount of parking and/or loading spaces required under this chapter.

b. Continuation of Parking and/or Loading Facilities - All off-street parking and/or loading facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the principal use remains, unless an equivalent number of spaces is provided for such use in another approved location.

c. Standards and Definitions - For the purpose of determining off-street parking and loading requirements, definitions and standards shall be as follows:

1. "Parking Space" means an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, visitors, customers, or tenants of the main building or use. Each parking space shall be not less than 10 feet wide and not less than 20 feet long, exclusive of all drives, curbs, and turning space. The number of spaces shall be determined from an accurate plan of the area.

2. "Loading Space" means an off-street area not less than 12 feet wide and 55 feet long and having a clear minimum height of 15 feet, exclusive of access drives, for the parking of
one vehicle during the loading or unloading of merchandise and/or materials. Such spaces shall not be located on any right-of-way nor upon any required parking lot.

3. "Floor Area" means the total area of all the floors measured from the exterior faces of the building (except the floor area used for storage may be excluded), or, where set forth in the schedule, only the floor area used by a specific use.

4. "Seat" means the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be 30 inches on center.

5. "Required Minimum Parking Spaces" means the minimum number of spaces required by applying the schedule to a specific building or group of buildings.

6. Parking areas shall be designed to permit each vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

7. Required off-street parking shall be on the same lot with the use served; or where this requirement cannot be met, within 300 feet of the same lot.

d. Schedule of Required Off-Street Parking Spaces
<table>
<thead>
<tr>
<th>Institutional</th>
<th>Building or Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic and Education: Primary and Secondary School; Library; Places for Public Assembly</td>
<td>1 space for each employee plus 1 space for each 6 seats in assembly rooms plus 1 space for every 3 students permitted to drive to school</td>
</tr>
<tr>
<td>Governmental: Municipal Building used for Administrative Functions</td>
<td>1 space for each 200 square feet of office floor area plus 1 space for each 4 seats in assembly rooms</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>1 space for each 3 seats in principal assembly rooms</td>
</tr>
<tr>
<td>Welfare: Hospital</td>
<td>1/2 space per 2 beds plus 1 space for each employee</td>
</tr>
<tr>
<td>Health Center</td>
<td>1 space per 150 square feet of floor area</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1 space per 2 beds; 1 space for each staff and visiting doctor, plus 1 space for each employee on the 2 major shifts; 1 space per detached, attached, or multi-family dwelling unit</td>
</tr>
<tr>
<td>Residential</td>
<td>2 spaces per dwelling for 3 bedroom units</td>
</tr>
<tr>
<td>All Dwelling Types, including Community/ Group Home</td>
<td>3 spaces per dwelling for 4 bedroom units</td>
</tr>
<tr>
<td>Office Building</td>
<td></td>
</tr>
<tr>
<td>Medical and Dental Offices and Clinics</td>
<td>1 space per 150 square feet of floor area plus 1 space for each Doctor or Dentist</td>
</tr>
<tr>
<td>Other Offices</td>
<td>1 space per 200 square feet of ground floor area, 1 space per 300 square feet of floor areas of upper floors</td>
</tr>
<tr>
<td>Motel, Hotel, Bed and Breakfast</td>
<td>1/2 spaces per guest room or unit</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>1 space per 30 square feet of assembly rooms or 1 space for each 4 seats, whichever requires the greater number, but in no case less than 20 spaces</td>
</tr>
<tr>
<td>Retail Business</td>
<td></td>
</tr>
<tr>
<td>Retail Stores, Fiss, Social Establishment, Day Nursery, Lumber Yard</td>
<td>1 space per 200 square feet of ground floor area; 1 space per 300 square feet of floor area of upper floors</td>
</tr>
<tr>
<td>Eating Places, Bars, Taverns, Drive-ins, Indoor Entertainment (unless specifically described herein)</td>
<td>1 space per 500 square feet of floor area, or 1 space per 2 seats, whichever requires the greater number of spaces</td>
</tr>
<tr>
<td>Club, Lodge, or other Assembly Hall</td>
<td>1 space per 4 seats in building</td>
</tr>
<tr>
<td>Indoor Theater</td>
<td>1 space per 4 seats in building</td>
</tr>
<tr>
<td>Dance Hall, Skating, Rink, Swimming Pool</td>
<td>1 space per 50 square feet of area used for dancing, skating or swimming</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>6 spaces per bowling lane</td>
</tr>
<tr>
<td>Automobile Repair</td>
<td>1 space for each 100 square feet of gross floor area, plus 1 per employee</td>
</tr>
<tr>
<td>Automobile Sales</td>
<td>1 space for each 200 square feet of gross floor area, plus 1 per employee</td>
</tr>
<tr>
<td>Car Wash</td>
<td>1 space for each employee</td>
</tr>
<tr>
<td>Commercial School</td>
<td>1 space for each employee and 1 space for each student</td>
</tr>
<tr>
<td>Flea Market</td>
<td>1 space per 200 square feet of market area</td>
</tr>
<tr>
<td>Outdoor Entertainment</td>
<td>1 space per 200 square feet of entertainment area, or 1 space per 2 seats, whichever is greater</td>
</tr>
<tr>
<td>Service Station</td>
<td>1 space for every 300 square feet of gross floor area, or 2 spaces for each service bay, whichever is larger, plus 1 space for each employee</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>Executive offices, sales offices</td>
<td>1 space per 200 square feet of executive and sales office floor area</td>
</tr>
<tr>
<td>Service and storage establishments, laboratories, manufacturing plants, contracting</td>
<td>1 space for every employee on the combined employment of the two largest successive shifts</td>
</tr>
</tbody>
</table>

Other Buildings or Uses

For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above schedule deemed to be most similar to the proposed building or use.
e. **Schedule of Off-street Loading Spaces**

1. Each use and/or building established or expanded after the effective date of this Ordinance that involves the receipt or distribution of materials and/or products shall require loading space(s) in accordance with the following table:

<table>
<thead>
<tr>
<th>Gross Floor Area (Sq. Ft.)</th>
<th>Space Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>1 space</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td>1 space plus 1 additional space for each 20,000 square feet</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>3 spaces plus 1 additional space for each 40,000 square feet in excess of 50,000 square feet</td>
</tr>
</tbody>
</table>

f. **Separate or Combined Use of Facilities** - A building containing one use shall provide the off-street and/or loading parking spaces as required for the specific use. A building or group of buildings containing two or more uses, operating normally during the same hours, and which have different off-street parking and/or loading requirements, shall provide spaces for not less than the sum of the spaces required for each use.

g. **Access Drives to Parking Areas** - The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets.

h. **Improvements to Parking and Loading Areas** - All parking areas, loading areas, and access drives shall have an asphalt, concrete, or other similar hard surface, approved by the Township Supervisors. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises. The maximum grade of the parking and/or loading area shall not exceed 2 percent unless specific permission is granted by the Board of Supervisors. Line painting and appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.

i. **Illumination of Parking and Loading Areas** - Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

j. **Landscaping and Screening Requirements For Off-Street Parking**

1. **Landscaped Strip** - When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from street line. The strips may be located within any other landscaped strip required to be located along a street.
The following lists required width of landscaping strips

<table>
<thead>
<tr>
<th>Number of Spaces in Parking Lot Including Joint Facilities</th>
<th>Landscape Strip Width in Feet Measured from Street Right-of-Way Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100</td>
<td>15</td>
</tr>
<tr>
<td>100 to 250</td>
<td>20</td>
</tr>
<tr>
<td>250 or over</td>
<td>25</td>
</tr>
</tbody>
</table>

Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be setback a minimum of 10 feet from all property lines. Such setbacks shall be used for landscape strips.

2. **Interior Landscaping** - In any parking lot containing 20 or more parking spaces (except a parking garage), 5 percent of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every 20 parking spaces. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Groundcover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. This landscaping may be used to satisfy the "General Site Landscaping" requirements of this Ordinance.

   Parked vehicles may not overhang interior landscaped areas more than 2\(\times\) feet. Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.

   If a parking lot of under 20 spaces is built without interior landscaping, and later additional spaces are added so that the total is 20 or more, the interior landscaping shall be provided for the entire parking lot.

3. **Screening** - When a parking lot is located on property which adjoins land in a Residential Zone, or which contains an existing residential dwelling, the parking lot shall be screened from the adjoining residential property.

k. **Lociational Landscaping and Screening Requirements for Off-Street Loading Facilities**

1. **Location** - Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within 50 feet of any land within a Residential Zone. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a Residential Zone, nor public street.

2. **Separation from Streets, Sidewalks, and Parking Lots** - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
3. Landscaping and Screening Requirements - Unless otherwise indicated, all off-street loading facilities shall be surrounded by a 15-foot wide landscape strip. All off-street loading facilities shall also be screened from adjoining residentially zoned properties and/or adjoining public streets.

Section 1423 Open Space in Residential Developments

a. General Open Space - Subdivisions and Mobile Home Park Developments shall meet the open space requirements of the Zoning Ordinance. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the Municipality, and shall be noted on all deeds.

b. Layout of Open Space MHP and R3 - The open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents. The open space is most needed in areas of highest density. The intent is to provide open areas as close to as many individual units as possible.

c. Open Space Designation - All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in categories (1), (2), (3), and (4) below: "Open Space land may not be separately sold, nor shall such land be further developed or subdivided". All Subdivision Plans shall further designate use of open space, the type of maintenance to be provided, and a Planting Plan or schedule. In designating use and maintenance, the following classes may be used:

1. Lawn - A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.

2. Natural Area - An area of natural vegetation undisturbed during construction or replanted. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees, and brush shall be removed, and streams shall be kept in free-flowing condition.

3. Recreation Area - An area designated for a specific recreation use, including but not limited to tennis, swimming, shuffle board, playfield, and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.

4. Agricultural Area - An area designated for family vegetable plots or to be leased or sold for an agricultural use as specified in this Ordinance.

d. Open Space Performance Bond - Designated planting and recreation facilities within the open space areas shall be provided by the developer. A Performance Bond or other financial security shall be required to cover costs of installation in accordance with provisions of the Subdivision Ordinance.
e. Conveyance and Maintenance of Open Space - All open space shown on the Final Development Plan, as filed in the office of the Township Secretary of Allen, and subsequently recorded in the Office of the Recorder of Deeds of Northampton County, must be conveyed in accordance with one or more of the following methods:

1. Dedication of fee-simple to the Township of Allen.
   (a) The Township may, but shall not be required to, accept any portion or portions of the nonagricultural open space, provided:
      (1) Such land is freely accessible to, and of benefit to the general public of Allen Township.
      (2) There is no cost to the Township involved.
      (3) The Township agrees to and has access to maintain such lands.
      (4) It must be acceptable with regard to size, shape, location, and improvement.
      (5) A maintenance fund has been established to provide for maintenance of the land. The amount of the fund shall be $2500 for each acre of land dedicated to the Township.

2. By conveying title (including beneficial ownership) to a corporation, association, funded Community trust, condominium, or other legal entity.
   (a) The terms of such instrument of conveyance must include provisions suitable to the Township for guaranteeing:
      (1) The continued use of such land for the designated purpose.
      (2) Continuity of proper maintenance for those portions of the open space requiring maintenance.
      (3) The availability of funds required for such maintenance.
      (4) Adequate insurance protection.
      (5) Provisions for payment of applicable taxes.
      (6) Recovery for loss sustained by casualty, condemnation, or otherwise.
      (7) Such other Covenants and/or Easements that the Township shall deem desirable to fulfill the purposes and intent of this Ordinance.
(b) The following are prerequisites for such a corporation or association:

(1) It must be set up before any homes or dwelling units are sold or leased or otherwise conveyed.

(2) Membership must be mandatory for each buyer and/or lessee and any successive buyer and/or lessee.

(3) It must be responsible for liability insurance, taxes, recovery from loss sustained by casualty, condemnation, or otherwise, and the maintenance of recreational and other facilities.

(4) Members or beneficiaries must pay their pro rata share of the costs, and the assessment levied can become a lien on the property.

(5) It must be able to adjust the assessment to meet conditions.

(6) Such corporation or association shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Township before any such sale or disposition of the open space.

(c) The dedication of open space, streets, or other lands in common ownership of the corporation, association, or other legal entity, or the Township, shall be absolute and not subject to reversion for possible future use for further development.

(d) All documents pertaining to the conveyance and maintenance of the open space shall meet the approval of the Township Solicitor as to legal form and effect and to the Planning Commission as to suitability for the proposed use of the open space.

3. Development Rights, Easement, or Other Device: The State or County under the provisions of Act 442 of 1968, the "Conservation And Land Development Act", may acquire and resell any interest in the land for the purpose of agricultural or open space preservation. Subject to Township approval, this may be considered a suitable means of preserving open space.
ARTICLE XV SPECIFIC REGULATIONS

Section 1500 Applicability

Some uses require specific additional requirements supplemental to those listed elsewhere in this Ordinance. The requirements of this Article apply to those uses.

Section 1501 Adult Oriented Establishment

The Township has determined that the establishment and operation of Adult Oriented Establishments will cause various secondary effects which may have an impact on the health, safety, and general welfare of the Township and its citizens. Said Secondary effects include, Inter alia, an increase in law enforcement activity, an increase in municipal maintenance and trash collection, possible deleterious effects on local business and residential property values, an increase in crime and/or prostitution, and the potential for the relocation of residents and businesses.

As a result of the aforementioned concerns, Allen Township has determined that Adult Oriented Establishments shall be permitted by conditional use only in the Industrial District (I). Nothing contained herein is intended to effect or suppress any activities which may be protected by the First Amendment to the United States Constitution. It is the intent of Allen Township, by adopting this Ordinance, to address the above mentioned secondary effects associated with Adult Oriented Establishments.

a. An adult oriented establishment shall not be permitted to be located within one thousand (1,000) feet of any other adult oriented establishment.

b. No adult oriented establishment shall be located within six hundred (600) feet of any residentially zoned land or existing residence.

c. No adult oriented establishment shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:

1. Outdoor Recreation Facility
2. Campground
3. Day Nursery or Family Day Care
4. Church or Other Similar Religious Facility
5. Public Facility
6. Museum
7. Park
8. Playground
9. School
10. Other Lands where Minors Congregate
11. Eating and Drinking Establishment

d. The distance between any two adult oriented establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel
line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.

e. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.

f. Any building or structure used and occupied as an adult oriented establishment shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed and no sale materials, merchandise, or film shall be visible from outside of the building or structure.

g. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, or film offered therein.

h. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.

i. No adult oriented establishment may change to another adult oriented establishment, except upon approval of an additional conditional use.

j. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.

k. No unlawful sexual activity or conduct shall be permitted.

l. No more than one adult related facility may be located within one building or shopping center.

m. A minimum lot size of three (3) acres is required.

n. Display of the following specified anatomical areas is prohibited:

1. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly rigid state even if completely and opaquely covered.

o. The following specified sexual activities are prohibited:

1. Human genitals in a state of sexual stimulation or arousal.

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

p. No such use shall be used for any purpose that violates any Federal, State, or Township law.

q. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.

r. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.

s. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.

t. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he/she has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 500 feet of the subject property at least ten (10) days prior to the hearing date.

u. Any application for such use shall state the names, home addresses and home phone numbers of: (1) all individuals intended to have more than a five (5) percent ownership in such use or in a corporation owning such use and (2) an on-site manager responsible to ensure compliance with this Ordinance. Such information shall be updated twice a year in writing to the Zoning Officer.

Section 1502 Animal Hospital - Veterinary Offices

a. All animal boarding buildings that are not wholly enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.

b. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.

c. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be setback a minimum of twenty feet (20') from all property lines.

