

LOWER ALLEN TOWNSHIP

DRAFT

**PROPOSED REVISED ZONING
ORDINANCE**

March 11, 2009

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Chapter 220, ZONING

[HISTORY: Adopted by the Board of Commissioners of the Township of Lower Allen 00-00-2008 by Ord. No. 2008-

GENERAL REFERENCES

Official Map – See Ch. 36.

Sexually Oriented Businesses – See Ch. 59.

Animals – See Ch. 65.

Building construction – See Ch. 70.

Floodplain management – See Ch. 110.

Junkyards – See Ch. 121.

Massage establishments – See Ch. 140.

Parks and playgrounds – See Ch. 151.

Recycling – See Ch. 180, Art. I.

Refuse collections – See Ch. 180, Art. II.

Streets and sidewalks – See Ch. 187.

Subdivision and land development – See Ch. 192.

ARTICLE I, General Provisions

Section 220-1. Title.

This chapter shall be known as the “Lower Allen Township Zoning Ordinance of 2009.”

Section 220-2. Authority.

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the Pennsylvania Municipalities Planning Code, July 31, 1968, as amended.

Section 220-3. Purpose.

A. This chapter is enacted for the following purposes:

(1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and;

(2) To 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.

B. This chapter is made in accordance with an overall program and with consideration for the character of the township, its various parts and the suitability of the various parts for particular uses and structures.

Section 220-4. Community development goals and objectives.

This chapter shall promote and foster the community development goals and objectives as contained in the Lower Allen Township Comprehensive Plan Update, adopted August 28, 2006.

Section 220-5. Repealer.

The provisions of this chapter, so far as they are the same as those of ordinances in force immediately prior to the enactment of this chapter, are intended as a continuation of such ordinances and not as new enactments. The provisions of this chapter shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this chapter.

ARTICLE II, Definitions

Section 220-6. Definitions; word usage.

A. Word usage.

(1) The following words are defined in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

(2) Words used in the present tense include the future tense.

(3) The singular includes the plural.

(4) The word "person" includes a natural person, corporation, partnership, limited liability company, business trust, other association, government entity, estate, trust or foundation.

(5) The word "lot" includes the words "plot", "tract" or "parcel."

(6) The term "shall" is always mandatory.

(7) 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 used or occupied."

B. Unless the context clearly indicates otherwise, the following words shall, for the purpose of this chapter, have the meanings herein indicated. Such definitions shall take precedence of other definitions contained within other township codes and ordinances.

C. Wherever a reference document is cited with a publication date, the phrase "as amended" is assumed to follow the date.

ABANDONMENT -- The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ACCESS DRIVE -- A private drive providing pedestrian and/or vehicular access and point of drop off between a public or private street and a parking area within a land development, and any driveway servicing two or more units of occupancy on a single lot or contiguous lots.

ACCESSORY STRUCTURE -- A structure subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal structure. Such structures shall also include utility sheds and bath houses.

ACCESSORY USE -- A use customarily incidental and subordinate to the principal use of the main

building or land and located on the same lot with such principal use or main building.

ACREAGE, NET -- That land area remaining upon the exclusion of any portions of a tract located within existing and proposed rights-of-way (excluding utility rights-of-way), environmentally sensitive areas (e.g. wetlands, floodplains or slopes) in excess of 25%, those areas designated for nonresidential uses, including but not limited to limited neighborhood commercial areas, and common open space.

ACT -- The Pennsylvania Municipalities Planning Code, Act 247, as amended.

ADULT BUSINESS -- As defined within Chapters 58, Adult Bookstores, and 140, Massage Establishments, of the Code of the Township of Lower Allen.

AGRICULTURAL USE -- The use of land for the growing and/or production of field crops, livestock and livestock products for the production of income, including but not limited to the following:

- (1) Field crops, including barley, soybeans, corn, hay, oats, potatoes, rye, sorghum and sunflowers.
- (2) Livestock, including dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals, excluding dogs.
- (3) Livestock products, including milk, butter, cheese, eggs, meat, fur and honey.

AGRICULTURAL USES, INTENSIVE (AGRIBUSINESS) -- Includes, but is not necessarily limited to:

- (1) Slaughter areas.
- (2) Areas for the storage or processing of manure, garbage or spent mushroom compost.
- (3) Structures housing more than 50 animal units.
- (4) Confined livestock operations or concentrated animal feeding operations (CAFO). Federal regulations define a CAFO as an animal feeding operation that:
 - a. Confines more than 1,000 animal units (AU); or
 - b. Confines between 301 and 1,000 AU and discharges pollutants into waters of the United States through a man-made ditch, flushing system or similar man-made device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle; 700 mature dairy cattle; 2,500 swine each weighing more than 55 pounds; 30,000 laying hens or broilers (if a facility uses a liquid manure system); and 100,000 laying hens or broilers (if a facility uses continuous overflow watering).

AGRICULTURAL USES, NON-INTENSIVE -- Any agricultural use that is other than intensive agricultural use, as defined, but may include retail sale of agricultural products as an accessory use.

AGRICULTURE -- The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products and poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AIRPORT -- Any area of land or water which is used or intended to be used for the landing and takeoff

of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

ALLEY -- A public thoroughfare, other than a minor street, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

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

ALTERATION, STRUCTURAL -- Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

ALTERNATIVE TOWER STRUCTURE -- Man-made trees, clock towers, tall steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas on towers.

AMENDMENT -- A change, which includes revisions to the zoning text and/or the Official Zoning Map, and the authority for any amendment lies solely with the Board of Commissioners.

ANIMAL HOSPITAL -- A building used for the treatment, housing or boarding of small domestic animals, such as dogs, cats, rabbits and birds or fowl, by a veterinarian.

ANTENNA -- Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas (such as panels) and omnidirectional antennas (such as whip).

ANTENNA HEIGHT -- The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE -- Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of electromagnetic or other types of signals.

ANTENNA, SATELLITE DISH -- A parabolic or dish-shaped antenna, or any other apparatus or device that is designed for the purpose of receiving electromagnetic or other types of signals..

APARTMENT -- A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, bachelor apartments, studio apartments and kitchenette apartments. Accessory apartments and conversion apartments, as defined herein, shall not be included in the classification.

APARTMENT, ACCESSORY -- An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

APARTMENT, CONVERSION -- An existing dwelling unit that is or was converted to a dwelling for more than one family without substantially altering the exterior of the building.

APARTMENT, EFFICIENCY OR STUDIO -- A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including separate room(s) for sleeping.

APARTMENT, GARDEN -- A three-story multifamily dwelling, containing one-story dwelling units, having a common means of access.

APARTMENT HOUSE -- See "dwelling, multifamily."

APPLICANT -- A landowner or developer, as hereinafter defined, who has filed an application, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT -- Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for approval of a subdivision plat or plan or for the approval of a development plan.

APPOINTING AUTHORITY -- The Lower Allen Township Board of Commissioners, Cumberland County, Pennsylvania.

AREA, BUILDING -- See "building area."

AREA, GROSS LAND -- The gross land area of any development parcel or parcels, including the area contained within the property line and the ultimate right-of-way line. The area within the right-of-way is computed as part of the gross land area.

AREA, LOT -- The area contained within the property lines of a lot or as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

AREA, NET -- The net land area of any development parcel, including only the area contained within the property line and the ultimate right-of-way line. The area within the right-of-way (public or private) is not computed as part of the net land area.

BASEMENT -- That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet.

BED-AND-BREAKFAST ESTABLISHMENT -- A home occupation providing, for compensation, sleeping accommodations and breakfast for transient guests (see also "home occupation"). Bed-and-breakfast establishments as a principal use shall be defined as a boardinghome.

BILLBOARD -- A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located, and shall include public service messages, political campaign advertisements and other noncommercial speech.

BLOCK -- An area of land bounded by streets.

BOARD -- The Lower Allen Township Zoning Hearing Board.

BOARDINGHOME -- A building arranged or used for the lodging, with or without meals, of either transient or permanent residents for compensation. This definition includes rooming houses, lodging houses and bed-and-breakfast establishments operated as a principal use.

BUFFER YARD -- See "yard, buffer."

BUILDING -- Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, including covered porches, decks and patios, whether enclosed or unenclosed, storage/utility sheds.

BUILDING AREA -- The total of the 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.

BUILDING, DETACHED -- A building surrounded by open space on the same lot.

BUILDING ENVELOPE -- That portion of a lot located within the minimum prescribed front, rear and side yard setbacks and/or required distances between structures.

BUILDING HEIGHT -- The 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 for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE -- A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of a building or structure on any side. In the case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface.

BUILDING PERMIT -- Written permission issued by the proper municipal authority for construction activity regulated by the Pennsylvania UCC, as amended by municipal ordinance..

BUILDING, PRINCIPAL -- A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.

BUILDING OR STRUCTURE SETBACK LINE -- A line within a lot which is equidistant from a lot line and which represents the minimum separation distance between the property line and the building line as determined by the yard requirements of this chapter.

BUILDING SUPPLY ESTABLISHMENT - A commercial establishment storing or offering for sale building supplies, home improvement materials and similar goods.

CAMPGROUND -- A parcel of land used by campers for seasonal, recreational or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, such as cabins, tents or shelters.

CARPORT -- A covered space, open on at least three sides, for the storage of one or more vehicles and accessory to a principal or accessory building.

CARTWAY -- That portion of a street or alley which is improved, designed or intended for vehicular use.

CELLAR -- A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

CEMETERY -- Land used or intended to be used for the burial of the deceased, including a columbarium and mausoleum when operated in conjunction with the cemetery and within its boundaries.

CENTRAL PUBLIC SPACE -- An area in the core neighborhood of a TND development that includes either public recreation land, common open space, or a combination of both.

CHURCH -- A building or structure or groups of buildings or structures which by design and construction are primarily intended for the conducting of organized religious services and accessory uses.

CLEAR SIGHT TRIANGLE -- An area of unobstructed vision at street or driveway intersections. It is defined by lines of sight, measured at a driver eye height of 3.5 feet, between points at a given distance from the intersection of the streets' center lines.

CLUB and/or LODGE -- A building and/or structure utilized as a private club offering food and/or

drink privileges.

CLUSTER -- A development design technique that concentrates buildings on a part of a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

COMMERCIAL MOBILE SERVICE -- Any mobile service (as defined in Section 153 of the Federal Communications Act of 1934, as amended) that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public. It includes but is not limited to personal communications services (PCS), cellular radiotelephone service and paging.

COMMERCIAL, REGIONAL -- A use containing a wide range of retail and service establishments, having one or more anchor stores, which draws its clientele from a forty-five-mile driving radius.

COMMON CARRIER -- Any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio or in interstate or foreign radio transmission of energy, but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

COMMON ELEMENTS -- Land amenities, parts of buildings, central services and utilities and any other elements and facilities owned and used by all unit owners and designated as common elements. These elements may include, but are not limited to:

- (1) The land on which the building is located and portions of the building which are not included in a unit;
- (2) The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, entrances and exits of the building;
- (3) The yards, parking area and driveways;
- (4) Portions of the land and building used exclusively for the management, operation or maintenance of the common elements;
- (5) Installations of all central services and utilities;
- (6) All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
- (7) Such other facilities as are designated as common elements.

COMMON OPEN SPACE -- See "open space, common."

COMMUNITY ASSOCIATION -- A homeowners' association organized to own, maintain and operate common facilities and to enhance and protect their common interests.

CONDITIONAL USE -- A use permitted, and approved by the Board of Commissioners, in a particular Zoning District upon demonstration by an Applicant that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in this Chapter.

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.

CONDOMINIUM ASSOCIATION -- The community association which administers and maintains the common property and common elements of a condominium.

CONFERENCE CENTER - A facility that is constructed for and devoted to meetings and meeting space.

CONSERVATION AREAS -- Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in cases of overriding public interest. Such areas include wetlands, floodplains, steep sloped lands and heavily wooded areas.

CONSTRUCTION -- The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a structure, including the placement of manufactured (mobile) homes.

CONTINUING CARE RETIREMENT COMMUNITY -- A series of improvements on a parcel of land used to provide housing, boarding and health care for persons of retirement status, extending from independent living to skilled nursing accommodations, whether by rental or contract for services, including, but not limited to, facilities for the following specific uses:

- (1) Apartment residences.
- (2) Room residences.
- (3) Attached and detached single-family dwellings.
- (4) Health-care housing.
- (5) Accessory use facilities designed primarily for the use of residents, employees and guests:
 - (a) Dining facilities, including kitchens and food storage.
 - (b) Health-care provider offices and treatment facilities.
 - (c) Fitness facilities, including but not limited to swimming pools, spas, saunas, gymnasiums, exercise equipment rooms and supporting facilities.
 - (d) Stores for retail sale of goods and services for the convenience of residents, including but not limited to banking, pharmacy, dry cleaning, laundry, food stuffs, sundries, reading materials, gifts, beauty salons and barber shops.
 - (e) Religious worship facilities.
 - (f) Auditoriums and other group meeting facilities.
 - (g) Outdoor exercise trails and athletic facilities for residents' use.
 - (h) Library and computer facilities.
- (6) Administrative offices and conference rooms.
- (7) Continuing care retirement community (CCRC) support facilities as accessory uses:
 - (a) Property maintenance facilities such as garages, trade shops, material storage, repair equipment, landscaping equipment.
 - (b) Laundry facilities.
 - (c) Trash storage facilities.

CONVENIENCE STORE -- Any retail establishment offering for sale prepackaged food products,

household items, energy products and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CORE NEIGHBORHOOD – The area in a Traditional Neighborhood Development (TND) that has been designated as such on the TND Overall Master Plan, and that contains a mix of residential, commercial and public uses in accordance with the TND Section of this Ordinance.

COUNTRY CLUB – See “Golf Course”.