Section 1503 Animal Husbandry

a. The amount of livestock, fowl, etc. cannot exceed the amount defined as an Intensive Agricultural Operation to qualify as "Animal Husbandry".

b. Any building used for the keeping or raising of livestock or poultry shall be situated not less than 200 feet from any street right-of-way line, dwelling, or well other than the owner's
dwelling or well, or any property line adjacent to a Residential Zoning District or existing residential property.

c. The raising of garbage-fed animals and rodents is not permitted.

d. Riding academies, livery or boarding stables, commercial dog kennels, and the raising of animals for fur or skins are not included in this use.

e. Stabling, shelters, and/or housing. All stabling, shelters, and/or housing of animals shall be constructed of suitable materials providing adequate protection of the animal from weather elements, predators, and other similar dangers. The structure shall provide sufficient ventilation and sunlight to the animal(s). The structure shall have a roof and all materials shall be securely attached to the structural elements of the stable, shelter, or housing. Stable, shelters, or housing made of materials unsupported or unattached will not be permitted.

f. Animals not tied, leashed, chained, or haltered shall be within a fenced area. The fence is to be of suitable materials such as wood or metal providing proper control and constraint of the animal and protection of the public. The fence shall be installed pursuant to the appropriate regulations of this Ordinance.

g. Animal runs, corrals, and yards in which the animals are kept, exercised, and trained shall be maintained in good condition. Ground areas shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The areas shall be so graded to prevent accumulation of stormwater runoff. These runs, corrals, and yards shall be at least 200 feet from any property line.

Section 1504 Automobile Repair & Service Stations

a. The subject property shall be setback at least three hundred feet (300') from any lot containing a school, day care facility, playground, library, hospital, or nursing, rest or retirement home.

b. The storage of any particular motor vehicles (whether capable of movement or not) for more than a one (1) week period is prohibited.

c. Any parts removed from repaired vehicles shall not remain on the site longer than forty-eight (48) hours.

d. All structures (including gasoline pump islands but not permitted signs) shall be setback at least thirty feet (30') from any street right-of-way line.

e. No outdoor storage of auto parts shall be permitted.

f. All access drives shall be a maximum of thirty feet (30') wide and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge.
g. All ventilation equipment associated with fuel storage tanks shall be setback one hundred feet (100') and oriented away from any adjoining residentially zoned or existing residential properties.

h. All work, other than fueling of vehicles, must be performed within a completely enclosed building.

Section 1505 Automobile Sales

a. Display areas are permitted within the 50% portion of any required yard furthest from the ultimate right-of-way or property line.

b. Automobile storage spaces must be a minimum of 9' x 18'.

c. Automobile storage areas must be paved and the spaces delineated by painted lines, but are not subject to the additional requirements of a parking lot in Sections 1423 i and j.

Section 1596 Bed and Breakfast

a. No more than six (6) guest rooms may be provided.

b. In no case shall the lot area be less than that required for single family detached dwellings in the Zoning District in which the proposed Bed & Breakfast is located.

c. Parking: One (1) off-street parking space shall be provided for each guest room, plus one space for each employee and two (2) spaces for the owners of the property. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway by a five-foot fence or plant material of equal height. Such plant material shall be permanently maintained and any plant material which does not live shall be replaced within one year.

d. At least one (1) bathroom shall be provided for each two (2) guest rooms.

e. External alterations, additions or changes to the exterior structure shall be minimized except where required by any Governmental Agency for safety reasons.

f. The use shall be carried on by members of the immediate family who must reside on the premises.

g. There shall be no separate kitchen or cooking facilities in any guest room.

h. The maximum uninterrupted length of stay at a Bed & Breakfast shall be seven (7) days.

i. The use of any amenities provided by the guest house, such as swimming pool or tennis courts, shall be restricted in use to guests of the establishment. The serving of meals shall be restricted to the guests of the establishment.
j. There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, non-illuminated sign which may not exceed the area permitted within the District in which the use located.

k. If the facility is served by an onlot water and/or sewage disposal system, the applicant shall demonstrate to satisfaction of the Township Sewage Enforcement Officer (for sewage aspects) and the Board of Supervisors (for both water and sewage aspects) that these onlot facilities are adequate to serve the maximum number of guests which could be housed at the facility at any one time.

l. A buffer yard of 50 feet in width shall be provided from adjacent property and street lines. No structure may be located within the buffer yard. The buffer yard may be included within the required front, side, or rear yards.

m. The use may not be established until the applicant has submitted a Site Plan to the Township which demonstrates compliance with this Ordinance. The Bed & Breakfast may be periodically inspected by Township or County Officials for compliance with all Township requirements and safety standards.

Section 1507 Boarding House

All requirements of Section 1513 (Conversion) shall apply to Boarding Houses, either newly constructed or conversions.

Section 1508 Campground

a. Minimum lot area - twenty (20) acres.

b. Setbacks - All campsites shall be located at least seventy-five feet (75') from any side or rear property line and at least one hundred feet (100') from any street line.

c. Each campsite shall be at least three thousand (3000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.

d. A paved internal road system shall be provided. The pavement width of one way access drives shall be at least fourteen feet (14') and the pavement width of two-way access drives shall be at least twenty-four feet (24'). On-drive parallel parking shall not be permitted.

e. All outdoor play areas shall be setback one hundred feet (100') from any property line and screened from adjoining residentially zoned properties or existing residential properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.

f. All campsites, except those proposed for use by "tents only", shall be served by centralized sanitary and garbage collection facilities. Treatment facilities that shall be setback a minimum of one hundred feet (100') from any property line. Such facilities shall be screened from adjoining residentially zoned properties or existing residential properties.
g. Any accessory retail or service commercial uses shall be setback a minimum of one hundred feet (100') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels or existing residences.

h. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as identified on the Township Official Map.

i. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be setback at least ten feet (10') from the street right-of-way line, and at least twenty-five feet (25') from adjoining lot lines.

j. A minimum of twenty percent (20%) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreational area shall be with the landowner. Should the landowner neglect to maintain the recreation area, the Board of Supervisors may then maintain the area and shall assess the landowner for any costs incurred.

k. Every campground shall have an office in which shall be located the office of the person responsible for operation of the campground.

l. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

m. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

n. Campground tenants are permitted to camp/stay in the campground a maximum of three (3) consecutive weeks. Each stay in the campground must be separated by a minimum of 2 weeks.

Section 1509 Car Wash

a. These regulations apply to any primary car wash use or any car wash accessory to another use, such as a service station or automobile sales.

b. An automated car wash shall have onlot designated areas for prewash stacking to accommodate a minimum of 4 cars per 25 lineal feet of automated train.
c. A self-service car wash shall have onlot designated areas for prewash stacking to accommodate a minimum of 2 cars per bay.

d. Stacking spaces should be no closer than twenty feet (20') from the public road right-of-way.

e. The applicant must demonstrate that no noise from any vacuum facilities present will be audible by any existing residences or residentially zoned land.

f. Car washes must include a water recycling facility.

Section 1510 Commercial Communications Towers and Antennae

a. Commercial Communications Towers and/or Antennas attached to the ground shall be set back a minimum distance of one hundred feet (100') or the distance equal to the Commercial Communications Tower Fall Zone, whichever is greater, from any property line (not lease line) and existing street right-of-way line. For the purposes of determining the Fall Zone, the applicant's Registered Professional Engineer shall submit a determination of the same to the Township which shall be subject to review by the Township Engineer. Any building constructed in conjunction with the tower must comply with the standard building setbacks of the zone in which it is located.

b. Commercial Communication Towers and/or Antennas attached to existing structures shall not extend in height beyond twenty feet (20') above the height of the existing structure that it attached to, and shall be set back a minimum distance, exactly equal to its identified Fall Zone, from the property lot lines (not lease lines) and existing street right-of-way lines.

c. The base of a Commercial Communication Tower shall be surrounded by a secure fence with a minimum height of eight feet (8').

d. The following landscaping shall be required in addition to that which may be required by any other applicable section of this Zoning Ordinance in order to screen the fence referred to in Subsection (c) above and any other ground level features, buildings, or structures. Alternative forms of screening may be permitted in lieu of the following landscaping if approved by the Township Zoning Officer during zoning permit review, or the Board of Supervisors during the conditional use process.

1. An evergreen screen shall be required to surround the site of the proposed Commercial Communication Tower. The screen shall be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum six feet (6') at planting and shall grow to a minimum of fifteen (15) at maturity.

2. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
e. Commercial Communication Towers shall be no closer to an existing residential dwelling or Residential Zoning District boundary line than two hundred fifty feet (250') or the distance equal to the Fall Zone, whichever is greater. Provided that this restriction shall not apply to a residential dwelling located on the same property as the Tower.

f. A minimum of two (2) off-street parking spaces shall be provided for a Commercial Communications Tower or Antenna.

g. For any Commercial Communications Tower or Antenna higher than fifty feet (50'), the applicant shall provide certification from a Pennsylvania Registered Professional Engineer stating that the Commercial Communications Tower or Antenna meets the wind resistance, structural integrity and all other applicable requirements of the BOCA National Building Code, as amended, and the structural standards for steel antenna towers and antenna support structures published by the Electrical Industry Association/Telecommunications Industry Association.

h. Documentation from the Federal Aviation Administration (FAA) shall be submitted by applicant for any Commercial Communication Tower or Antenna exceeding two hundred feet (200') in height stating that the same has been approved by the FAA. Commercial Communications Towers or Antenna of less than two hundred feet (200') in height shall meet the requirements of 14 Code of Federal Regulations Part 77.13(a), as amended. The requirements of Airport Zoning Performance Standards, of this Ordinance must be met.

i. No signs or lights shall be mounted on a Commercial Communications Tower or Antenna except as may be required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or any other Governmental Agency having jurisdiction over the same. Safety beacons may be required by the Township.

j. Any applicant for a proposed Commercial Communications Tower or Antenna located within a radius five (5) aerial miles of the Lehigh Valley International Airport (LVIA) shall notify LVIA, in writing, of its intent to construct a Commercial Communications Tower or Antenna prior to construction of the same.

k. Documentation that the applicant for the Commercial Communications Tower or Antenna is currently and properly licensed by the Federal Communications Commission (FCC) shall be provided.

l. Documentation of FCC approval for any proposed Commercial Communications Tower or Antenna shall be provided by applicant. The documentation shall also demonstrate that the proposed Commercial Communications Tower or Antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

m. Applicant shall demonstrate, utilizing the most current technological evidence available, that the Commercial Communications Tower or Antenna must be constructed where it is proposed in order to satisfy its function pursuant to the communication industries' technological requirements.
n. Applicant shall demonstrate that it has made reasonable effort to locate the Commercial Communications Tower or Antenna on an existing structure within a reasonable distance from the proposed site.

o. The tower and any buildings must be provided with a paved access drive from a public road unless waived in writing by the Allen Township Board of Supervisors.

p. Applicant shall agree, in writing, to permit co-location on its Tower, at reasonable market rates, of additional Antennas by another cellular or wireless communications provider, provided that said co-location does not disrupt the applicant's service.

q. If a Commercial Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six (6) months of notice to do such by the Municipality. Further, the owner or operator of the tower and/or antenna shall post security, in a form acceptable to the Municipality, at the time of issuance of the zoning permit favoring the Municipality in an amount to cover tower and/or antenna removal and site cleanup. The security shall be utilized by the Municipality in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six (6) months of notification by the Municipality.

Section 1511 Commercial Forestry

a. Timber Stand Improvement is permitted in all existing wooded areas, however, no timber may be cut under 14 inches in diameter measured 5 feet high from ground except under the following conditions:

   1. All dead trees may be removed regardless of diameter.

   2. No more than twenty percent (20%) of the existing tree cover may be removed from the tract regardless of diameter.

   3. The planting and harvesting of Christmas trees is permitted.

   4. An Erosion Control Plan must be approved by the County Conservation District.

Section 1512 Community/Group Home

a. A community home use shall be operated by a group, organization, or corporation which is licensed by the County or the State and must comply with all appropriate regulations of any Governmental Agency authorized to regulate said group, organization, corporation, etc. Proof of compliance with all applicable County or State regulations shall be furnished to the Zoning Office prior to the granting of the zoning permit.

b. An employee shall be on the premises 24 hours a day and shall provide supervision for the residents.
c. The minimum lot area required for a group home must follow the requirements for single family detached dwellings.

d. Yard, setback, and lot width requirements shall be the same minimum as required for single family detached dwellings in the Zoning District in which it is located.

e. Off Street Parking Requirement - 1 space per employee on duty plus one half space per resident.

f. The Community Home activity shall not be related to criminal rehabilitation of either juveniles or adults nor the criminally insane nor serious alcohol or drug addiction, nor the care or housing of any persons prone to violence.

Section 1513 Conversion

a. Table of Dimensional Requirement

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>Minimum Unit Size</th>
<th>Lot Area For D.U.</th>
<th>Parking Spaces Per D.U.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>300 SF</td>
<td>12,000 SF</td>
<td>2.00</td>
</tr>
<tr>
<td>1 BR</td>
<td>400 SF</td>
<td>16,000 SF</td>
<td>2.00</td>
</tr>
<tr>
<td>2 BR</td>
<td>500 SF</td>
<td>20,000 SF</td>
<td>2.00</td>
</tr>
<tr>
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<td>600 SF</td>
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<tr>
<td>4 BR</td>
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<td>28,000 SF</td>
<td>2.25</td>
</tr>
</tbody>
</table>

b. The minimum lot area per dwelling unit shall be in addition to any other lot area requirements. The minimum lot area for any use requiring the use of an onlot sewage disposal shall be one (1) acre.

c. The average size of the dwelling units in the converted structure shall not be less than 400 square feet.

d. Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.

e. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall remain substantially the same structural appearance it had before such conversion.

f. Yard dimensions shall be as specified in the particular zone for single family detached uses.

g. All septic systems for conversions must be approved by the Department of Environmental Protection.
h. An approved alternate onlot disposal area must be tested and reserved on-site for conversions using onlot sewer.

Section 1514 Day Care

a. An outdoor recreation area shall be provided with a minimum area of one hundred (100) square feet for each person in care. This outdoor play area shall be located to the side or the rear of the lot and shall not include any parking areas. The outdoor play area shall be fully enclosed by a four-foot (4') high fence and shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbance.

b. Sufficient facilities for passenger loading and unloading shall be provided.

c. This use may be permitted as accessory to a permitted nonresidential use.

d. A license from the Pennsylvania Department of Public Welfare shall be required, if applicable.

e. Parking: one (1) off-street parking space for each teacher, administrator, and maintenance employee, plus one (1) space per six (6) persons in care.

Section 1515 Dormitory

These requirements apply to the construction of accessory buildings for the residency of students, religious orders, teachers, or others engaged in the primary activity of the institution where individuals need to live on the site. The density in such areas shall be based on persons per acre, since dormitories are not family dwellings. The following standards shall apply:

a. No more than twenty-five percent of any institutional tract may be devoted to dormitory use, that is, dormitories and associated yards as per (c) and (d) below.

b. Parking requirements shall be established by the Governing Body.

c. Each dormitory resident shall have a minimum of 180 square feet of space within the building.

d. No more than twenty-five percent of land devoted to dormitory use shall be covered by impervious surfaces.

e. The net density of any institutional site shall not exceed twelve (12) residents per acre.

f. The net density of the dormitory area shall not exceed sixty-four (64) persons per acre.
Section 1516 Dwelling in Combination

Within the Neighborhood Commercial District, dwellings in combination are allowed, subject to conditional use approval. During their review of the conditional use request, the Township shall consider:

a. The requirements of Subsection 1401.6 are modified as follows: "The proposed uses within the structure must be allowed in the District. The minimum lot area for this use is calculated using the lot area requirements in Section 1513 (Conversion) plus 20,000 square feet per nonresidential use proposed. It is not required to locate the uses to allow future subdivision."

b. The parking requirements of Section 1513 (Conversion) and Article XIV must be met.

c. The minimum lot area where onlot sewer is proposed is 1 acre.

d. Adequate testing of an alternate onlot sewer disposal area is required where onlot disposal is proposed.