COUNTY -- The County of Cumberland, Pennsylvania.

COURT -- An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER -- A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable and which does not extend to a street, alley, yard or other outer court.

COURT, OUTER -- A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE, IMPERVIOUS -- That portion or percentage of the lot area covered by all impervious materials.

CREMATORIUM -- A facility utilized for cremation purposes.

CROSSWALK -- A right-of-way, publicly or privately owned, intended to furnish access of pedestrians.

CULVERT -- A structure with appurtenant works which carries a stream or drainage water underground or through an embankment or fill.

CURB -- A stone or concrete boundary usually marking the edge of the roadway or paved area.

CURB CUT -- The opening along the curblines at which point vehicles and/or pedestrians may enter or leave the roadway.

CUT -- An excavation; the difference between a point on the original ground and a designated point of lower elevation of the final grade; also, the material removed in excavation.

DAY-CARE FACILITIES, CHILD/ADULT:

(1) **DAY-CARE FACILITY** -- A facility not in a private residence, enrolling four or more children or adults in need of supervised day care and where tuition, fees or other forms of compensation for care are charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

(2) **FAMILY DAY-CARE FACILITY** -- A residence offering baby-sitting services and day-care services for four to six children or adults unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

(3) **GROUP DAY-CARE FACILITY** -- A residence offering baby-sitting services and day-care services for seven to 11 children or adults unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

DECISION -- The final adjudication of the Zoning Hearing Board.

DECK -- A flat, floored, roofless area adjoining a dwelling unit.

DENSITY -- A term used to express the allowable number of dwelling units per acre of land.

(1) NET DENSITY -- The number of dwelling units per net acre.

(2) GROSS DENSITY -- The number of dwelling units per gross acre.

DEVELOPER -- Any landowner who makes or causes to be made a subdivision of land or a land development.

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

DEVELOPMENT, CONVENTIONAL -- Development other than open space or planned residential development.

DEVELOPMENT, LOW IMPACT (LID) - A stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. Instead of conveying and managing stormwater in end-of-pipe facilities located at the bottom of drainage areas, LID addresses stormwater through smaller landscape features located at the lot level.

DEVELOPMENT, PLANNED RESIDENTIAL -- An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created from time to time under the provisions of this chapter.

DEVELOPMENT PLAN -- The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

DISPLAY AREA, OUTDOOR -- An outdoor area of a tract utilized for purposes of displaying articles for sale as part of a retail establishment, such as the display of nursery stock, vehicular sales and farm equipment sales. Display areas shall not include outdoor storage as defined herein.

DISTRIBUTION CENTER -- An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials.

DRAINAGE:

(1) Surface water runoff; and/or

(2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE FACILITY -- Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets,

public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

DRAINAGE SYSTEM -- Pipes, swales, natural features and man-made improvements designed to carry drainage.

DRIVE THROUGH EATING ESTABLISHMENT – An eating establishment where patrons may place orders and/or be served in their automobiles.

DRIVE THROUGH SERVICE FACILITY -- An establishment which, by design, physical facilities or service or by packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

DRIVEWAY -- A private roadway providing access for vehicles to a residential parking space, garage, dwelling or other structure.

DRIVEWAY, SHARED - a private driveway servicing two residential units of occupancy and designed to the standards of this chapter.

DUMP -- A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial or other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING -- A building or structure designed for living quarters for one or more families, including industrialized housing and manufactured (mobile) homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding- or rooming houses or other accommodations used for transient occupancy. This definition of dwelling shall also include permanently attached model homes intended for residential purposes upon the completion of the development.

DWELLING, ACCESSORY — A second dwelling unit either in or added to an existing single-family detached dwelling, or in an accessory structure on the same lot as the primary dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

DWELLING, AGE-RESTRICTED – A dwelling authorized under the federal Fair Housing Act, as amended by the Housing for Older Persons Act of 1995, which requires that the dwellings be limited to those intended for, and solely occupied by persons 55 years of age or older.

DWELLING GROUP -- A group of two or more single-family, two-family or multifamily dwellings occupying a lot in one ownership.

DWELLING, INDUSTRIALIZED HOUSING -- Any structure designed primarily for residential occupancy, except a manufactured (mobile) home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MANUFACTURED (MOBILE) HOME -- A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and which is constructed so that it may be used without a permanent foundation. For Federal Emergency Management Agency (FEMA) floodplain management purposes, this definition includes

park trailers, travel trailers and other similar vehicles located on site for greater than 180 consecutive days.

DWELLING, MULTIFAMILY -- A building used by three or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE-FAMILY, DETACHED -- A building used by one family, having only one dwelling unit and two side yards, or, for corner lots, a side yard and a front yard, and shall include family care facilities.

DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSE) -- A dwelling containing at least three but not more than six dwelling units attached side by side by the use of a common wall, with end units having a side yard ,or front yard for corner lots..

DWELLING, TWO-FAMILY, ATTACHED -- A building used by two families, with one dwelling unit arranged over the other and having two side yards, or, for corner lots, a side yard and a front yard.

DWELLING, TWO-FAMILY OR TWIN, SIDE BY SIDE - A building used by two families, with one dwelling unit arranged next to the other, and each unit having one side yard, or front yard for corner lots.

DWELLING UNIT -- A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, ZERO LOT LINE -- A single-family detached dwelling with the building positioned on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

EASEMENT -- A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EATING ESTABLISHMENT -- Any form of restaurant and/or tavern open to the public, dispensing food and drink.

EATING ESTABLISHMENT, FAST-FOOD – An establishment that serves prepared food generally packaged in wrappers and/or disposable containers. Such food can be consumed either on or off site.

EATING ESTABLISHMENT, FREE-STANDING – An eating establishment which wholly occupies a given building.

ELECTRIC SUBSTATION -- An assemblage of equipment, for purposes other than generation or utilization, through which bulk electric energy is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public. This definition includes transformer substations.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES -- Electric public utilities transmission and distribution facilities, including substations.

ENGINEERING LAND SURVEYS:

(1) Surveys for the development of any tract of land, including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading, but not requiring independent engineering judgment; provided, however, that tract perimeter surveys shall be the function of the professional land surveyor.

(2) Surveys for the determination of the configuration or contour of the earth's surface or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principals of mathematics, photogrammetry or other measurement methods.

- (3) Geodetic or cadastral surveys, underground survey and hydrographic survey.
- (4) Sedimentation and erosion control surveys.
- (5) Surveys for the determination of the quantities of materials.
- (6) Tests for water percolation in soils.
- (7) Surveys for the preparation of plans and specifications and estimates of proposed work as described herein.

ENGINEER, MUNICIPAL (TOWNSHIP) -- A registered professional engineer in Pennsylvania, designated by the township to perform the duties of Engineer as herein specified.

ENGINEER, PROFESSIONAL -- An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230;EN however, a professional engineer may perform engineering land surveys.

ENGINEERING SPECIFICATIONS -- The Engineering Specifications of Lower Allen Township regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.

ENVIRONMENTALLY SENSITIVE AREA -- An area with one or more of the following environmental characteristics:

- (1) Steep slopes over 25%.
- (2) Floodplain (floodway and flood-fringe).
- (3) Soils classified as highly erodible, subject to erosion or of calcareous material as identified within the Soil Survey of Cumberland County, Pennsylvania.
- (4) Wetlands and hydric soils.
- (5) Mature woodlands.

EROSION -- The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

EXCAVATION -- Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall also include the conditions resulting therefrom.

EXCHANGE ACCESS -- The offering of access to telephone exchange services or facilities for the purpose of the originator or terminator of telephone toll services.

EXISTING CONDITIONS -- Land use present at the time a drainage/stormwater management plan is submitted. However, a more impervious existing condition can be used if the developer can document that a more impervious condition was present at the time the town adopted this chapter. For computation purposes, "meadow" or "good woods/forest" shall be used for existing pervious conditions. For existing areas consisting of a combination of pervious and impervious cover, either a composite of "meadow," "good woods/forest" and "impervious/parking" shall be used or the various precomputed composite covers for developed areas shall be used.

FAMILY -- A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping

management plan based on an intentionally structured relationship providing organization and stability.

FAMILY-CARE FACILITY -- A facility providing shelter, counseling and other rehabilitative services in a family-like environment for four to six residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family-care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities or home individual programs. A family-care facility shall be considered a single-family detached dwelling and be permitted as such.

FARM -- A tract of land of at least 10 acres in size which is principally used for agricultural uses, such as the production of cash crops or livestock or poultry farming. Such farms may include a farm dwelling and accessory uses, buildings and structures.

FARM-RELATED OCCUPATION -- A business accessory to and operated on a farm in accordance with provisions as set forth herein.

FENCE -- An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

FILL -- Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or the material used to make a fill.

FINANCIAL ESTABLISHMENT -- Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

FITNESS CENTER -- An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers.

FLOOD -- A temporary inundation of normally dry land areas.

FLOOD, BASE (ONE-HUNDRED-YEAR FLOOD) -- A flood volume 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 year).

FLOOD ELEVATION, REGULATORY -- The one-hundred-year-flood elevation plus a freeboard safety factor of 1 1/2 feet.

FLOOD-FRIDGE -- That portion of the floodplain outside the floodway.

FLOODPLAIN:

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

FLOODPLAIN ENCROACHMENT – Any activity that occurs within a designated floodplain.

FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY -- The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude without increasing the water surface elevation more than one foot at any point.

FLOOR AREA, GROSS (GFA) -- The sum of the gross horizontal areas of the floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

(1) **FLOOR AREA, HABITABLE** -- The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen and bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets nor unheated areas such as enclosed porches nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

(2) **FLOOR AREA, NET RETAIL** -- All that space relegated to use by the customer and the retail employee to consummate retail sales, including display areas used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

FLOOR ELEVATION, LOWEST – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for vehicle parking, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed or built so that the structure is in violation of the applicable non-elevation requirements of this chapter.

FOOD PROCESSING ESTABLISHMENT -- An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.

FOREST -- An area containing mature woodlands, woodlands and/or young woodlands.

FORESTRY -- The management of forests and timberland, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRATERNAL ORGANIZATION - An area of land or building used by a fraternal association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, but not including members of the general public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. This use shall not include boardinghouse, a tavern, restaurant open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met.

FREEBOARD – A vertical distance between elevation of the design high-water and the top of a dam,

levee, tank, basin, diversion ridge or other stormwater management facility. The space is required as a safety margin in a pond or basin.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. This definition includes mortuaries.

FUTURE RIGHT-OF-WAY:

(1) Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.

(2) A right-of-way established to provide future access to or through undeveloped land.

GALLERY -- A structure for housing the visual arts either for display or for retail sales purposes.

GARAGE, PRIVATE -- An enclosed or covered space for the storage of one or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one vehicle or vessel is leased to a nonresident of the premises.

GARAGE, PUBLIC -- Any structure, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles for compensation.

GARBAGE -- All table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof and all other articles and materials ordinarily used for food, for humans or for domestic animals and which have become unfit for such use or which are discarded for any reason.

GARDEN APARTMENT -- See "apartment, garden."

GARDENING -- The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GLARE - Excessive brightness that maybe caused by either direct or indirect viewing of a light source

GOLF COURSE -- A tract of land improved with tees, greens, fairways and hazards for playing at least nine holes of the game of golf, that may include a clubhouse with dining facilities (excluding drive-through facilities), swimming pool, tennis courts, driving range, miniature golf and other customarily and incidental accessory uses and structures.

GOLF DRIVING RANGE - a location, either at a golf course or at a separate location, where players can practice by hitting balls provided with their various clubs in order to improve or warm up.

GOVERNING BODY -- The Lower Allen Township Board of Commissioners, Cumberland County, Pennsylvania.

GRADE, ESTABLISHED -- The elevation of the center line of the streets, as officially established by the municipal authorities.

GRADE, FINISHED -- The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE -- A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND FLOOR -- The floor of a building nearest the mean grade of the front of the building.

GROUP-CARE FACILITY -- A facility providing shelter, counseling and other rehabilitative services in a family-like environment for more than seven but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group-care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

HALFWAY HOUSE -- A residence for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently. Such facility must be leased and operated by the Pennsylvania Department of Corrections for such services.

HAZARDOUS WASTE:

(1) Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities or any combination of the above, which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, but shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act".

(2) Hazardous waste shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." Hazardous waste shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law, "solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1342), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. Section 2011-2394).

HEARING -- An administrative proceeding conducted by the Zoning Hearing Board in accordance with Article XXII herein.

HEIGHT OF BUILDING -- See "building height."

HISTORIC STRUCTURE -- Any structure that is:

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

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a local inventory of historic places, at either the county or township level,

that has been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior; or
- (b) Directly by the Secretary of the Interior.

HOME OCCUPATION -- An accessory business or commercial activity, conducted entirely within a residential dwelling by one or more of the permanent residents, that is clearly incidental and secondary to the residential use.

HOMEOWNERS' ASSOCIATION -- A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HORTICULTURE -- The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

HOSPITAL -- An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice.

HOTEL -- A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

HYDRIC SOILS -- A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation [United States Department of Agriculture (USDA) Soil Conservation Service (SCS) 1985, as amended by the National Technical Committee for Hydric Soils (NTCHS) in December 1986].

IMPERVIOUS CONDITIONS -- A surface that generally prevents the infiltration of water into the ground.

IMPERVIOUS COVERAGE -- See "coverage, impervious."

IMPERVIOUS MATERIAL -- Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

IMPROVEMENTS -- Any man-made, immovable item which becomes part of or placed upon or is affixed to real estate.

INCINERATOR -- An approved device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATIONAL FACILITY -- Any establishment which provides recreation, amusement or entertainment for the general public within a completely enclosed structure for a fee or admission charge, including but not limited to theaters, dance halls, bowling alleys, billiard and pool halls, amusement arcades and spas or health clubs where the principal use includes a gymnasium, exercise room, swimming pool or other sports facility.