Section 1517 Educational Institutions and Schools

a. Public sewer and public water is required.

b. A Traffic Study is required following the requirements of Section 1409 for daytime activities as well as for any extra curricular or night-time activities proposed on the site.

c. Any proposed outdoor recreation areas shall be screened in accordance with the requirements of Section 1406.F from any residentially zoned property or any existing residential properties.

Section 1518 Extractive Operation

Sand, clay, shale, grave, topsoil, or similar extractive operations including borrow pits (excavations for removing material for filling operations). When applying for a zoning permit or change of zoning, the applicant shall provide the following plans and information:

Plans Required

a. Plan of General Area (within a one mile radius of site) at a scale of 1,000 feet to the inch or less with a 20-foot contour interval or less to show.

1. Existing Data

   a. Location of proposed site
   b. Land use pattern including building locations and historical sites and buildings
   c. Roads - indicating major roads and showing width, weight loads, types of surfaces, and traffic data
2. Proposed Data

a. Subdivision
b. Parks, schools, and churches
c. Highways (new and reconstructed)
d. Other uses pertinent to proposal

b. Plan of Proposed Site at a scale of 100 feet to the inch or less with a five-foot contour interval or less to show:

1. Basic Data

a. Soils and geology
b. Groundwater data and water courses
c. Vegetation - with dominant species
d. Wind Data - directions and percentage of time

2. Proposed Data

a. Final grading by contours
b. Interior road pattern, its relation to operation yard, and points of ingress and egress to State and Township roads
c. Estimated amount and description of aggregate and overburden to be removed
d. Ultimate use and ownership of site after completion of operation
e. Source of water if Final Plan shows use of water
f. Plan of operation showing:

   i. Proposed tree screen locations
   ii. Soil embankment for noise, dust, and visual barriers and heights of sand mounds
   iii. Method of disposition of excess water during operation
   iv. Location and typical schedule of blasting
   v. Machinery - type and noise levels
   vi. Safety Measures - monitoring of complaints

Performance Standards

a. Operations: Extractive operations shall meet all standards of Article XIV.

b. Setbacks: No excavation, quarry well, storage or area in which processing is conducted shall be located within fifty feet (50') of any lot line, one hundred twenty-five feet (125') from any street right-of-way, nor within two hundred feet (200') of any Residential District boundary line.
c. Grading: All excavations, except stone quarries over twenty-five feet in depth, shall be
graded in such a way as to provide an area which is harmonious with the surrounding terrain and
not dangerous to human or animal life.

1. Excavations shall be graded and backfilled to the grades indicated by the Site
Plan. Grading and backfilling shall be accomplished continually and as soon as practicable after
excavation. Grading and backfilling may be accomplished by use of materials approved by the
Department of Environmental Protection for backfilling use.

2. Grading and backfilling shall be accomplished in such a manner that the slope of
the fill or its cover shall not exceed normal angle of slippage of such material, or forty-five
degrees in angle, whichever is less.

3. When excavations which provide for a body of water are part of the final use of
the tract, the banks of the excavation shall be sloped to a minimum ratio of seven feet (7')
horizontal to one foot vertical, beginning at least fifty feet (50') from the edge of the water and
maintained into the water to a depth of five feet (5').

4. Drainage shall be provided either naturally or artificially so that disturbed areas
shall not collect nor permit stagnant water to remain.

d. Access - Truck access to any excavation shall be so arranged as to minimize danger to
 traffic and nuisance to surrounding properties.

e. Planting - When the planting of vegetation is the final use of the land, all dry land shall be
covered with a sufficient amount of arable soil to support said growth. A Planting Plan shall be
prepared for the entire finished tract using various types of plant material for the prevention of
soil erosion and to provide vegetative cover. When buildings are proposed as part of the final
use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted
with vegetative cover in keeping with the requirements of the ultimate building purposes.

f. Stone Quarry - Stone quarries whose ultimate depth shall be more than twenty-five feet
(25') shall provide the following:

1. A screen planting within the setback area required in Paragraph (b) above shall be
required. Such a screen shall be no less than twenty-five feet (25') in width and set back from the
excavation so as to keep the area next to the excavation planted in grass or ground cover and
clear of any obstruction.

2. A chain link (or equal) fence at least ten feet (10') high and with an extra slanted
section on top strung with barbed wire shall be placed at either the inner or outer edge of
planting.

3. Warning signs shall be placed on the fence at intervals of not more than one
hundred feet (100') completely surrounding the area.

g. Parking - One (1) off-street parking space for each employee in the largest shift.
Section 1519  Golf Course and Country Club

a. Golf courses do not include miniature golf courses, but may include uses clearly accessory such as driving ranges, restaurants, club houses, etc.

b. A minimum lot area of 60 acre is required.

c. Buildings and parking areas shall be set back a minimum of two hundred feet (200') from any property line/right-of-way line.

d. Buffers are required around side and rear property lines where the property abuts land currently in residential use or zoned residential.

e. Parking requirements are 3 spaces for each hole. Accessory uses require additional parking stipulated in Section 1423.

f. Any proposed golf route crossing of any existing or proposed public road is not permitted to be an "at grade" crossing.

g. Any drainage improvements along existing roads required as a result of the proposed golf course must be performed by the applicant in coordination with this site work.

Section 1520  Home Occupations

Home occupations are permitted in any residence subject to conformance with the following regulations.

Any customary home occupation or avocation shall:

a. Conform to the following regulations:

1. The home occupation shall be carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly secondary to the use of the property as a residence.

2. There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement sign as permitted in Section 1703(a).

3. There shall be no exterior storage of materials.

4. No articles shall be sold or offered on premises for sale except such as may be produced on the premises.

5. Frequent and repetitive servicing by commercial vehicle for supplies and materials shall not be permitted.
6. The home occupation shall be operated by members of the immediate family residing in the dwelling with a maximum of 2 nonresident employees.

7. The floor area devoted to a home occupation shall not be more than twenty-five percent (25%) of the ground floor area of the principal residential structure, excluding garage.

b. Including, but not limited to, the following: art studio teaching not more than four (4) pupils simultaneously or, in the case of musical instruction, not more than a single pupil at a time; sewing, handicrafts, or other like activity; barber shop and beauty parlor limited to serving one patron at a time; realtor, insurance salesman, physician, lawyer, or other profession; or, family day care.

c. Not including the following: animal hospital; commercial stables and kennels; funeral parlors or undertaking establishments; antique shops; tourist homes; restaurants; and rooming, boarding, or lodging houses.

d. Parking: two off-street parking spaces in addition to spaces otherwise required.

e. No manufacturing, repairing or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference, or smoke shall be noticeable at or beyond the property line.

f. Family Day Cares must conform with the following specific regulations:

1. A minimum outside recreation area of 2,000 square feet of contiguous area shall be provided.

2. If the family day care is located adjacent to a nonresidential use, parking lot, or a collector or arterial street, the outdoor recreation area must be enclosed by a four-foot (4') high fence.

Section 1521 Greenhouse/Nursery Retail Sales

a. Safe access must be provided to a collector or arterial road in accordance with Township standards. No direct access to a local road is permitted.

b. Parking areas and access drives must meet Township standards, however, depending upon their location, the Board of Supervisors may waive the parking lot paving requirement.

c. Off-street parking is required at 1 space per employee plus 1 space for each 100 square feet of retail area.

d. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales area on the subject property. The display, sale, or repair of motorized nursery or garden equipment shall not be permitted.
e. All outdoor display areas shall be set back at least twenty-five feet (25') from the street right-of-way line.

f. All structural improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining residentially zoned properties.

g. One (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed twelve (12) square feet in size and must be set back at least fifteen feet (15') from all lot lines.

Section 1522 Hospital

a. Public water and public sewer is required.

b. A minimum lot size of 10 acres is required.

c. All buildings and parking areas shall be set back a minimum of one hundred feet (100') from all property lines and right-of-way lines.

d. The hospital must directly access a collector or arterial highway.

Section 1523 Intensive Agricultural Operations

a. The minimum lot size shall be twenty (20) acres.

b. The maximum impervious lot coverage shall be ten percent (10%).

c. No intensive livestock facility shall be permitted within 500 feet of any Residential Zoning District.

d. No intensive livestock facility shall be permitted within 300 feet of any existing residential structure (except a residential structure located on the premises of the facility).

e. No intensive livestock facility shall be permitted within 200 feet of any property line, well, or right-of-way line, as determined by the Board of Supervisors.

f. Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Board of Supervisors may as a conditional use reduce the above special setback requirements. In no case, however, shall the Board of Supervisors reduce any special setback requirement to less than 100 feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the Community.

g. Any Subdivision or Land Development Plans prepared for intensive operation shall show the setbacks required.
h. The raising of garbage-fed animals and rodents is not permitted.

i. Stabling, shelters, and/or housing. All stabling, shelters, and/or housing of animals shall be constructed of suitable materials providing adequate protection of the animal from weather elements, predators, and other similar dangers. The structure shall provide sufficient ventilation and sunlight to the animal(s). The structure shall have a roof and all materials shall be securely attached to the structural elements of the stable, shelter, or housing. Stable, shelters, or housing made of materials unsupported or unattached will not be permitted.

j. Animals not tied, leashed, chained, or haltered shall be within a fenced area. The fence is to be of suitable material such as wood or metal providing proper control and constraint of the animal and protection of the public. The fence shall be installed pursuant to the appropriate regulation of this Ordinance.

k. Animal runs, corrals, and yards in which the animals are kept, exercised, and trained shall be maintained so as to prevent runoff of soil and/or any debris storage to surrounding properties. The areas shall be so graded to prevent accumulation of stormwater runoff. These runs, corrals, and yards shall be at least 200 feet from any property line or dwelling other than the owner's dwelling.

l. The applicant must show compliance with the Pennsylvania Nutrient Management Act of 1993, as may be amended from time to time.

Section 1521 Junk Yard

a. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes.

b. The boundaries of any junkyard shall at all times be clearly delineated.

c. All paper, rags, cloth, and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.

d. All junkyard materials and activities must be set back a minimum distance of one hundred feet (100') from all property lines. The area between the setback lines and the property lines shall be at all times, kept clear and vacant, except for the required planting screen.

All junkyard materials and activities not within fully enclosed buildings shall, at the setback lines, be surrounded by an opaque fence at least eight feet (8') in height, and maintained in good condition. Any gate in such fence shall be similarly constructed and maintained, and shall be kept locked at all times when the junk yard is not in operation. Adjacent to the fence, between the fence and the property line, a twenty-five-foot (25') wide planting strip of evergreen trees shall be provided at a minimum height of five feet (5') with a minimum spacing of twelve feet (12'). These trees shall be maintained and dead trees shall be promptly replaced by the property owner.
e. All materials shall be stored in such a manner as to prevent the breeding or harboring or rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.

f. No burning shall be carried on in any junkyard. Fire hazards shall be prevented by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained) by the provision of adequate aisles (at least fifteen feet [15']) for escape and firefighting, and by other necessary measures.

g. Stacking of material shall not exceed eight feet (8') in height.

h. Land area shall not exceed ten (10) acres.

i. Parking: One (1) off-street parking space for each employee in the largest shift.

j. The junkyard must be licensed and meet all other aspects of the Township's Junk Yard Ordinance.

Section 1525 Kennel/Stable

a. A minimum lot area of six acres is required.

b. Animals not tied, leashed, chained, or haltered shall be within a fenced area. The fence is to be of suitable material such as wood or metal providing proper control and constraint of the animal and protection of the public. The fence shall be installed pursuant to the appropriate regulations of this Ordinance.

c. Stabling, shelters, and/or housing. All stabling, shelters, and/or housing of animals shall be constructed of suitable materials providing protection for the animal. Sufficient ventilation and sunlight shall be provided in the structure. The structure shall have a roof and all materials shall be securely attached to the structural elements of the stable, shelter, or housing. Stable, shelters, or housing made of materials unsupported or unattached will not be permitted. No feed storage shall be in open unprotected areas, which will be attractive to varmints or rodents.

d. Location of stables, shelters, and/or housing, runs, corrals, and exercise yards of animals shall be over a minimum distance of 100 feet from the property line and not within 200 feet of any dwelling other than the owner's dwelling. And further providing that no building or fencing yards used in such connection shall be maintained or established within such distance. All such buildings, fencing, and yards are to be located to the rear of the main structure or dwelling.

Section 1526 Mini Warehouse

a. Such use shall be surrounded by a physical barrier, such as a fence, measuring at least six feet (6') in height and by a buffer strip at least fifteen feet (15') in width. The buffer strip shall be planted outside of the fence or other barrier and shall consist of plants which will hide the fence.
from view from the street or other properties. The buffer strip shall be maintained at all times so that dead or diseased plants are replaced.

b. The minimum driveway width between buildings shall be twenty-four feet (24').

c. No business activity other than leasing of storage units shall be permitted.

d. All storage shall be within enclosed buildings, except that no more than 40 percent of the total storage area may be devoted to outdoor parking spaces for boats, cars, recreational vehicles, or other commercial vehicles.

e. Explosive, radioactive, or highly flammable materials and chemicals shall not be permitted.

f. Parking: One (1) space for each full time employee or caretakers.

g. Structure sidewall height is restricted to fourteen feet (14').

Section 1527 Municipal Waste Landfill

a. Minimum lot area - fifty (50) acres.

b. The municipal waste landfill operation shall be setback from any property line or street right-of-way line at least three hundred feet (300').

c. Direct access to an arterial road shall be required for the operation of a municipal waste landfill.

d. A Traffic Impact Study shall be required.

e. Operation of any municipal landfill shall at all times be in full compliance with the Statutes of the Commonwealth of Pennsylvania, and the Rules and Regulations of the Department of Environmental Protection and all provisions of this Ordinance and all other applicable Ordinances. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of the Department, the more restrictive Department Rules or Regulations shall supersede and control in the operation of such municipal waste landfill.

f. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the Municipality.

g. Municipal waste shall not be burned at a municipal waste landfill.

h. A municipal waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.
i. Measures shall be provided to control dust and a working plan for cleanup of litter shall be submitted to the Municipality. To control blowing paper, there shall be erected a fence having a minimum height of six feet (6'), with openings not more than three inches by three inches (3" x 3"), twenty feet (20') inside all boundaries. The entire area shall be kept clean and orderly. Cracks in, depressions in or erosion of cover shall be repaired daily.

j. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every municipal waste landfill shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations.

k. Unloading of waste shall be continuously supervised.

l. Hazardous materials, as listed on the Federal Hazardous Waste List promulgated under the Resource Conservation and Recovery Act as defined in CFR Title 40 Chapter 1, Part 261, SubPart D, dated July 1, 1984, as amended, shall not be disposed of in a municipal waste landfill.

m. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a municipal waste landfill.

n. Litter control shall be exercised to confine blowing litter to the work area and a working plan of cleanup of litter shall be accomplished.

o. Salvaging shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of disease transmitting organisms.

p. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rain water falling onto the fill, to prevent the collection of standing water. The operator shall comply with the requirements of Chapter 75 and Chapter 102 of Title 25, Pennsylvania Code, as amended, and applicable Municipal Ordinances so that there is no adverse off-site impact from the drainage of surface water.

q. Operation of a municipal waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980, as amended.

r. A dense evergreen buffer shall be provided outside of the fenced area. Evergreens shall be four to five feet (4' to 5') in height and shall be planted in two rows ten feet (10') apart on ten-foot (10') staggered centers. In addition, the buffer requirements of this Ordinance shall be met.

s. A zoning permit shall be obtained on an annual basis with application made by January 15th of each year. The permit shall be issued only after certification to or inspection by the Zoning Officer to certify that this use meets all provisions of this and other Ordinances.
t. A final inspection of the entire site shall be made by the Department of Environmental Protection and the Municipality and their authorized Representatives to determine compliance with applicable Department of Environmental Protection Rules and Regulations Title 25, Chapter 273, as amended, and approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the municipal waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first two (2) years following completion of the municipal waste landfill. A bond shall be posted to ensure that all corrective work is completed.