INDUSTRY -- The manufacturing, compounding, processing, assembly or treatment of materials, articles or merchandise.

INSTITUTION -- A building or grounds, all or a portion of which is used by persons who occupy the buildings for a common purpose, including but not limited to hospitals, convents, school dormitories,

correctional institutions, college campuses, nursing homes and the educational, administrative and/or recreational facilities of such organizations as the YMCA, YWCA, Boy Scouts, Girl Scouts and Boys Clubs.

JUNK -- Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes but is not limited to vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD -- A lot, land or structure or part thereof used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or reclaimable material or for the collection, dismantling, storage and salvaging of machinery or two or more unregistered, inoperable motor vehicles or other types of junk. Two or more unregistered and/or inoperable farm vehicles/equipment utilized solely for on-site replacement parts by the owner of the farm shall not be considered a junkyard.

KENNEL -- A structure on any lot on which animals (except livestock, horses or poultry) are kept, boarded, raised, bred, treated or trained for a fee, including but not limited to dog or cat kennels. For the purpose of this definition, the production of more than two litters in any calendar year shall be considered breeding.

LAND DEVELOPMENT -- Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Provisions for the exclusion of certain land development only when such land development involves the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDFILL -- A disposal site in which refuse and earth or other suitable cover material are deposited and compacted in alternative layers of specified depth in accordance with a state-approved plan and permit. Such use shall not include the disposal or processing of hazardous or radioactive materials.

LANDOWNER -- The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee, if he is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in land.

LANE -- Private access to a single lot and/or a vehicular drive necessary to the reasonable function of a lot.

LAUNDRY -- A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use.

LIGHTING:

(1) DIFFUSED -- That form of lighting wherein the light passes from the source through a translucent cover or shade.

(2) DIRECT or FLOOD -- That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

(3) INDIRECT -- That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LIVE-WORK UNIT – A building or portion of a building that includes commercial use, such as a shop, studio, office or other place of business in combination with a dwelling unit located above such place of business. A person or persons other than the proprietor of the business may occupy a live-work unit.

LOADING SPACE -- An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts on a street or other appropriate means of access.

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

LOT AREA -- The area of horizontal plane bounded by the vertical planes within the front, side and rear lot lines. For the purposes of calculating the minimum lot area necessary to comply with the requirements of this chapter, the following areas shall be excluded from such calculation:

(1) Any area within a street or other transportation right-of-way; and

(2) Any area within a right-of-way used for gas, oil, natural gas, electric or communication transmission facilities, whether below or above ground, that do not serve the lot traversed.

LOT, CORNER -- A lot abutting two street rights-of-way at their intersection, in which the average center lines of such roads along the frontage of the lot form an interior angle of less than 135°.

LOT, DEPTH OF -- The average horizontal distance between the front and rear lot lines.

LOT, FLAG – A lot not meeting frontage requirements and where access to the public road is by a narrow private driveway or right-of-way.

LOT, MULTIPLE FRONTAGE -- A lot having frontage on more than one street.

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINE -- A line dividing one lot from another lot or from a street or alley.

(1) LOT LINE, FRONT -- A lot line separating the front of the lot from the street other than an alley. On a corner lot, all lot lines which abut a street other than an alley shall be front lot lines. On a through lot, the front lot line shall be the lot line which abuts the street providing the primary access to the lot.

(2) LOT LINE, REAR -- A lot line which does not intersect a front lot line and is most distant from and most parallel to a front lot line. For the purposes of this chapter, where the side lot lines of an interior lot meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long, drawn within the lot between the two side lot lines, which is parallel to or, in the event of a curved front lot line, equidistant from the front lot line.

(3) LOT LINE, SIDE -- Any lot line which is not a front or rear lot line. Corner lots shall have a side lot line opposite each front lot line.

LOT, MINIMUM WIDTH -- The minimum lot width at the building setback line.

LOT, MULTIPLE USE – A lot that contains more than one principal non-residential use.

LOT, NONCONFORMING -- See "nonconforming lot."

LOT OF RECORD -- A lot which has been recorded in the Office of the Recorder of Deeds of Cumberland County, Pennsylvania.

LOT, REVERSE FRONTAGE -- A lot extending between and having frontage on an arterial or collector street and on a local or minor Township street and with vehicular access solely from the latter.

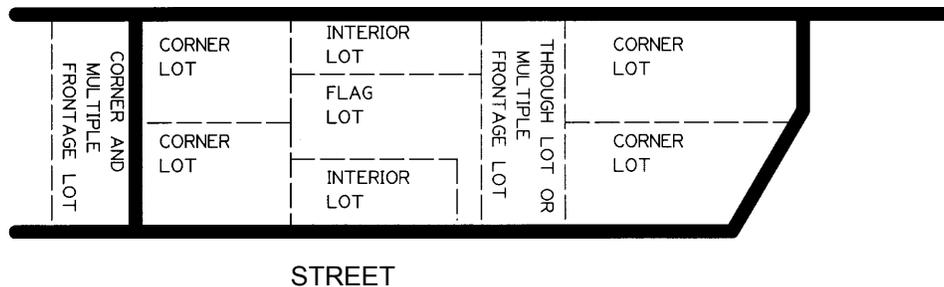
LOT, SINGLE USE – A lot that contains no more than one principal non-residential use.

LOT, SINGLE USE COMMERCIAL, LARGE – A single lot that meets the criteria in Section 220-128.1.a.

LOT, SINGLE USE COMMERCIAL, STANDARD - A single lot that meets the criteria in Section 220-128.1.b.

LOT, THROUGH -- A lot abutting two road rights-of-way, which is not located at the intersection of such two roads.

LOT WIDTH -- In the case of an interior lot, lot width shall be the horizontal distance, measured at the minimum building setback line, between the side lot lines. In the case of a corner lot, lot width shall be the horizontal distance, measured at the minimum building setback line, between each front lot line and its opposite side lot line. Such distance shall be measured along a straight line which is at right angles to the axis of a lot.



LOT TYPES DIAGRAM

MANUFACTURED (MOBILE) HOME DWELLING -- See "dwelling, manufactured (mobile) home."

MANUFACTURED (MOBILE) HOME LOT -- A parcel of land in a mobile (manufactured) home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured (mobile) home.

MANUFACTURED (MOBILE) HOME PARK -- A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured (mobile) home lots for the placement thereon of manufactured (mobile) homes.

MANUFACTURING -- The processing and/or converting of raw unfinished or finished materials or products or of any combination thereof into an article or substance of a different character or for use for

a different purpose, or industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MASTER DEED -- A legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

MEDICAL CENTER -- Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MINERALS -- Any aggregate or mass of mineral matter, whether or not coherent, that is extracted by surface mining. The term includes but is not limited to limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, but it does not include anthracite or bituminous coal or coal refuse, except as provided in Section 4 of the Noncoal Surface Mining Conservation and Reclamation Act, No. 1984-219, as amended, EN or peat.