Section 1528 Nursing Home

a. Connection to public water and public sewer is required.

b. No more than 80 residents per structure shall be accommodated.

c. The maximum density of residents shall be 25 residents per acre of Base Site Area. In no case shall the lot area be less than that required for the Zoning District containing the Nursing Home.

d. A Nursing Home facility may be an integrated Community consisting of a progressive or life care style of residences and care. Any such use would require the approval of the overall Site Development Plan by the Board of Supervisors. The internal roadways, whether public or privately owned, must meet the requirements for the appropriately classified public roadway, including curbing and sidewalk.

The following regulations apply to any of the appropriate uses found on the site.

1. Single, detached residential units - These units may include those being sold by way of fee simple sale or those being leased and all of the land being retained by an owner. Each "lot" must meet the following standards:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>7,000 square feet</td>
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<tr>
<td>Minimum front yard</td>
<td>25 feet</td>
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<tr>
<td>Minimum rear yard</td>
<td>25 feet</td>
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<tr>
<td>Minimum side yard</td>
<td>10 feet (one side)</td>
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<tr>
<td>Minimum lot width</td>
<td>20 feet (both)</td>
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<td></td>
<td>70 feet</td>
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</tbody>
</table>
2. Single, attached residential units and multi-family - These units may include those being sold by way of fee simple sale or those being leased and all of the land being retained by an owner. Each "lot" must meet the following standards:

**DUPLEX**

- Minimum lot area: 4,500 square feet
- Minimum front yard: 25 feet
- Minimum rear yard: 25 feet
- Minimum side yard: 10 feet (one side)
- Minimum lot width: 45 feet

**TOWNHOUSE**

- Minimum lot area: 3,000 square feet
- Minimum front yard: 30 feet
- Minimum rear yard: 25 feet
- Minimum side yard: 20 feet (end unit only)
- Minimum lot width: 22 feet

All requirements for attached residential units and multi-family found in Section 803, Table 2 footnotes must be followed.

3. Personal or Intermediate Care Facilities - Premises or a portion thereof, with services which could include in which food, shelter, and licensed personal assistance or supervision are provided for residents requiring supervision and assistance in such matters as dressing, bathing, diet or medication prescribed for self-administration but not requiring hospitalization or skilled nursing care. Facilities shall include a living/sleeping area and a private powder room although a shared bath will be permitted.

4. Skilled Care Facilities - Premises or a portion thereof used to house and care for persons requiring continuous intermediate or skilled nursing care; and

5. Offices incidental to administration, management and health care; activity areas, craft, woodworking and hobby shops, recreation facilities, gift shops, personal services facilities, dining facilities, health care facilities, maintenance facilities, bank, library, snack bar, village store, pharmacy, chapel and similar uses designed to be exclusively for the use of residents and their guests as well as any other buildings or uses incidental to the main or principal uses.

e. Any buildings on the site must be setback from property lines and separated from other buildings by an amount at least equal to the building height. The following additional requirements apply to the overall facility and facility tract boundary lines:
Minimum lot area | 2 acre + 1,000 square feet per resident
---|---
Minimum front yard | 100 feet
Minimum rear yard | 50 feet
Minimum side yard | 50 feet (one side) 100 feet (both)
Minimum lot width | 200 feet
Maximum impervious cover | 35%
Maximum structure height | 35 feet
Buffer: treated as "multi-family in §1406.

f. The proposed use shall primarily serve the needs of retirement-age persons. At time of owner occupancy, at least one (1) resident of each household in §1525.d.1&2 shall be at least fifty (50) years old, or possess some handicap that can be treated within a setting like the retirement community.

g. The proposed use shall achieve a balanced residential/medical campus which cannot be achieved through the use of conventional Zoning techniques.

h. Residences shall be functionally, physically, and architecturally integrated with medical service and recreational activity centers.

i. Commercial, medical, and recreational uses shall be grouped together and located near the populations being served.

j. The site shall front on and have direct access onto a collector or arterial road as identified on the Official Map.

k. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be setback at least seventy-five feet (75') from all adjoining residentially zoned land or existing residences, fifty feet (50') from all lot lines of the subject property.

l. All buildings or structures used solely for residential purposes shall be setback at least fifty feet (50') from all lot lines of the campus property, twenty feet (20') from any public or private street right-of-way or parking lot, and a distance equal to their height from any other on-site residence.

m. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped (see Section 311.8 for design regulations). Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.

n. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might
enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

o. Open Space and Passive Recreational Area. At least fifty percent (50%) of the site area must be maintained as open space which shall not include detention basins, parking lots, accessory buildings or any impervious surfaces except those used for recreational purposes. At least twenty percent (20%) of the site, which may be considered part of the open space, shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. No outdoor sitting areas shall be located on land subject to flooding or on slopes in excess of five percent (5%). Open space ownership and maintenance is governed by the requirements of §1424.

p. Location to Service - Due to the dependence of the elderly on alternate means of transportation and the need for acquiring access to primary services, a Nursing Home facility with individual dwellings in §1525.d.1&2 must be located within a quarter of a mile to the following services:

<table>
<thead>
<tr>
<th>Location</th>
<th>Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post Office</td>
<td>Barber Shop</td>
</tr>
<tr>
<td>Drug Store</td>
<td>House of Worship</td>
</tr>
<tr>
<td>Regional Shopping Center</td>
<td>Public Transportation</td>
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<tr>
<td>Grocery Store</td>
<td>Movie House</td>
</tr>
<tr>
<td>Dry Cleaner</td>
<td>Bank</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Library</td>
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<tr>
<td>Beauty Parlor</td>
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</tbody>
</table>

If this is not possible, the developer of the facility shall submit to the Township a Transportation Plan which shall outline a transportation service for the residents of the facility, to be provided by the owner or manager, providing access to these services at reasonable intervals. This plan must be approved by the Township as a condition for approval of use.

Section 1529 Outdoor Entertainment

a. Recreation areas shall be set back at least one hundred feet (100') from any lot line if adjacent land is zoned for or is in residential use and twenty-five feet (25') from other uses.

b. Recreation areas shall be sufficiently screened and isolated so as to protect the neighborhood from inappropriate noise and other disturbance.

Section 1530 Resource Recovery Facilities
a. Related Definitions


2. Incinerator: An enclosed device using controlled combustion with a primary purpose of thermally breaking down municipal waste and which is equipped with a flue.

3. Material Separation and/or Refuse Derived Fuel (RDF) Facility: The extraction of materials from municipal waste for recycling or for use as refuse derived fuel (RDF).

4. Recycling Facility: A business that accumulates source-separated, recyclable material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.

5. Transfer Station: A facility where municipal waste is delivered for the purpose of transferring and/or compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer station may include the separation and collection of material for the purpose of recycling.

b. Minimum Lot Area - ten (10) acres.

c. Any such use shall be a minimum of two hundred feet (200') from any public road as measured from the ultimate right-of-way of the road and two hundred feet (200') from any property line. Additionally, any resource recovery facility shall be a minimum of three hundred feet (300') from any Residential Zoning District or occupied residential dwelling unit.

d. Parking areas, vehicle storage, maintenance or accessory buildings shall be a minimum of one hundred feet (100') from any property line.

e. Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the Rules and Regulations of the Department of Environmental Protection (PA DEP) and all provisions of this Ordinance and all other applicable Ordinances. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of PA DEP, the more restrictive PA DEP regulations shall supersede and control.

f. Litter control shall be exercised to confine blowing litter to the work area and a working plan for cleanup of litter shall be submitted to the Municipality. To control blowing paper, there shall be erected a fence having a minimum height of six feet (6') with openings not more than three inches by three inches (3" x 3"), twenty feet (20') inside all boundaries. The entire area shall be kept clean and orderly.

g. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery
facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at least six feet (6') high and shall be kept in good repair and neatly painted in a uniform color. This limitation of access may be waived by the Governing Body for recycling drop-off stations where public access is essential for the operation.

h. Unloading of municipal waste shall be continuously supervised by a facility operator.

i. Hazardous waste, as included on the list of hazardous waste as maintained by the Department of Environmental Protection, shall not be disposed of in a resource recovery facility.

j. All parts of the process; unloading, handling and storage of municipal waste shall occur within a building. However, certain separated, non-putrescible, recyclable materials like glass, aluminum, and other materials may be unloaded, handled or stored outdoors when authorized by the Governing Body. All outdoor storage shall meet the standards of Subsections c and i, hereof.

k. Paper shall be stored within an enclosure.

l. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or properties.

m. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

n. No municipal waste shall be processed or stored at a recycling facility. For types of resource recovery facilities other than a recycling facility, municipal waste shall not be stored on the site for more than seventy-two (72) hours.

o. A Contingency Plan for disposal of municipal waste during a plant shutdown must be submitted to the Municipality and approved by the Governing Body.

p. Leachate from the municipal waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with Pennsylvania Department of Environmental Protection's regulations. If the leachate is to be discharged into a municipal sewage treatment plant appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Pennsylvania Department of Environmental Protection's regulations.

q. Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. Such residual waste shall be located at least two hundred feet (200') from any property line and stored in lead proof and vector proof containers. Such residual processed waste shall be disposed of in a sanitary landfill approved by PA DEP or in another manner approved by PA DEP.

r. A dense evergreen buffer shall be maintained as a permanent visual screen outside of the fenced area. The visual screen shall begin at the ground and extend to the height of the fence.
Evergreens shall be four to five feet (4' to 5') in height and shall be planted in two rows ten feet (10') apart on ten-foot (10') staggered centers. The lower branches of mature trees shall not be removed. In addition, the buffer requirements of this Ordinance shall be met.

s. Municipal waste landfill operations are not included under this use and open burning of any materials shall specifically be prohibited.

t. A Traffic Impact Study and a Water Impact Study shall be required and prepared by a recognized professional.

u. A zoning permit shall be obtained on an annual basis with application made by January 15th of each year. The permit shall be issued only after an inspection by the Zoning Officer to certify that this use meets all provisions of this and other Ordinances.


Section 1531 Rifle, Shooting, and Target Ranges-Shooting Preserves

a. Operational hours for outdoor facilities shall be limited to between the hours of 9:00 a.m. to 6:00 p.m. and limited to three (3) days a week.

b. The minimum lot size requirements shall be fifty (50) acres.

c. No structure associated with a Range shall be located closer than two hundred feet (200') to any lot line.

d. No permit shall be issued for a shooting target range until the applicant has furnished evidence that the proposed development meets all regulations specified by Federal, State, and Local laws and rules.

e. In the consideration of an application for a permit, the Township shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

f. There shall be no discharge in the direction of any residential area, and all activity on the premises relating to the outdoor discharge of firearms shall be located no less than five hundred feet (500') from any existing property boundary line.

g. A Site Development Plan must be submitted to and approved by the Planning Commission which, at a minimum, incorporates nationally accepted standards for target range construction.

h. No firing shall be toward or over any bodies of water or population center located within one half mile.
i. The Range shall be clearly identified from all direction with conspicuous "Danger Shooting Range" signs.

j. As to rifle/pistol range, there shall be a barrier, impenetrable to any missile fired on the Range, which shall extend a distance above and to each side of the targets equal to one foot (1') for each twenty-five (25) yards to the most remote shooting stand, but in no case less than four feet (4').

k. Parking: Two (2) off-street parking spaces for each five (5) persons of total capacity, or at least one (1) off-street parking space for each shooter's station and/or range shooter station plus one (1) additional space for each additional full time employee.

l. All requirements for rifle shooting and target ranges as may be specified by the National Rifle Association shall be followed.

m. If the use contemplated in this Section remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the range within six (6) months of notice to do so issued by Allen Township. Further, the owner or operator shall post financial security, in a form acceptable to the municipality favoring the municipality in an amount to cover the range removal and site clean-up. The security shall be utilized by the municipality in the event that the owner or operator of the range fails to remove or dismantle the range within six (6) months of notification by the municipality.

Section 1532 Vehicular Track and Course

a. Minimum lot area - Ten (10) acres.

b. The property shall front on and take access from an arterial or collector highway.

c. Only one person shall ride on a vehicle at a time.

d. The track or course and all areas used by the vehicles shall be paved.

e. There shall be no racing on the course or track, however, vehicles may be timed.

f. A fence shall be placed around the entire course or track. It shall be a minimum of four feet (4') in height.

g. The noise level at the recreational facility shall not exceed the noise limits specified in this Ordinance. The application for such a use shall be accompanied by a certification from the manufacturer or a qualified operator of a noise meter stating the noise level of the motor that will power the vehicle. It shall be the responsibility of the applicant to demonstrate in advance that when the track is in full use by the usual number of vehicles at the usual r.p.m., the noise levels of this Ordinance will not be exceeded at the property line.

h. Such use shall only be operated between the hours of 10:00 a.m. and 10:00 p.m.
i. Fuel for the vehicles shall not be stored within the enclosed track area. The fueling point shall be equipped with firefighting equipment. Approval shall be secured from the Pennsylvania State Fire Marshall for the underground storage of fuel.

j. Public address systems shall be provided.

k. Parking: One (1) off-street parking space for every three (3) persons of total capacity, plus one (1) space for every employee.
ARTICLE XVI  NONCONFORMITIES

Section 1600 Definitions

a. Nonconforming use means a use, whether of land or structure, which does not comply with applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this Ordinance or amendment to its location by reason of annexation.

b. Nonconforming structure or lot means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Section 1601 Registration of Nonconforming Uses and Structures

The Zoning Officer shall, upon adoption of this Ordinance or amendment, thereof, identify and register all nonconforming uses and structures. Upon identifying the nonconformity, the Zoning Officer shall mail registration forms to the owner of record. The owner of record shall sign the forms, pay such fee as set forth in the Township's Fee Schedule, and return the original and one copy to the Zoning Officer within sixty (60) days.

Section 1602 Continuation

The lawful use of a building or structure, or the lawful use of any land as existing and lawful at the time of the enactment of this Ordinance, or in the case of an amendment to this Ordinance, then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this Ordinance or subsequent amendments.

Section 1603 Extension or Alteration

a. Nonconforming Structures may be altered, extended, reconstructed, or enlarged provided that such alteration, extension, reconstruction, or enlargement does not increase the floor area of the existing structure by more than twenty-five percent of the floor area in existence as of the effective date of the Allen Township Zoning Ordinance of 1983.

An alteration, extension, reconstruction, or enlargement of a nonconforming structure which would increase the floor area by more than twenty-five percent, but less than fifty percent of the floor area in existence as of the effective date of the 1983 Zoning Ordinance shall be permitted only by a conditional use, provided that said conditional use is granted by the Board of Supervisors.

In any event, no alteration, extension, reconstruction, or enlargement of a nonconforming structure may be made into any required yard area. In addition, any nonconforming structure which does not comply with the front, side, or rear yard requirements or lot width or maximum
height in the District in which it is located, may be altered, extended, reconstructed, or enlarged as provided in this section, provided said alteration, extension, reconstruction, or enlargement does not increase the front, side, or rear yard, or lot width or height nonconformity beyond its existing nonconformity.