MINOR REPAIR -- The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include the addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED USE -- Occupancy of a building or land for more than one use.

MOBILE HOME -- See "dwelling, manufactured (mobile) home."

MONOPOLE -- An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

MOTEL -- A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers, and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

MUNICIPAL FACILITY -- Any building, structure or use of land by Lower Allen Township, a municipal authority/commission created by the Lower Allen Township Board of Commissioners or the West Shore School District.

MUNICIPAL WASTE -- Includes garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility.

MUNICIPAL WASTE LANDFILL -- A facility, permitted by the Pennsylvania Department of Environmental Protection, for the disposing of municipal waste.

NOISE -- Any sound which is unwanted or which causes an adverse psychological or physiological effect on human beings.

NONCONFORMING LOT -- A lot, the area or dimension of which was lawful prior to the adoption or

amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE -- A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.

NONCONFORMING USE -- A use, whether of land or of structure, which does not comply with the applicable use provisions herein or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this chapter or amendment to its location by reason of annexation.

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS), 1997, as amended, published by the United States Office of Management and Budget. Use categories are referenced by their NAICS Code Number. Two-digit categories are sectors. Three-digit categories are subsectors. Categories containing four or more digits are industries. Unless specifically excluded, two-digit classifications include all three-, four-, five- and six-digit classifications beginning with the same two-digit number. Three-digit classifications include all four-, five- and six-digit classifications beginning with the same three-digit number. Four-digit classifications include all five- and six-digit classifications beginning with the same four-digit number. Five-digit classifications include all six-digit classifications beginning with the same five-digit number. Six-digit classifications include all uses under that number.

NURSERY, HORTICULTURE -- Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants, including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING/PERSONAL HEALTH CARE FACILITIES -- A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OBSTRUCTION -- Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE BUILDING -- A building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL -- A room or rooms used for carrying on a profession including, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, planners, real estate brokers and insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

ON-LOT SEWAGE DISPOSAL SYSTEM -- Any system designed to eliminate sanitary sewage within the boundaries of the lot that the system serves.

ON-LOT WATER SUPPLY -- A potable supply of water used for the consumption by a single-family

user from a private well.

OPEN SPACE -- The unoccupied space open to the sky on the same lot with the building, not including parking lots.

OPEN SPACE, COMMON -- A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

OUTDOOR AMUSEMENT FACILITY -- An establishment which provides outdoor recreation, amusement or entertainment to the general public for a fee or admission charge, including but not limited to golf courses, carriage rides and amusement rides.

PARKING GARAGE -- A structure where vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING LOT or AREA-- Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE -- The space within a building or on a lot or parking lot for the parking or storage of one vehicle.

PARTY WALL -- A common shared wall between two separate structures, buildings or dwelling units.

PATIO -- A recreational area, usually, but not limited to, being roofless, adjoining a dwelling unit.

PAVED AREA -- That amount of land required for the location of adequate parking spaces, driveways or other access roads. In the computation of a paved area, the actual building area shall be excluded.

PERSON -- Any individual or group of individuals, corporation, partnership or any similar entity.

PERSONAL-CARE BOARDING HOME -- A building in which food, shelter and personal assistance or supervision are provided for a period exceeding 48 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration. Residents shall consist primarily of elderly persons 55 years of age or older.

PERSONAL SERVICE ESTABLISHMENT -- Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PERSONAL WIRELESS SERVICE FACILITIES -- Facilities for the provision of personal wireless services.

PERSONAL WIRELESS SERVICES -- Include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

PERSONAL WIRELESS SERVICES SITE -- A tract or parcel of land that contains a personal wireless service antenna as the principal use, its support structure, accessory buildings and parking and may include other uses and equipment associated with and ancillary to telecommunication signal transmission or processing.

PERVIOUS SURFACE -- A surface that generally permits the infiltration of water into the ground.

PLACE OF ASSEMBLY - Any room or space used by people for religious, educational, recreational, political, social or amusement purposes, or for the consumption of food or drink.

PLAN, COMPREHENSIVE -- The Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Official Map or other such plans or portions thereof as may be adopted pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PLANNING COMMISSION -- The Planning Commission of Lower Allen Township, Cumberland County, Pennsylvania.

PLAN, SKETCH -- An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

PLANNED BUSINESS CENTER — A group of offices planned and designed to function as a unit on the parcel(s) on which it is located, with internal vehicle circulation (public or private) and off-street parking provided as an integral part of the center.

PLAT -- The map or plan of a subdivision or land development, whether preliminary or final.

(1) FINAL PLAT -- A complete and exact subdivision or land development plan prepared for official recording, as required by statute, to define property rights and proposed streets and other improvements. Definition of final plat shall include minor plat.

(2) PRELIMINARY PLAT -- A tentative subdivision or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PORCH -- A covered area in excess of 20 square feet in area at a front, side or rear door of a structure.

PREMISES -- Any lot, parcel or tract of land and any building constructed thereon.

PRIVATE -- Not publicly owned, operated or controlled.

PRIVATE DRIVE -- See "lane."

PRODUCE STAND — A use intended for temporary duration, for the display and retail sale of agricultural products grown and produced by the seller.

PROFESSIONAL OCCUPATION -- The practice of a profession by any professional, including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PROFILE LINE -- The profile of the center line of the finished surface of the street, which shall be midway between the side lines of the street.

PUBLIC -- Owned, operated or controlled by a government agency (federal, state or local), including a corporation and/or board created by law for the performance of certain specialized governmental functions.

PUBLIC/COMMUNITY SEWERAGE SYSTEM -- Any sanitary sewer collection and treatment system, whether publicly or privately owned approved for use by the Pennsylvania Department of Environmental Protection.

PUBLIC GROUNDS -- Includes the following:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

(3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the Board of Commissioners or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance herein.

PUBLIC MEETING -- A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."EN

PUBLIC NOTICE -- A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC RECREATION LAND – Land dedicated to and accepted by Lower Allen Township for recreation use by the public, in accordance with the Subdivision and Land Development Ordinance.

PUBLIC USE -- Public and semipublic uses of a welfare and educational nature, including but not limited to hospitals, schools, parks, churches, cemeteries, day-care centers, historical restorations, fire stations, municipal buildings, essential public utilities which require enclosure within a building, airports, fraternal clubs and homes, nonprofit recreational facilities, open space, easements for alleys, streets and public utility rights-of-way.

PUBLIC UTILITY FACILITIES -- Public utility transmission and distribution facilities, including substations and the like.

PUBLIC/COMMUNITY WATER SYSTEM -- A potable supply of water subject to either the Pennsylvania Public Utility Commission jurisdiction or other appropriate regulating agency.

QUARRY (INCLUDING SAND PIT, GRAVEL PIT, BORROW PIT AND TOP SOIL STRIPPING) – A lot or part thereof used for the purpose of extracting stone, sand, clay, gravel or top soil, and exclusive of the process of grading a lot associated with a permit that has been issued.