In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension, reconstruction, or enlargement shall also meet the requirements of Paragraph (c) of this section.

b. Nonconforming Lots are subject to the applicable provisions of Section 1417, Exceptions to Minimum Lot Size.

c. Nonconforming Uses shall not be altered, reconstructed extended, or enlarged, except in accordance with the following provisions:

1. Such alterations, reconstruction, extension, or enlargement may only be upon the same lot as in existence that the date the use becomes nonconforming, and shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.

2. A nonconforming use may be altered, extended, reconstructed, or enlarged provided that said alteration, extension, reconstruction or enlargement does not increase the land area, of the existing use by more than fifteen percent of the land area, in existence as of the effective date of the 1983 Zoning Ordinance.

3. An alteration, extension, reconstruction, or enlargement of a nonconforming use which would increase the land area, by more than fifteen percent, but less than thirty percent of the land area, in existence as of the effective date of the 1983 Zoning Ordinance shall be permitted only by conditional use, provided that said conditional use is granted by the Board of Supervisors.

4. In the case of nonconforming use which also consists of a nonconforming structure, such alteration, extension, reconstruction, or enlargement shall also meet the requirements of Paragraph (a) of this section.

d. Nonconforming Structures, land uses, or signs that have reached their maximum expansion allowance under previous Ordinances are not eligible for any increase in volume or area under this Ordinance.

Section 1604 Restoration

A nonconforming building, or any building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that the reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be from the date the building was destroyed or condemned and shall be carried on without interruption. Any expansion of the original nonconformance shall be
consistent with the provisions of Section 1603(c). The reconstructed or restored structure must meet all dimensional requirements, if physically possible on the lot.

Section 1605 Ownership

It is the intent of this section to insure that the level of nonconformity is not increased when a nonconforming use is transferred or sold. Whenever a lot, which is nonconforming by virtue of use, except agricultural land, or residential uses, is transferred or sold to a new owner, a previously nonconforming use may be continued by the new owner after review by the Board of Supervisors. The landowner shall prove that the level of nonconformity will not be increased or changed. Should the landowner propose any changes or alterations to the nonconforming use, the Board of Supervisors may impose conditions regarding layout, circulation, and performance it deems necessary to insure that the change or alteration is in the best interest of the Township, the convenience of the Community, and the public welfare. The landowner may appeal such conditions subject to the provisions of Section 2004 of this Ordinance.

Section 1606 Abandonment

If a nonconforming use of a building, mobile home, or land is abandoned for a continuous period of one (1) year, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance. For the purpose of this Ordinance, abandonment shall commence when the nonconforming use ceases.

Section 1607 Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under all of the following conditions:

a. Such change will be permitted only as a conditional use by the Board of Supervisors.

b. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.

c. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:

1. Traffic generation and congestion including truck, passenger car, and pedestrian traffic.

2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.

3. Storage and waste disposal.

4. Appearance.
Section 1608 Nonconforming Lots in Single Ownership

Whenever there exist two or more contiguous nonconforming lots in single ownership as of or subsequent to the effective date of this Ordinance, said lots shall be deemed to be consolidated where such a consolidation would create one or more conforming lots or minimize the non-conformity.

Section 1609 Performance Standards

All nonconforming uses shall conform to the general performance standards and to those performance standards established for the District in which the use would be properly be located if constructed after adoption of this Ordinance. Those nonconforming uses not clearly belonging in any one District or not provided for under this Ordinance shall be subject to the standards of the District most closely approaching their proper District or, if any, to the specific standards established for that particular nonconforming use.
ARTICLE XVII    SIGNS

Section 1700 Definition of "Sign"

Sign shall mean and include any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other outdoor surface that shall display or include any letter, word, insignia, flag, or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye or bring the subject to the attention of the public. Symbols or other clearly decorative items not conveying a message as defined above shall not be construed to be signs and shall not be subject to the requirements of this Article.

Section 1701 Definition of "On-Premises" and "Off-Premises" Signs

a. On-Premises Sign - "On-Premises sign is a sign which directs attention to a person, business, profession, or home occupation conducted on the same lot. A "For Sale" or "For Rent" sign relating to the lot on which it is displayed shall be deemed an "On-Premises" sign.

b. Off-Premises Sign - "Off-Premises sign is a sign which directs attention to a person, business, profession, product, or home occupation not conducted on the same lot.

Section 1702 Area of Sign

a. For a sign, the area shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework, or bracing which are incidental to the display itself.

b. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any backing associated with the sign.

c. Where the sign consists of individual letters or symbols attached to or painted on a surface, buildings, wall, or window, the area shall be considered to be that of the smallest rectangle or shape which encompasses all of the letters and symbols.

d. In computing square foot area of a double-faced sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five degrees, both sides of such sign shall be considered in calculating the sign area.

Section 1703 On-Premises Signs Permitted in Residential Districts

a. Signs displaying the street number or name of the occupancy of the premises, or both, provided that the area on any one side of any such sign shall not exceed two (2) square feet. Such sign may include identification of permitted accessory uses including a customary home occupation or a roadside stand.
b. One bulletin or announcement board or identification freestanding sign for a permitted nonresidential building or use provided that the area of any one side of any such sign shall not exceed twelve (12) square feet. One additional sign may be attached to a building face. Total area of that sign shall not exceed fifteen percent of that building face area.

c. One sign in connection with a lawfully maintained nonconforming use, provided that the area on any one side of any such sign shall not exceed two (2) square feet.

d. Real estate "For Sale" or "For Rent" signs, provided that the area on any one side of any such sign shall not exceed twelve (12) square feet. Such signs shall be removed on date of settlement or rental of the property.

e. Temporary contractors', developers' architects', or builders' signs provided that the area on any one side of any such sign shall not exceed thirty-two (32) square feet. Such signs shall be maintained on the premises to which they relate and shall be removed upon completion of the work.

f. Signs announcing no trespassing; signs indicating the private nature of the road, driveway, or premises; and signs controlling fishing or hunting on the premises, provided that the area on any one side of such sign shall not exceed four (4) square feet.

g. Temporary signs for residential garage sales or for the sale of personal property at an individual's residence, provided that the area on any one side of any such sign shall not exceed nine (9) square feet. Such signs shall be removed upon completion of the sale event, but in any case, shall not be present for more than fourteen (14) continuous days.

Section 1704 On-Premises Signs Permitted in Non-Residential Districts

No sign or other on-premises device shall be permitted except as follows:

a. All signs permitted in Section 1703 at the standards prescribed for signs in this District.

b. Signs advertising permitted non-residential uses, provided that for all signs to be viewed from without any building, the following requirements shall apply:

1. The total area of signs attached to a building shall not exceed twenty percent of the building face to which said signs are attached.

2. Not more than one (1) freestanding sign shall be placed on any single property or unless such premises fronts upon more than one street, in which event one (1) sign may be erected on each frontage. The area on any one side of any freestanding sign shall not exceed one hundred (100) square feet. Freestanding signs shall not exceed twenty feet (20') in height.
3. Maximum sign size may be exceeded on a case-by-case basis if approved by the Board of Supervisors following the following general guidelines:

   a. The sign is required for use on the property by a national franchising agency.

   b. The sign will not interfere with the traveling public by attracting unnecessary attention.

   c. The sign does not cause glare or offensive light to shine onto adjacent properties.

   d. The Board of Supervisors may attach any reasonable conditions necessary to protect the public welfare.

Section 1705 Off-Premises Signs

a. Off-premises signs which are used for directing persons to principal uses located in Allen Township, but not for principal uses located in other Municipalities, are permitted in all Districts. Such signs may be erected subject to the following requirements:

   1. A sign may indicate only the name, principal use, and direction of the principal use.

   2. Only one (1) sign shall be erected prior to each intersection during movement necessary to reach such principal use and not more than fifty feet (50') from the nearest intersection of street right-of-way lines, outside of any required yard.

   3. No more than four (4) directional signs shall be erected in the Township for any one principal use.

   4. Signs in Non-residential Districts shall not exceed twelve (12) square feet in area. Signs in Residential Districts shall not exceed four (4) square feet in area.

   5. Signs shall not exceed ten feet (10') in height.

b. Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained, provided that:

   1. The size of any such sign is not in excess of four (4) square feet.

   2. The signs shall not be erected or displayed earlier than seventy (70) days prior to the election to which they pertain.

   3. The erector of such sign or an authorized agent of the political party or candidate applies for and obtains a permit from the Zoning Officer and deposits with the Township, at the time of his application, a sum of monies in accordance with any fee schedule as adopted by the
Board of Supervisors, guaranteeing that all such signs will be removed promptly within twenty (20) days after the date of the election to which such signs relate. If such signs are not removed at the end of the twenty (20) day period, the Township shall have them removed and keep the full sum deposited to reimburse the expenses incurred by it for general Township expenses.

c. Temporary non-illuminated signs directing persons to temporary exhibits, shows, or events located in the Township may be erected subject to the following requirements:

1. Signs shall not exceed twelve (12) square feet in area.

2. Signs shall not be posted earlier than four (4) weeks before the occurrence of the event to which it relates and must be removed within one (1) week after the date of the exhibit, show, or event.

d. Temporary signs for residential garage sales or for the sale of personal property at an individual's residence, subject to the following provisions:

1. The area on any one side of any such sign shall not exceed nine (9) square feet.

2. Such signs shall be removed upon completion of the sale event, but in any case, shall not be present for more than fourteen (14) continuous days.

3. No more than four (4) off-premises signs may be erected.

Section 1706 Signs in All Districts

The following requirements shall apply to all signs and other advertising devices:

a. No sign or other advertising device with visible moving or movable parts or with flashing, animated, or intermittent illumination shall be erected or maintained.

b. No sign shall be permitted which interferes with highway safety, such as direct beams which may interfere with highway visibility or any light which may be interpreted as a traffic or emergency signal.

c. No sign or other advertising device attached to a building shall project more than six inches (6") above the roof or parapet line nor more than twelve inches (12") out from the wall to which it is attached. However, signs not exceeding six (6) square feet in area may be projected more than twelve inches (12") from a building providing such sign or canopy does not interfere with pedestrian flow.

d. No sign or other advertising device shall be located within fifteen feet (15') of any side property line, except signs permitted in Section 1703(a) and Section 1703(f).

e. No sign or other advertising device shall be located within the lines of any street right-of-way, nor in any way interfere with normal pedestrian and vehicular flow. This shall include vehicles and transportable devices.
Section 1707 Maintenance of Signs

Every sign located in Allen Township must be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the owner or lessee of the property on which it is located after notification by the Board of Supervisors or the Township Zoning Officer. If the sign is not removed within the time specified, the Township shall remove the sign at the expense of the owner or lessee.

Section 1708 Nonconforming Signs

a. Signs existing at the time of passage of this Ordinance and which do not conform to the requirements of the Ordinance, shall be considered nonconforming signs and once removed shall be replaced only with conforming signs. However, nonconforming signs may be repainted or repaired, provided such repainted or repaired signs do not exceed the dimensions of the existing sign.

b. If any legal nonconforming sign shall be damaged or destroyed by natural causes, accident, or vandalism, such sign may be replaced by a new sign, provided the dimensions of the old sign are not exceeded.

Section 1709 Zoning Permits for Signs

Zoning permits shall be required for all off-premises and on-premises signs, except that zoning permits are not needed for those signs covered under Section 1703(a), (d), (e), (f), and (g).
ARTICLE XVIII  ADMINISTRATION

Section 1800  Zoning Officer Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Board of Supervisors.

It shall be the duty of the Zoning Officer, and he shall have the power to:

a. Receive and examine all applications for zoning permits.

b. Process zoning permit applications for all uses. Any uses requiring Land Development Plan approval, as defined in the MPC, must be processed to the Planning Commission and Board of Supervisors for review.

c. Issue permits only where there is compliance with the provisions of this Ordinance, and with other Township Ordinances. Permit uses requiring a variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors shall be issued only after receipt of approval from the Board of Supervisors.

d. Receive applications for variances and forward these applications to the Zoning Hearing Board for action thereon.

e. Receive applications for curative amendments, conditional uses, and zoning changes, forwarding requests to the Board of Supervisors, Planning Commission, and other appropriate agencies.

f. Following refusal of a permit, receive applications for interpretation appeals and variances, and forward these applications to the Zoning Hearing Board for action thereon.

g. Conduct inspections, direct that surveys, measurements, or calculations be done and any other lawful methods deemed necessary to the Zoning Officer to determine compliance or noncompliance with the terms of this Ordinance; said inspections, surveys, measurements, calculations, and other lawful methods, shall include, but not be limited to, on-site inspections once construction has commenced, during construction and at the completion of construction. Said inspections shall determine compliance with regard to erection, construction has commenced, during construction and at the completion of construction. Said inspections shall determine compliance with regard to erection, reconstruction, alterations, repairs, conversions, maintenance and/or uses of structures and land governed by this Ordinance. Further, it is the duty of the applicant to inform the Zoning Officer as to the time of beginning construction, so as the Zoning Officer may determine compliance with the appropriate Ordinances.

h. Issue stop, cease, and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of all applicable Township Ordinances. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to
violate any such order issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.

i. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation, so as to prevent the occupancy of or use of any building, structure, landscaping of land, or to prevent any illegal act, conduct, business, or use in or about such premises. The Zoning Officer has the right to lodge a civil complaint against any violator of this Ordinance, upon approval of the Board of Supervisors, whether or not any other action has been taken to halt the use.

j. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Ordinance.

k. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

l. Maintain a map or maps showing the current zoning classification of Allen Township.

m. Register nonconforming structures, uses, or lots in accordance with the provisions of Section 1601.

n. The Zoning Officer shall create and maintain the files required to carry out and maintain the records of all his actions pursuant to this Ordinance.

Section 1801 Zoning Permits Required

Hereafter, no use listed in this Ordinance may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed; and no building used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration, or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this Ordinance. A zoning permit need not precede Subdivision or Land Development applications.

Section 1802 Application Requirements for Zoning Permits

a. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township, and shall be filed with the Zoning Officer. The application shall include four (4) copies of the following information:

1. A statement as to the proposed use of the building or land.
2. A site layout drawn to scale showing the location, dimension, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

3. The location, dimensions, and arrangement of all open spaces, yards, and buffer yards, including methods to be employed for screening.

4. The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.

5. The dimensions, location, and methods of illumination for signs, if applicable.

6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

7. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.

8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.

9. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.

10. Description of method to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards.

11. Proof of any variances and/or conditional uses granted indicating date granted and applicable section of the Zoning Ordinance.

12. Applications for zoning permits requiring Land Development Plans shall include all plans, data, documentation in addition to the above requirements adhering to Allen Township's Subdivision and Land Development Ordinance and the standards therein.

13. Applications for zoning permits within the airport zoning area shall be accompanied by formal documentation regarding the review and approval of the included use, structure, or tree by the Lehigh-Northampton Airport Authority.

14. An affidavit signed by the applicant stating that the information presented as part of the application is true and correct.
15. Any other data deemed necessary by the Zoning Officer, Planning Commission, or Board of Supervisors, to enable them to determine the compliance of the proposed development with the terms of this Ordinance.

b. No permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in increased volume or sewage or water to be disposed of on the site, shall be issued until a Certificate of Approval has been issued by the Township Sewage Enforcement Officer and conforms to all applicable Township regulations.

Section 1803 Fees

All applicants for zoning permits, certificate of occupancy, interpretation, variance, conditional use and curative amendment appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township, a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this Ordinance or as such schedule may be amended by resolution of the Board of Supervisors.

Section 1804 Life of a Permit

Any erection, construction, reconstruction, alteration, or moving of a building, or other structure, including a sign authorized by a zoning permit, and any change in use of a building or land authorized by a zoning permit shall be commenced within one (1) year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of not more than three (3) years, provided that the construction pursuant to said permit has commenced within the first one (1) year period.

Section 1805 Certificate of Occupancy

Hereafter, no structure erected, constructed, reconstructed, extended, or moved, and no land or building changed in use under a zoning permit, shall be occupied or used in whole or in part for any use whatsoever, until the owner and/or authorized agent has been issued a Certificate of Occupancy by the Zoning Officer, indicating that the building or use complies with the terms of zoning as provided in this Ordinance.

No Certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance.

Also, no Certificate of Occupancy may be issued until the applicant has provided the following:

a. Satisfactory final inspection report on the onlot sewage disposal system from the Township Sewage Enforcement Officer (for onlot sewer).

b. Satisfactory construction permit inspection report from the Allen Township Authority (for public sewer).
c. Satisfactory final inspection report from Building Inspector.

The issuance of a Certificate of Occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Ordinance.

Section 1806 Conditional Uses

a. Purpose - The following standards are intended to provide the Board of Supervisors with a guide for the purpose of reviewing certain uses not otherwise permitted in specified zones except under the restrictions of this section.

1. The Board of Supervisors shall hear and decide requests for all conditional uses filed with the Township, in writing, by any landowner (or any tenant with permission of such landowner), as provided in this Ordinance.

2. In granting a conditional use, the Board of Supervisors may attach such reasonable condition and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

b. Procedures

1. The Zoning Officer shall not approve a zoning permit for proposed development that requires a conditional use until written approval of the Board of Supervisors is obtained pursuant to this Ordinance.

2. All applicants for a conditional use shall make application to the Township on forms provided by the Township Secretary and shall submit Site Plans in accordance with Section 1807 et seq of the Ordinance.

3. The Board of Supervisors shall not approve or deny the conditional use without reviewing the Site Plans and the recommendation of the Planning Commission.

The Board of Supervisors shall request an advisory opinion from the Planning Commission on any application for a Conditional Use; the Planning Commission shall submit a report of such advisory opinion to the Board of Supervisors prior to the date of the public hearing held by the Board of Supervisors on an application.

4. Approval of the conditional use application by the Board of Supervisors is an approval of the use only and is not to be considered approval in accordance with the Township Subdivision and Land Development Ordinance.

5. The Governing Body shall hold a hearing pursuant to public notice upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time. In addition, the Governing Body shall render a written decision within forty-five (45) days after the last hearing.
6. The Governing Body shall conduct hearings and make decisions in accordance with the procedures and standards set forth in Section 1909.

c. Approval of Conditional Uses

1. The Board of Supervisors may approve any proposed conditional use if they find adequate evidence that a proposed use will meet:

   a. All of the general standards listed in Section 1806(d).
   b. All of the specific standards for the proposed used listed in Article XV.

2. The Board of Supervisors shall have the power to grant or deny a Conditional Use pursuant to public notice and hearing and recommendations by the planning agency and pursuant to the express standards and criteria set forth herein.

d. General Requirement and Standards Applicable to All Conditional Uses - The Governing Body shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed in subsection e for the proposed use and those contained in this Ordinance. The Governing Body shall among other things require that any proposed use and location be:

1. In accordance with the Allen Township Comprehensive Plan and of this Ordinance and consistent with the spirit, purposes, and the intent of this Ordinance;

2. In the best interest of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;

3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

4. In conformance with all applicable requirements of this Ordinance and all municipal ordinances;

5. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard; and

6. In accordance with sound standards of subdivision and land development practice where applicable.

e. Specific Standards for Conditional Uses - Each conditional use shall comply with any of the specific standards listed for that use in Article XIV and XV. In addition, the Governing Body shall:
1. Determine that the proposal provides for adequate access to public roads without creating hazardous conditions. In making this determination, the Governing Body may impose conditions requiring:

   a. access to be limited, or combined with that of adjoining properties;

   b. improvement of vertical, or horizontal alignment adjoining the site or off-site if access to the site would be restricted or hazardous as a result of the alignment problem;

   c. widen or replace a bridge if said bridge restricts access to the site, or where the nature of the traffic generated by the proposed use would create a hazardous or restrictive situation.

2. Examine the use and its relationship to existing land uses to insure that the proposed use does not adversely alter the character of stable neighborhoods and to protect adjoining residents from uses which are objectionable. To this end, the Governing Body may impose conditions requiring:

   a. special buffer planting, buffer yards, or planted berms;

   b. planting or walls to screen intrusive uses such as parking lots, loading docks, mechanical plants, etc;

   c. control of location of intrusive uses so that they are sited in the least disruptive manner;

   d. special design of lighting and signs to avoid disrupting existing developments or conflicting with the vision of motorists, particularly near intersections.
ARTICLE XIX  ZONING HEARING BOARD

Section 1900  Establishment of Board

A Zoning Hearing Board (Board) is established in order that the objectives of this Ordinance may be fully and equitably achieved and a means for competent interpretations of this Ordinance be provided. Jurisdiction of the Board shall be set forth hereinafter in Article XX.

Section 1901  Membership, Terms of Office

The Zoning Hearing Board shall consist of five (5) members, appointed by the Board of Supervisors for five (5) year terms and shall be fixed so that the term of office of one member of the five-member board shall expire each year. Members of the Board shall hold no other Township office. The Board shall promptly notify the Governing Body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.

Section 1902  Removal of Members

Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Governing Body which appointed the member taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing. Vacancies shall be filled for the unexpired term in the same manner as in the case of the original appointments.

Section 1903  Organization and Procedure

a.  Officers - The Board shall elect a Chairman from its membership, and shall appoint a Secretary, and shall prescribe rules in accordance with the provisions of the Municipalities Planning Code and this Ordinance for the conduct of its affairs. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.

b.  Meetings - The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in 53 P.S. 10908. The Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Municipality and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Governing Body once a year.

c.  Records and Decisions - The Board shall keep records of its business and other official actions, all of which shall be filed in the office of the Board, and filed with the Board of Supervisors at least one a year, and shall be available to the public at reasonable times.
d. Compensation - The Board of Supervisors shall fix per meeting compensation for the members of the Board, according to a schedule adopted by resolution of the Supervisors upon the enactment of this Ordinance or as such schedule may be amended from time to time. In no event shall the compensation exceed the rate being paid to members of the Governing Body.

Section 1904 Powers and Duties - Interpretation

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

a. Involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any District boundary if there is uncertainty with respect thereto.

b. Where it is alleged there is error in any order, requirements, decision, or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this Ordinance.

c. An appeal of the decision of the Zoning Officer will not act as a stay of a Cease and Desist Order.

Section 1905 Zoning Hearing Board's Functions & Variances

a. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or District in which the property is located.

2. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
b. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Zoning Ordinance.

Section 1906 Actions of the Board in Exercising Powers

In exercising the above-mentioned powers, the Zoning Hearing Board may in conformity with the law and the provisions of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as in its opinion ought to be made. Notice of such decision shall forthwith be given to all parties in interest.

Section 1907 General Rules and Procedures For Appeals & Applications

a. Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this Ordinance shall be filed with the Zoning Officer within thirty (30) days after the date of the Zoning Officer's adverse decision is received by the landowner.

b. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Zoning Hearing Board and accompanied by fees prescribed by resolution of the Board of Supervisors.

c. All appeals and applications shall refer to the specific provisions of this Ordinance involved.

Section 1908 Parties Appellant Before the Board

Appeals under Section 2000 (a)[1], [2], [3], [4], [7], and [8] of this Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 1905 of this Ordinance and for special exception under Section 1906 of this Ordinance may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

Section 1909 Hearings

The Board shall conduct hearings and make decisions in accordance with the following requirements:

a. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance and to any person who has made timely requests for the same. Written notice shall be given to all real estate owners whose property adjoins the property subject to the application. For the purpose of this notice requirement, properties are adjoining or abutting even if separated by a street. In addition to the written notices provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
b. The Board of Supervisors may prescribe reasonable fees by resolution with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

c. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

d. The hearings shall be conducted by the Board. The decision or, where no decision is called for, the findings shall be made by the Board.

e. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Board for that purpose.

f. The Chairman or Acting Chairman of the Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

g. The parties shall have the right to be represented by Counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

h. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

i. The Board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appearing from the decision of the Board is such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

j. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and where all parties have the opportunity to participate. The Board shall not take notice of any communication, report, staff memo, or other material, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surrounding after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
k. The Board shall render a written decision or, where no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on the provisions of any Act of the Commonwealth, or any Ordinance, Rule, or Regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board fails to render its decision within forty-five (45) days or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Paragraph (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

l. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1910 Fees

The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer, for the use of the Township, a fee in accordance with the fee schedule adopted by resolution of the Township Supervisors upon enactment of this Ordinance or as such schedule may be amended from time to time.
ARTICLE XX    APPEALS AND AMENDMENTS

Section 2000    Appeals and Jurisdiction

a. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any Land Use Ordinance, except those brought before the Governing Body pursuant to Sections 10609.1 and 10916.1(a)(2) of the Pennsylvania Municipalities Planning Code (MPC).

2. Challenges to the validity of a Land Use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.

3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, or lot.

4. Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.

5. Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a Land Use Ordinance, pursuant to Section 1905 of this Ordinance.

6. Appeals from the Zoning Officer's determination under Section 10916.2 of the MPC.

b. The Governing Body or, except as to Clauses (2) and (3), the planning agency, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approval of a Planned Residential Development.

2. All applications for approval of Subdivisions or Land Developments under Article V of the MPC and/or this Township's Subdivision and Land Development Ordinance. Any provision in a Subdivision and Land Development Ordinance requiring that final action concerning Subdivision and Land Development applications be taken by a planning agency rather than the Governing Body, shall invest exclusive jurisdiction in the planning agency in lieu of the Governing Body for purposes of this paragraph.

3. Applications for curative amendment to a Zoning Ordinance pursuant to Sections 10609.1 and 10916.1(a)(2) of the MPC.
4. All petitions for amendments to Land Use Ordinances, pursuant to the procedures set forth in Section 10609 of the MPC. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

5. Appeals from the determination of the Zoning Officer or the Municipal Engineer in the administration of any Land Use Ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for Land Development under Articles V and VII of the MPC. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Municipal Engineer shall be to the Zoning Hearing Board pursuant to Subsection (a)(8) of this section.

6. Applications for a special encroachment permit pursuant to Section 10405 of the MPC, and applications for a permit pursuant to Section 10406 of the MPC.

7. Application for Conditional Use approval under the express provisions of this Ordinance.

Section 2001 Court Appeals

All appeals from all Land Use decisions rendered pursuant to this Article shall be taken to the Court of Common Pleas of the Judicial District wherein the land is located and shall be filed within thirty (30) days after entry of the decision, or in other cases of deemed decision, within thirty (30) days after the notice of said deemed decision is given as set forth in Section 1912(k) of this Ordinance.

Section 2002 Validity of Ordinance; Substantive Questions

a. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit the challenge either:

1. To the Zoning Hearing Board under Section 2000(a) of this Ordinance.

2. To the Governing Body under Section 2000(b)(2) of this Ordinance, together with a request for a curative amendment under Section 10609.1 of the MPC.

b. Persons aggrieved by a use or development permitted on the land of another by an Ordinance or map, or any provision thereof, who desire to challenge its validity on substantive ground shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 2000(a)(1) of this Ordinance.
c. The submissions referred to in Subsections (a) and (b) shall be governed by the following:

1. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a meeting on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such Ordinance and elects to proceed by curative amendment under Section 10609.1 of the MPC, his application to the Governing Body shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use for development permitted by the challenged Ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative, or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged Ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

2. The landowner shall make a written request to the Board that it hold a hearing on his challenge. The request shall contain a short statement reasonably informing the Board of the matters that are in issue and the grounds for challenge.

3. If the submission is made by the landowner to the Governing Body under Subsection (a)(2) of this Section, the request also shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein.

4. If the submission is made to the Governing Body, the Municipal Solicitor shall represent and advise it at the hearing or hearings referred to in Section 2000(b)(2) of this Ordinance.

5. The Governing Body may retain an independent Attorney to present the defense of the challenged Ordinance or map on its behalf and to present their witnesses on its behalf.

6. Based upon testimony presented at the hearing or hearings, the Governing Body or the Zoning Board, as the case may be, shall determine whether the challenged Ordinance or map is defective, as alleged by the landowner. If a challenge heard by a Governing Body is found to have merit, the Governing Body shall proceed as provided in Section 10609.1 of the MPC. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans, and explanatory material submitted by the landowner and shall also consider:

   a. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.

   b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of
a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.

c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features.

d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

7. The Governing Body or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusions of the last hearing.

8. If the Governing Body or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in Paragraph (6), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

d. The Zoning Hearing Board or Governing Body, as the case may be, shall commence its hearing within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

e. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

f. The challenge shall be deemed denied when:

1. The Zoning Hearing Board or Governing Body, as the case may be, fails to commence the hearing within the time limits set forth in Subsection (d).

2. The Governing Body notifies the landowner that it will not adopt the curative amendment.

3. The Governing Body adopts another curative amendment which is unacceptable to the landowner.

4. The Zoning Hearing Board or Governing Body, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and Township.

g. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Governing Body pursuant to Section 2000(b)(2) of this Ordinance or a validity
challenge is sustained by the Zoning Hearing Board pursuant to Section 2000(a)(1) or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for Subdivision or Land Development, the developer shall have two years from preliminary or tentative approval pursuant to Article V or VII of the MPC. Within the two-year period, no subsequent change or amendment in the zoning, subdivision, or other Governing Ordinance or Plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the Preliminary or Tentative Plan, the provisions of Section 10508(4) of the MPC shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the Zoning, Subdivision, or other Governing Ordinance or Plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment of the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

Section 2003 Power of Amendment

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this Article.

Section 2004 Who May Initiate

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Board of Supervisors on its own option, by the Planning Commission, or by petition of or more owners of property to be affected by the proposed amendment, subject to the following provisions:

a. Proposals Originated by the Board of Supervisors - The Board of Supervisors shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Board to the Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit for the Board of Supervisors a report containing the Commission's recommendation, including any additions or modifications to the original proposal. Within this period of time, the Lehigh Valley Planning Commission shall forward its review to the Board of Supervisors and the Planning Commission.

b. Proposals Originated by the Planning Commission - The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.

c. Proposals Originated by a Citizen's Petition - Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification, shall be signed and acknowledged and submitted in writing to the Secretary of the Board of Supervisors and accompanied by an impact statement pursuant to Section 2005 of this
Ordinance. On receipt of said petition, the Board of Supervisors shall transmit a copy of the petition to the Planning Commission.

Within forty-five (45) days after its submission to the Planning Commission, the Commission shall submit to the Board of Supervisors a report containing the Commission's recommendation, including any additions to or modifications of the original proposal.

Section 2005 Impact Statement

A change of zoning generally means a deviation from the previously planned growth pattern of the Township. Such changes invariably have an impact on the Community, on the environment, or on taxes. A detailed statement of these impacts is, therefore, to be submitted pursuant to this Article. Such statement shall contain the following:

a. Agricultural Impact - What effect will the proposed change have on existing farm operation? The amount and classification of soils to be taken out of production and the percentage of those soils in the agricultural area. Methods of limiting public intrusion on neighboring farmland.

b. Environmental Impact - Is there any change in existing environmental standards? If so, what is the predicted impact on stormwater runoff, aquifer recharge, water quality, microclimate, erosion, wildlife habitats, scenic areas, views, the general amenity of the Community? An assessment shall also be made of the existing environment and an evaluation made if no zoning change was proposed.

c. Transportation Impact - Analysis of existing road capabilities adjacent to site and from the site to bounds of Township. Indication of projected destinations of trips, and total trip generation based on rates identified by the Institute of Transportation Engineers.