REAL ESTATE -- Any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which, by custom, usage or law, pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

RECREATION, ACTIVE -- Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATIONAL VEHICLE -- A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use and which has its own motor power or is mounted or drawn by another vehicle, and licensed as such by the Commonwealth to include, but not be limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECREATION, PASSIVE -- Recreation activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games.

RECYCLABLES -- Reusable material, including but not limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, plastics and other materials designated as recyclable under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.

RECYCLING FACILITY -- A facility employing a technology known as a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. This term does not include such facilities as transfer stations, municipal waste landfills, landfills, composting facilities, resource recovery facilities or junkyards.

REFUSE -- All combustible refuse and incombustible refuse, referred to collectively.

(1) COMBUSTIBLE REFUSE -- All paper, straw, excelsior, packaging materials, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping and commercial pursuits and which may be burned by fire.

(2) INCOMBUSTIBLE REFUSE -- All discarded articles or materials other than sewage, liquid waste, garbage and combustible refuse.

REPAIR SHOP -- Any building, premises and land in which or upon which a business, service or industry involving maintenance, servicing or repairing of goods, excluding vehicles, is conducted or rendered.

RESERVE STRIP -- A strip of land adjacent to a street, intended to control access to the street from an adjacent property.

RESOURCE RECOVERY -- The process of obtaining materials or energy, particularly from solid waste.

RETAIL SALES ESTABLISHMENTS -- Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Adult businesses, as separately addressed within Chapters 58, Adult Bookstores, and 140, Massage Establishments, of the Code of the Township of Lower Allen, are excluded from this definition.

RIGHT-OF-WAY -- A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, sidewalk, railroad, oil or gas pipeline, water line, sanitary or storm sewer, electric transmission lines, bus shelters, with or without advertising signs as where the Board of Commissioners granted a franchise with respect thereto, and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET -- A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley or however designated.

RIPARIAN BUFFER -- An area of land adjacent to a perennial or intermittent stream that is managed to maintain the integrity of stream channels and to reduce stream impacts from upland sources.

RUNOFF -- The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARY SEWER (PUBLIC) -- A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SATELLITE DISH -- See "antenna, satellite dish."

SCHOOL -- Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, NURSERY -- See "day-care facility."

SCHOOL (PRE-SCHOOL) – See “day-care facility.”

SCREEN PLANTING -- A completely planted visual barrier composed of evergreen and/or deciduous plants and trees arranged to form both a low-level and high-level screen, of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEDIMENTATION -- The process by which mineral or organic matter is accumulated or deposited by wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SELF-SERVICE STORAGE FACILITY -- A structure or group of structures intended for lease for the sole purpose of storing customers' goods and wares.

SERVICE ESTABLISHMENTS -- Establishments primarily engaged in providing assistance, as opposed to products, to individuals and business, industry, government and other enterprises.

SERVICE ROAD -- A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic.

SETBACK (BUILDING SETBACK LINE) — The line within a property defining the required minimum distance between any enclosed structure and the adjacent dedicated right-of-way, and the line defining rear and side yards, where required.

SHOPPING CENTER -- A group of establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and landscaping and signage in accordance with an approved plan.

SHOPPING CENTER, NEIGHBORHOOD -- A shopping center generally offering goods necessary to meet daily needs, which draws its clientele from a five-mile driving radius from the center.

SHOPPING CENTER, REGIONAL -- A shopping center containing a wide range of retail and service establishments, having one or more anchor stores, which draws its clientele from a forty-five-mile driving radius.

SIDEWALK -- A paved, surfaced or leveled area, parallel to and usually separated from the street, used as a pedestrian walkway.

SIGHT DISTANCE -- The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN -- Any visual communication device, structure or object used for the purpose of bringing the subject thereof, or the property on which it is located, to the attention of the public. Examples include pennants, flags, banners, balloons, searchlights, message copy that is painted on an object or structure and message copy that is manufactured and attached to a supporting structure.

SIGN COPY -- Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign.

SIGN FACE -- The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

SIGN, ANIMATED -- A sign that employs actual motion or the illusion of motion, whether activated by electrical, mechanical, environmental or other means. Examples include rotating and flashing signs. Flashing will not be deemed to occur if the interval between on and off cycles of the display phase exceeds six seconds.

SIGN, BUILDING -- A sign that is painted, projected, adhered or mechanically fastened onto any building wall, including doors and windows contained within these walls, or attached in similar manner to any architectural projection of a building. Examples of architectural projections include awnings, canopies, marquees, mansards and pent eaves. Signs affixed to freestanding canopies, such as ones used to shelter motor fuel dispensing pumps, shall be considered building signs.

SIGN, CHANGEABLE MESSAGE – A sign that changes in appearance due to physical positioning of sign elements or change in light intensity.

SIGN, ELECTION CAMPAIGN – A sign associated with a candidate for elective office or with an issue that is on a ballot of a public election.

SIGN , FREESTANDING-- A sign that is painted, projected, adhered or mechanically fastened onto any structure principally intended for the support of a sign, and that is placed upon, or anchored into, the ground. Examples include pole, pylon, monument (blade) and ground (low-profile).

SIGN, MEMORIAL -- A sign that commemorates a person, place, building or event of historical or socially significant nature, or that indicates the date of construction or dedication of a building.

SIGN, OFF-PREMISE -- A sign that contains a message that is usually unrelated to the property on which it is located. Examples include outdoor advertising panels (billboards), temporary signs containing election or civic event information and signs providing directions to places of public attraction.

SIGN , ON-PREMISE -- A sign that contains a message related to the use or occupancy of the property on which it is located. These signs may identify the owner, occupants and/or uses of the property, provide information that is either commercial or noncommercial in nature, provide directions or provide notice of a regulatory nature.

SIGN, PORTABLE -- A sign that is not permanently attached to the ground or a building.

SIGN, PROJECTING -- A building sign that is mounted perpendicular to the building face.

SIGN, TEMPORARY -- A sign that is constructed of materials that do not provide long-term durability for the sign or its message, or any sign that is intended for a limited period of display.

Definitions by function of sign message.

SIGN, DIRECTIONAL -- An off-premise or on-premise sign that locates or provides distance and orientation information to a destination from a public street.

SIGN, EVENT -- An off-premise or on-premise sign that displays a message for a limited time regarding special activities of a commercial or noncommercial nature. Examples include sales, grand openings and civic or social events.

SIGN, IDENTIFICATION -- An on-premise sign that indicates the name of the owner or occupant of a property, the address of a building, the name of a building or building development or the business conducted on the property.

SIGN, INCIDENTAL -- An on-premise sign that displays instructional information that is primarily

oriented to pedestrians and motor vehicle operators who have entered a property from a public street. Signs indicating whether a business is "open" or "closed" may be visible from the public street. Examples include parking and building entrance instructions.

SIGN, MARKETING -- An on-premise sign that displays information about activities, products or services offered on the property where the sign is located.