Capacities for arterial and collector roads shall be considered to be PennDOT Level C. All hazardous or congested areas, existing or to be created, shall be identified. Recommended improvements and their costs shall be listed.

d. Service Impact - Define demand for public services, sewer, water, police, schools. Where standards of use are set by other agencies such as the Department of Environmental Protection, these shall be used. For school, the following school children yields shall be used.

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<td>Garden Apartments</td>
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All capacities of existing facilities shall be identified and compared with demands that would be generated if the proposal were implemented.
e. Regional Impact - Regional housing needs shall be examined and Township performance 
with respect to these identified. Demand created for additional shopping and private commercial 
stores and impact on established local shopping conditions.

Section 2006 Notice of Hearing

No such amendment, supplement, change, modification, or repeal shall become effective until 
after a public hearing in relation thereto at which parties in interest and citizens shall have an 
opportunity to be heard. Public notice of each hearing to consider amendments (except 
continued hearings) shall be given not more than thirty (30) days and not less than seven (7) days 
in advance of any public hearing. Such notice shall state the time and place and the particular 
nature of the proposed amendment. In compliance with 53 P.S. 10609(e), at least thirty (30) days 

prior to the public hearing on the amendment to the Zoning Ordinance, such amendments shall 
be submitted to the Lehigh Valley Planning Commission for its recommendation.
ARTICLE XXI   ENFORCEMENT

Section 2100  Jurisdiction

Unless otherwise provided by law or in this Ordinance, no building or structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building, structure, or land shall be used or occupied, except for the purpose permitted herein.

Section 2101  Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Governing Body or the Zoning Officer with the approval of the Governing Body may institute in the name of the Township any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

Section 2102  Enforcement Notice

a. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Section and to institute civil enforcement proceedings as provided for in Section 2103 of this Ordinance, when acting within the scope of his employment.

b. If it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

c. An enforcement notice shall state the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of this Ordinance.

4. That the owner of record or other person against whom the Township intends to take action has five (5) days to commence steps to comply with this Ordinance and thirty (30) days within which to complete such steps to be in compliance with this Ordinance, unless such times are extended in writing by the Zoning Officer, for cause shown.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.

6. That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

d. In any appeal of an enforcement notice to the zoning hearing board, the municipality shall have the responsibility of presenting its evidence first.

e. Any filing fee paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the municipality if the zoning hearing board or any court in a subsequent appeal rules in the appealing party's favor.

Section 2103 Enforcement Remedies

a. Any person, partnership, or corporation who or which has violated any of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township shall pay a judgment of not more than $500 plus all court costs plus reasonable Attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the District Justice and, thereafter each day that the violation continues shall constitute a separate violation.

b. The Court of Common Pleas, upon petition of the violator, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

c. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
TOWNSHIP OF ALLEN
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2003-05

AN ORDINANCE OF THE TOWNSHIP OF ALLEN, AMENDING THE ALLEN TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED BY ADDING A DEFINITION FOR "LOT COVERAGE" AND PLAN REQUIREMENTS, ADDING A DEFINITION AND PERMITTED USE INFORMATION FOR "NO-IMPACT HOME-BASED BUSINESS", AND CORRECTING MISCELLANEOUS TYPOGRAPHICAL ERRORS

WHEREAS, the Allen Township Board of Supervisors adopted the Allen Township Zoning Ordinance of 2000, as amended, on September 14, 2000; and

WHEREAS, the Board of Supervisors of Allen Township has determined that it is in the best interests of the public health, safety, and welfare to amend the Zoning Ordinance to add a definition and plan requirements for "Lot Coverage" and definition for "No-Impact Home-Based Business".

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Allen Township that the Allen Township Zoning Ordinance of 2000, as amended, is hereby further amended as follows:

SECTION 1. LOT COVERAGE DEFINITION.

Article II - Definitions is hereby amended by adding the following:

"Lot Coverage - The maximum percentage of the lot area which may be covered with an impervious surface (for example, buildings and driveways, parking lot areas, and/ or sidewalks constructed from conventional impervious pavement)."

SECTION 2. NO-IMPACT HOME BASED BUSINESS DEFINITION.
Article II - Definitions is hereby amended by adding the following:

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

SECTION 3. AMENDMENT TO SECTION 1520.1

Section 1520.1 is hereby added in its entirety to read as follows:

"No-Impact Home-Based Businesses are permitted in any residence subject to conformance with the following regulations.

  a. Any No-Impact Home-Based Business must satisfy the following requirements:

  (1) The No-Impact Home-Based Business shall be carried on wholly indoors and within a dwelling or other structure accessory thereto and shall be clearly secondary to the use of the property as residence.

  (2) The No-Impact Home-Based Business activity shall be compatible with the residential use of the property and surrounding residential uses.

  (3) The No-Impact Home-Based Business shall be operated by members of the immediate family residing in the dwelling with a maximum of two (2) nonresident employees.

  (4) There shall be no outside appearance of a business use, including, but not limited to, parking or lights."
(5) The No-Impact Home-Based Business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The No-Impact Home-Based 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.

(7) The No-Impact Home-Based Business may not involve any illegal activity."

SECTION 4. AMENDMENT TO ARTICLE IV AGRICULTURAL DISTRICT.

Article IV, Section 401 - Uses Permitted By Right is hereby amended by adding the following:

"q. No-Impact Home-Based Business”

SECTION 5. AMENDMENT TO ARTICLE V RURAL DISTRICT.

Article V, Section 501 - Uses Permitted By Right is hereby amended by adding the following:

"q. No-Impact Home-Based Business”

SECTION 6. AMENDMENT TO ARTICLE VI LOW DENSITY RESIDENTIAL DISTRICT

Article VI, Section 601 - Uses Permitted By Right is hereby amended to read as follows:

"a. Farming including pasturing, truck gardening, horticulture, and similar enterprise

b. Single-family detached dwellings

c. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources

d. Public municipal buildings and facilities, including libraries
Approved June 12, 2003

c. Accessory uses customarily incidental to the above permitted uses
f. Commercial Forestry
g. No-Impact Home Based Business

SECTION 7. AMENDMENT TO ARTICLE VII MEDIUM DENSITY RESIDENTIAL DISTRICT
Article VII, Section 701 - Uses Permitted By Right is hereby amended to read as follows:
a. Farming including pasturing, truck gardening, horticulture, and similar enterprise
b. Single-family detached dwellings
c. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
d. Public municipal buildings and facilities, including libraries
e. Accessory uses customarily incidental to the above permitted uses
f. Commercial Forestry
g. No-Impact Home Based Business

SECTION 8. AMENDMENT TO ARTICLE VIII HIGH DENSITY RESIDENTIAL DISTRICT
Article VIII, Section 801 - Uses Permitted By Right is hereby amended to read as follows:
a. Single-family detached dwellings
b. Duplexes
c. Farming including pasturing, truck gardening, horticulture, and similar enterprise
d. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
e. Public municipal buildings and facilities, including libraries
f. Customary accessory uses and buildings incidental to any of the permitted uses
g. Commercial Forestry
h. No-Impact Home-Based Business

SECTION 9. AMENDMENT TO ARTICLE IX MOBILE HOME PARK DISTRICT
Article IX, Section 901 - Uses Permitted By Right is hereby amended to read as follows:

"a. Farming including pasturing, truck gardening, horticulture, and similar enterprise (subject to requirements in Article IV)
b. Single family detached dwellings
c. Mobile home park, subject to the requirements of Section 904
d. Public municipal buildings and facilities; including libraries
e. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
f. Customary accessory uses and buildings incidental to any of the permitted uses
g. Commercial Forestry
h. No-Impact Home-Based Business"

SECTION 10. AMENDMENT TO ARTICLE X INDUSTRIAL-COMMERCIAL DISTRICT

Article X, Section 1001 - Uses Permitted By Right is hereby amended to read as follows:

"a. Farming including pasturing, truck gardening, horticulture, and similar enterprise
b. Plant Nursery
c. Greenhouses
d. Commercial School
e. Public municipal buildings and facilities including libraries
f. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources
g. The following commercial uses, subject to the requirements in Article XIV D

1. Office
h. The following industrial uses subject to the requirements of Article XIV E

1. Research
2. Wholesale
3. Printing
4. Contracting
5. Truck Terminal
SECTION 11. AMENDMENT TO SECTION XI INDUSTRIAL DISTRICT

Article XI, Section 1101 - Uses Permitted By Right is hereby amended to read as follows:

"a. Farming including pasturing, truck gardening, agriculture, and similar enterprises, (subject to requirements of Article IV).

b. Indoor rifle, shooting and target ranges, shooting preserves

c. The following industrial uses, subject to the requirements in Article XIV E

1. Manufacturing
2. Research
3. Wholesale
4. Printing
5. Contracting
6. Truck Terminal

7. Crafts
8. Planing Mill
9. Mill
d. The following commercial uses, subject to the requirements in Article XIV D
   1. Lumber Yard
   2. Eating Place

e. Public conservation areas and associated structures for the conservation of open
   space, water, soil, forest, and wildlife resources

f. Public municipal buildings and facilities, including libraries

g. Customary accessory uses and buildings incidental to any of the permitted uses

h. Commercial Forestry

i. No-Impact Home-Based Business”

SECTION 12. AMENDMENT TO ARTICLE XII HIGHWAY COMMERCIAL DISTRICT

Article XII, Section 1201 - Uses Permitted By Right is hereby amended to read as follows:

“a. Farming including pasturing, truck gardening, agriculture, and similar enterprises
   (subject to requirements of Article IV)

b. The following commercial uses subject to the requirements in Article XIV D
   1. Retail Store
   2. Large Retail Store
   3. Service Business
   4. Financial Establishment
   5. Office
   6. Medical Office
   7. Eating Place
   8. Drive-in, other Eating Place
   9. Repair Shop
   10. Motel, Hotel
   11. Indoor Entertainment
   12. Tavern
   13. Lumber Yard
14. Service Station
15. Automobile Sales
16. Automobile Repair
17. Truck Sales
18. Mini-Warehouse
19. Car Wash

C. Public conservation areas and associated structures for the conservation of open space, water, soil, forest, and wildlife resources

d. Public municipal buildings and facilities, including libraries
e. Day Care
f. Customary accessory uses incidental to any of the permitted uses
g. Commercial Forestry
h. No-Impact Home-Based Business"

SECTION 13. AMENDMENT TO ARTICLE XIII NEIGHBORHOOD COMMERCIAL DISTRICT

Article XII, Section 1301 - Uses Permitted By Right is hereby amended by adding the following:

"1. No-Impact Home-Based Business"

SECTION 14. SEVERABILITY.

If any provision, sentence, clause, section, or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared
as the intent of Allen Township that this Ordinance would have been adopted had such stricken provision not been included herein.

SECTION 15. REPEAL.

All Ordinances or parts of Ordinances of Allen Township that are inconsistent with the provisions herein contained are hereby expressly repealed.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall take effect within five (5) days from the date hereof.

ENACTED AND ORDAINED this 12 day of June, 2003.

ATTEST:

[Signature]
Secretary

ALLEN TOWNSHIP
BOARD OF SUPERVISORS

[Signature]
Paul Balliet
Chairman
AN ORDINANCE OF THE TOWNSHIP OF ALLEN AMENDING THE ALLEN TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, BY PROVIDING FOR “HOUSING FOR OLDER PERSONS” IN THE MEDIUM DENSITY – R2 ZONING DISTRICT.

Whereas, the Allen Township Board of Supervisors adopted the Allen Township Zoning Ordinance of 2000, as amended, on September 14, 2002; and

Whereas, the Allen Township Board of Supervisors desires to amend the Zoning Ordinance to provide for “Housing for Older Persons” and establish Regulations for its use.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Allen Township, that the Allen Township Zoning Ordinance of 2000, as amended, be and is hereby further amended as follows:

I. In Section 200, add the following new definition:

   “Housing for Older Persons – a residential development that is age qualified in accordance with Federal regulations as provided in Section 1533, and which involves a unified development operated under common rules with internal streets, landscaped areas along public streets, and on-site recreation facilities.”

II. In the Medium Density Residential District provisions, under Section 702 add the following:

   “d. Housing for Older Persons, which shall comply with Section 1533”

III. A new Section 1533 in Article XV entitled “Housing for Older Persons” is hereby added as follows:

   “Section 1533 Housing for Older Persons. Any Housing for Older Persons Development shall meet the following requirements:

   (a) Purposes – To provide housing and related private recreational facilities for older persons as that term is defined in the Federal Fair Housing Act as amended in regulations promulgated (or to be promulgated) thereunder.
(b) The following dwelling types shall be allowed within a Housing for Older Persons Development: single family detached dwellings, single family semi-detached dwellings and single family attached. A minimum of 25 percent of the total dwelling units shall be single family detached dwellings. A maximum of 33 percent of the total dwelling units shall be townhouses.

(c) Housing for Older Persons shall require a condominium association or homeowners association to maintain commonly owned areas, private streets and other common facilities. All residents of the development shall be required to pay necessary fees to the condominium association or homeowners association, with a proper enforcement mechanism as provided by State law. The Township Solicitor shall review and approve the association document.

(d) Although the Developer may choose to provide private internal streets, this does not relieve the Developer of meeting the requirements of providing for the connection to and/or extension of public roads to properties adjacent to the development (Allen Township Subdivision and Land Development reference including but not limited to §4.05.5 and 4.07.3).

(e) Each dwelling unit may be owned as a unit within a condominium, cooperative, or homeowners association without the requirement of individual lot lines.

(f) Each dwelling unit shall be served by public water and public sewage services.

(g) The minimum base site area shall be 20 acres, which shall be controlled by a single entity at the time of the subdivision and land development application.

(h) Perimeter Planting Areas – The perimeter of a Housing for Older Persons Development tract adjacent to the ultimate right-of-way of public streets shall have a landscape planting and lawn area with a minimum of width of twenty feet (20') along the length of such public street. This planting area shall be outside of any required future/ultimate street right-of-way but may overlap a required setback. No buildings shall be permitted in the planting area. This planting area shall following a planting plan that is submitted to the Township for approval. This planting area shall be maintained by the condominium association of homeowners association, who shall replace dead or diseased plantings within 6-months of their death.
(i) Density – The maximum density shall be five units per acre.

(j) Maximum Lot Coverage – 50% of Base Site Area.

(k) Each dwelling unit in a Housing for Older Persons Development shall be limited by deed restriction, by condition of subdivision and land development approval and shall be expressly intended for “older persons” as defined in the Federal Fair Housing Act as amended in regulations promulgated (or to be promulgated) thereunder.

(l) Declaration of Age Restriction. At the time of subdivision and land development, as prerequisite to recording of any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Township, binding all properties and owners to the restriction which shall require the permanent residents of an Age Qualified community residing in individual dwelling unit within the Age Qualified (Overlay) District to the age fifty-five (55) or older, and shall require that with the exception of full time care-givers, any resident of an individual dwelling unit within the Age Qualified community under the age of nineteen (19) of age shall not reside in that unit for more than three (3) months in any calendar year.

(m) Each dwelling unit shall have a minimum setback of: a) 30 feet from the ultimate/future right-of-way of any public street and b) 25 feet from the edge of cartway of any private street. The following minimum separation distances shall apply between the walls of buildings: a) 15 feet between sides of buildings, b) 25 feet between the rear and the side of a building, and c) 40 feet between the rears of buildings.

(n) Common recreation area(s) shall be improved by the developer with private recreation facilities for the residents of the development and their occasional invited guests. Unless otherwise approved by the Board of Supervisors during Subdivision and/or Land Development Plan review. These recreation area(s) shall include at a minimum, an indoor Community Center, and outdoor Swimming Pool and an accessory outdoor recreation area, such as facilities for games for seniors. The Community Center shall include a minimum of 25 square feet of interior building space per dwelling unit. The Community Center at a minimum shall include the following: indoor exercise/fitness facilities, a multi-purpose room, a kitchen, restrooms and areas for crafts and activities. These private recreation facilities shall not be in place of public recreation land dedication or recreation fees required by the Township Subdivision and Land Development Ordinance. The
subdivision or land development plan shall include a detailed description and design of the types and locations of recreational facilities that will be constructed.

The recreation facilities shall be privately owned by and privately maintained by the Condominium Association or Housing Association shall not be dedicated to the Township.

(o) All driveways from dwellings shall enter onto an internal street or parking court system within the development. No new driveway for a dwelling shall enter directly onto an existing public street, unless otherwise approved by the Board of Supervisors during review of the subdivision or land development plan.

(p) The maximum building height shall be 2.5 stories or 35 feet, whichever is more restrictive.

(q) Preliminary architectural renderings of typical dwelling units and photographs of the site shall be provided at the time of submission of the conditional use application.

(r) A minimum of four off-street parking spaces shall be provided for each dwelling unit. Two of these spaces may be located in garages, while two additional spaces may be located on driveways.

Additional off-street parking spaces/lots shall be provided in common areas. The total number of these extra spaces in the project shall be a minimum of 0.2 spaces per unit in the entire project (counting all units, even if outside of Allen Township).

(s) Fire hydrants are required and must be placed as specified in the Allen Township Subdivision and Land Development Ordinance. The subdivision and land development plans are subject to the review of the Township Fire Company. Hydrants shall be maintained and paid for by the Condominium and/or Homeowners Association.

(t) Street lighting shall be provided at the locations specified in the Allen Township Subdivision and Land Development Ordinance for all public and private streets. The lights shall be owned, maintained, and paid for by the Condominium and/or Homeowners’ Association.

IV. Severability. If a court of competent jurisdiction declares any provisions of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to invalid, and all other provisions of this Zoning Amendment shall continue to be separately and fully effective.
V. Repealer. All provisions of Township ordinances and resolutions or parts thereof that were adopted prior to this Zoning Amendment and that are in conflict with this Zoning Amendment are hereby repealed, including but not limited to, any conflicting provisions of the Allen Township Zoning Ordinance of September 14, 2000, as amended.

VI. Enactment. This Amendment shall be effective five days after the date of passage. "This Zoning Ordinance Amendment is hereby ordained and enacted this date of February 12, 2001, by the Allen Township Board of Supervisors."

TOWNSHIP OF ALLEN BOARD OF SUPERVISORS

[Signature]
Chairman, Board of Supervisors

[Signature]
Attest, Township Secretary

TOWNSHIP OF ALLEN BOARD OF SUPERVISORS

November 20, 2001
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ALLEN TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004-05

AN ORDINANCE OF THE TOWNSHIP OF ALLEN
AMENDING THE ALLEN TOWNSHIP ZONING
ORDINANCE OF 2000, AS AMENDED, BY REZONING
CERTAIN TRACTS OF LANDS AS FOLLOWS: A
PORTION OF LANDS SITUATE EAST AND WEST OF
KRIEDERSVILLE ROAD IN THE VICINITY OF SPRING
HILL ROAD FROM AGRICULTURAL TO RURAL.

WHEREAS, the Allen Township Board of Supervisors adopted the Allen Township
Zoning Ordinance of 2000, as amended; and

WHEREAS, the Allen Township Board of Supervisors desires to amend the Zoning
Ordinance and the Official Allen Township Zoning Map, by rezoning certain tracts of land
situate along Kreidersville Road and Spring Hill Road.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors
of Allen Township, that the Allen Township Zoning Ordinance of 2000, as amended, and
Official Allen Township Zoning Map be and is hereby further amended as follows:

SECTION 1. AMENDMENT.

The Allen Township Zoning Ordinance of 2000, as amended, is hereby further amended
by rezoning those certain tracts of land situate in the Township of Allen, County of Northampton
and Commonwealth of Pennsylvania and as depicted on the zoning map amendments attached
hereto and incorporated herein by reference as Exhibits “A” as follows:

a. Lands of Schwartz: Northampton County Tax Map Parcel Nos. K4-26-7A, K4-
26-7, L4-1-1 and K4-27-9 are hereby rezoned from Agricultural (A) to Rural (R).

SECTION 2. SEVERABILITY.
If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of Allen Township that this Ordinance would have been adopted had such stricken provisions not been included herein.

SECTION 3. REPEAL.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after adoption thereof.

ENACTED and ORDAINED this 22 day of June, 2004.

ATTEST:

ALLEN TOWNSHIP BOARD OF SUPERVISORS

(TOWNSHIP SEAL)
SCHWARTZ PROPERTY REZONING

ALLEN TOWNSHIP
NORTHAMPTON COUNTY
PENNSYLVANIA

PROJECT NO. A03-37

DRAWN BY:
CHECKED BY:
CDP
BRK

DATE:
02-24-04

SCALE:
1" = 1000'

1 OF 1

HANOVER ENGINEERING
ASSOCIATES, INC.

252 BROOKE ROAD, SUITE 100
BETHLEHEM, PA 18017-8937
(610) 691-5644

Exhibit "A"
AN ORDINANCE OF THE TOWNSHIP OF ALLEN AMENDING THE ALLEN TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, BY PERMITTING A SINGLE FAMILY CLUSTER DEVELOPMENT OPTION AS A CONDITIONAL USE IN THE R ZONING DISTRICT, AND PROVIDING REGULATIONS THEREFORE.

WHEREAS, the Allen Township Board of Supervisors adopted the Allen Township Zoning Ordinance of 2000, as amended, on September 14, 2000; and

WHEREAS, the Allen Township Board of Supervisors desires to amend the Zoning Ordinance to permit single family cluster development options in the Rural (R) Zoning District that can be served by public water and public sewer facilities.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Allen Township, that the Allen Township Zoning Ordinance of 2000, as amended, be and further amended as follows:

Section 1. Purpose.

The purpose of the regulations contained in this Article are to allow flexible development of areas with sensitive natural features in such manner as to avoid severe soil erosion and sedimentation; to avoid severely increased stormwater flow and speeds; to steer development to those areas that are more physically suited for it; to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats; to reduce construction costs by lowering improvement costs per dwelling, thereby encouraging affordable housing; to allow each property owner a reasonable use of his land, related directly to the natural features and location and accessibility of the land; to encourage the preservation of significant areas of comment open space; and to encourage high-quality lot layout, site planning and landscaping design.

Section 2. Applicability.

Section 502 is hereby amended to create subsection j as follows:

j. Single Family Cluster Development (subject to provisions of Section 1533)
Section 3. Section 1533 is hereby created as follows:

Section 1533 Single Family Cluster Development (SFCD)

a. Minimum tract area. A tract may be eligible for approval for a single-family cluster option if the total area of the tract is a minimum of seventy-five (75) contiguous acres in common ownership in the R District.

NOTE: For the purpose of this Section, the term "total area of the tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets, but including the rights-of-way of any new future streets proposed within the tract and any proposed open space.

b. Unified. The SFCD shall be designed as a unified, coordinated residential development and shall be submitted within a development plan controlled by a single developer. After final subdivision approval and recording of the approved plan and development agreement, a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring compliance with the approved development plan.

c. Uses. Uses within an SFCD shall be limited to single-family detached dwellings and their appropriate accessory uses as would normally be permitted in an R District.

d. Coordinated reviews. The conditional use review should be coordinated with either the sketch and/or preliminary plan review process contained in the Subdivision and Land Development Ordinance. If a Sketch Plan is utilized, the plan must contain sufficient information to determine compliance with all requirements of this §1533.

1. Design sketches. As an additional submission criteria, the applicant shall submit preliminary general architectural sketches of proposed building styles. The intention of this section is to encourage a well-designed and complementary variety of architectural styles.

e. Utilities. All dwellings in an SFCD shall be served by both public sewage and public water service via extensions of existing public water and existing public sewer systems only.

f. The maximum density of the SFCD shall be one (1) dwelling unit per "total area of the tract".
g. Minimum Area, Yard, and Height Regulations

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<tr>
<th>Requirement</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>12,000 sq. ft.</td>
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<td>Minimum Lot Width</td>
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<td>Maximum Lot Coverage</td>
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<tr>
<td>Maximum Building Height</td>
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</table>

h. Open Space. An SFCD shall provide for open space as permanent deed-restricted common open space in a minimum amount of 50% of the original total area of the tract. Any such proposed open space shall be reviewed by the Planning Commission and approved by the Board of Supervisors.

1. The open space provided under this Section shall be in addition to any recreation land required to be dedicated or fees in lieu of recreation land that may be required under Section 4.12 of the Township Subdivision and Land Development Ordinance.

2. Approval of ownership. The location, method of ownership, and preservation of the required open space shall be determined prior to conditional use approval. The Township shall be given right of first refusal at the time of the conditional use review to accept proposed open space as public open space. The Board of Supervisors shall only approve an SFCD if such Board determines that there will be an acceptable method to ensure permanent preservation of the required open space. The Board of Supervisors may approve alternate methods of ownership and maintenance within the provisions of the Allen Township Subdivision and Land Development Ordinance, as amended.

3. Homeowners’ association. If the common open space is to be dedicated to a homeowners’ association, there shall be assurance of adequate provision for perpetual maintenance of said open space by inclusion of covenants running with the land in the deeds or other instrument of conveyance, delineating such open area in accordance with the following:

(a) Obligating purchasers to participate in the proper operation and maintenance of all open spaces and community facilities secured by an appropriate organization with legal
responsibility for the same. The organization may be a condominium, cooperative, a homeowners’ association, trust or other appropriate nonprofit organization of the dwelling unit owners, organized in a manner found by the Township to be legally effective and able to carry out its maintenance and operating responsibilities.

(b) Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the County Recorder of Deeds Office of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and identifying the tracts and lots therein. The declaration shall be referenced in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, providing that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

(c) All documents obligating the organization must be approved by the Township Solicitor and the Board of Supervisors.

i. Additional Requirements. In addition to the specific requirements of this section, an SFCD shall only be approved as a conditional use if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. Public purposes. The applicant shall prove that the SFCD would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purpose(s) at a minimum shall include two (2) or more of the following:

(a) The permanent preservation through deed restrictions of a substantial concentration of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features or large tracts of land clearly suitable as farmland or for active or passive recreation. Such open spaces may also involve the creation of new wooded areas, based upon a landscaping/forestation plan.
(b) The dedication of public parkland at a site along a perennial waterway or that is adjacent to existing public parkland or where a proposed park is recommended by the Township’s Park and Recreation Plan or that is otherwise deemed by the Board of Supervisors to be clearly suitable for active or passive recreation.

(c) The clustering of homes in a location that will be substantially buffered from highly noxious nuisance-generating uses, such as an expressway or arterial highway.

(d) The development of a pedestrian-oriented type of development.

(e) The clustering of dwellings into identifiable neighborhoods, with such clusters of homes separated by the open space, and with the dwellings arranged to maximize views onto and pedestrian access onto the open, and with pedestrian and bicycle paths connecting the dwellings to the open space.

2. Natural features. The applicant shall prove that the SFCD has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands. Areas along creeks shall be preserved in their natural state, except for landscaping, erosion control improvements and essential utility, street and driveway crossings.

3. Improvements to open spaces. The applicant shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated to make it suitable for its intended purpose.

(a) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.

(b) Examples of such improvements for areas intended for active recreation include final grading and seeding of land to create land suitable for free-play fields for youth.
4. All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

(d) All common open spaces shall be landscaped following a plan sealed by a registered landscape architect, except for areas of preserved woods.

Paths. All common open spaces shall include a pathway system connecting the dwellings with the open space and connecting the development with any nearby schools, shopping areas, parks, places of worship, other existing or proposed trails and other significant nearby pedestrian connections. The materials of the paths shall be approved by the Board of Supervisors.

j. Phasing. The development may include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Section would be met after the completion of any one (1) phase and that the development could properly function without the construction of additional phases.

Section 4. Definitions.

Section 200 is hereby amended to include the following definition:

Tract N Contiguous or single properties in single ownership at the time of submission for a Zoning Permit or subdivision and/or land development plan application. The area of the tract is the area provided for in the Deed as verified by field survey. The area may include any non-fee simple rights-of-way or easements within or adjacent to the "tract".

Section 5. Severability.

If any provision, sentence clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of Allen Township that this Ordinance would have been adopted had such stricken provisions not been included herein.

Section 6. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
Section 7. Effective Date.

This Ordinance shall become effective five (5) days after adoption thereof.

ENACTED and ORDAINED this 22nd day of June, 2004.

ATTEST:

ALLEN TOWNSHIP
BOARD OF SUPERVISORS

Petul Palermo
Paul Balliet

May 12, 2004
AN ORDINANCE OF THE TOWNSHIP OF ALLEN AMENDING THE ALLEN TOWNSHIP ZONING ORDINANCE OF 2000, AS AMENDED, BY REZONING CERTAIN TRACTS OF LANDS: 1.) A PORTION OF LANDS SITUATE SOUTH OF SAVAGE ROAD AND EAST OF HOWERTOWN ROAD (NORTHAMPTON BOROUGH) FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL.

WHEREAS, the Allen Township Board of Supervisors adopted the Allen Township Zoning Ordinance of 2000, as amended; and

WHEREAS, the Allen Township Board of Supervisors desires to amend the Zoning Ordinance and the Official Allen Township Zoning Map, by rezoning certain tracts of land situate along Savage Road and Howertown Road in the Borough of Northampton.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Allen Township, that the Allen Township Zoning Ordinance of 2000, as amended, and Official Allen Township Zoning Map be and is hereby further amended as follows:

SECTION 1. AMENDMENT.

The Allen Township Zoning Ordinance of 2000, as amended, is hereby further amended by rezoning those certain tracts of land situate in the Township of Allen, County of Northampton and Commonwealth of Pennsylvania and as depicted on the zoning map amendments attached hereto and incorporated herein by reference as Exhibits “A”:
AMENDMENT RE: SIPOS LANDS
Draft April 27, 2004
LVPC comments 05/28/04
Returned to PC by BOS 06/10/04 for additional comment
Amend per BLT and ATPC/ATBOS comments 08/03/04
Public Hearing/Enactment scheduled 09/09/04

a. Lands of Sipos, et al: A portion of Northampton County Tax Map Parcel Nos. M4-3-4, M4-3-10, M4-3-7 and M4-3-7A South of Savage Road are hereby rezoned from Medium Density (R2) to High Density Residential (R3).

SECTION 2. SEVERABILITY.

If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of Allen Township that this Ordinance would have been adopted had such stricken provisions not been included herein.

SECTION 3. REPEAL.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after adoption thereof.

ENACTED and ORDAINED this 9th day of September, 2004.

ATTEST:

ALLEN TOWNSHIP
BOARD OF SUPERVISORS

(TOWNSHIP SEAL)
LOCATION MAP
FOR PROPOSED REZONING OF R-2 TO R-3

ALLEN TOWNSHIP
NORTHAMPTON COUNTY
PENNSYLVANIA

HANOVER ENGINEERING
ASSOCIATES, INC.

Exhibit A