SIGN, OUTDOOR ADVERTISING -- An off-premise sign commonly known as a "billboard," and signs displayed on public mass transportation shelters. The message displayed on an outdoor advertising sign may be commercial or noncommercial, and is usually not related to the property on which the sign is located.

SIGN, REGULATORY NOTICE -- An on-premise sign that displays information intended to warn the public about property restrictions, hazards on the property, or a public notice mandated by statute, local ordinance or court order.

SIGN, SCROLLING -- A sign that contains text that changes location on the sign in a progressive pattern.

SINGLE AND SEPARATE OWNERSHIP -- The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any adjoining property.

SITE DEVELOPMENT PLAN -- A scaled, graphic depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, heights of buildings and structures and other such data necessary for municipal officials to determine compliance with this chapter and appropriate provisions of other such ordinances, as applicable.

SLOPE -- The face of an embankment or cut section, or any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION -- Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

SOLID WASTE -- Garbage, refuse and other discarded materials, including but not limited to solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE DISPOSAL -- The incineration, deposition, injection, dumping, spilling, leaking or placing of solid wastes into or on the land or water in a manner that the solid waste or constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the township.

SOLID WASTE DISPOSAL FACILITY -- A lot, parcel or tract of land, including but not limited to a sanitary landfill, where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. Such use shall not include the disposal or processing of hazardous or radioactive materials. A trash or solid waste transfer facility is a type of solid waste disposal facility.

SOLID WASTE TRANSFER FACILITY -- A place where solid waste is disposed, brought, sorted, stored for less than four days and transferred from one vehicle to another vehicle or to a rail car for the

purpose of transport to a permanent solid waste disposal facility.

SPECIAL EXCEPTION -- A use permitted pursuant to the provisions of Articles XXII and XIV.

STEEP SLOPE -- Environmentally sensitive land areas exceeding 15% in slope measured and presented in accordance with Section 220-204 herein.

STORAGE, OUTDOOR -- The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours, excluding display areas as defined herein. Outdoor storage shall include that which is contained within trailers or similar vehicles. Outdoor storage shall not include junkyards as defined herein.

STORMWATER -- The total amount of precipitation reaching the ground surface.

STORMWATER DETENTION -- Any storm drainage technique that retards or detains runoff, including but not limited to a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

STORMWATER MANAGEMENT FACILITIES -- Facilities designed to reduce peak flows and/or volumes, such as stormwater management ponds, underground storage, rooftop storage and pervious parking.

STORY -- That portion of a building located between the surface of any floor and the ceiling or roof above it.

STORY, HALF -- A story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not over three feet above the finished floor of such story.

STREAM -- A watercourse having a source and terminus, banks and a channel through which waters flow at least periodically.

STREET -- A public or private right-of-way which includes avenue, boulevard, road, alley, lane, highway, freeway, parkway and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET CENTER LINE -- The center of the surveyed street right-of-way or, where not surveyed, the center of the traveled cartway.

STREET, CUL-DE-SAC -- A street intersecting a non-cul-de-sac or dead-end street at one end and terminating at the other in a vehicular turnaround.

STREET GRADE -- The officially established grade of the street upon which a lot fronts, or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE -- The right-of-way line of a public street or the cartway line of a private street.

STREET, MAJOR:

(1) **ARTERIAL STREET** -- A major street or highway with fast or heavy traffic of considerable continuity and which is used primarily as a traffic artery for intercommunication among large areas.

(2) **COLLECTOR STREET** -- A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

STREET, MINOR OR LOCAL -- A street used primarily for access to abutting properties.

STREET WIDTH -- The shortest distance between street lines, measured at right angles to the center line of the street.

STRUCTURE -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including stormwater management facilities, or, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured (mobile) home.

(1) **STRUCTURE, TEMPORARY** -- A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

(2) **STRUCTURE, NONCONFORMING** -- See "nonconforming structure."

STUDIO -- A building or portion of a building used as a place of work by an artist, photographer or artisan or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC -- The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "dancing school" and "music school" and other similar expressions.

SUBDIVIDER -- The owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or development under the terms of this chapter.

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

SUBDIVISION, MAJOR -- Any subdivision involving more than five lots, parcels of land or other divisions of land, whether or not involving new streets, additional utilities or other facilities immediate or future.

SUBDIVISION, MINOR -- The subdivision of a single lot, tract or parcel of land into five or fewer lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that lots, tracts or parcels of land thereby created have frontage on an improved public street or streets and provided, further, that there is not created by the subdivision any new street, street easement, easements of access or need therefor.

SUBSTANTIAL DAMAGE -- Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -- Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 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. The term does not, however, include either:

(1) 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 Township Codes Enforcement Officer and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUBSTANTIALLY COMPLETED -- Where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements of which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amendedEN) of those improvements required as a condition for final approval have been completed in accordance with the approved plan so that the project may be used, occupied or operated for its intended use.

SURFACE DRAINAGE PLAN -- A plan showing all present and proposed grades and facilities for stormwater drainage.

SURFACE MINING -- The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining, including but not limited to exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto, but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term does not include any of the following:

(1) The extraction of minerals by a landowner for his own noncommercial use from land owned or leased by him.

(2) The extraction of sand, gravel, stone, earth or fill from borrow pits for highway construction purposes of the Pennsylvania Department of Transportation (PennDOT) or the extraction of minerals pursuant to construction contracts with the Department if the work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected in the manner provided by the Noncoal Surface Mining Conservation and Reclamation Act, No. 1984-219, as amended.

(3) The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.

(4) Those dredging operations that are carried out in the rivers and streams of the Commonwealth and Lake Erie.

(5) The extraction, handling, processing or storing of minerals from any building construction excavation of the site of the construction where the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals.

SURVEYOR, PROFESSIONAL LAND -- An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying.

SWALE -- A low-lying stretch of land, characterized as a depression, used to carry surface water runoff.

SWIMMING POOL -- Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, PUBLIC - An outdoor or indoor place used for amateur, professional or recreative swimming or bathing whether or not a fee is charged for admission or for the use of the place, exclusive of a bathing place at a private, single-family residence which is used solely by the owner of the residence, family and their personal guests.

TEMPORARY -- An arrangement established with no thought of continuance or permanence, but with the idea of being changed soon.

THEATER -- A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid-admission basis.

TIMBER HARVESTING – See “Forestry”.

TOPOGRAPHIC MAP -- A map showing the elevations of the ground by contours or elevations.

TOPOGRAPHY -- The configuration of a surface area showing relative elevations.

TOPSOIL -- Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

TRUCK TERMINAL -- An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

UNDEVELOPED LAND -- Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

UNIT -- A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

UNLICENSED WIRELESS SERVICE -- The offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-exchange satellite services.

USE -- The specific purpose for which land or a building is designated, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(1) USE, NONCONFORMING -- See "nonconforming use."

(2) USE, PERMITTED -- Any use allowed in a zoning district and subject to the restrictions specific to the use and applicable to that zoning district.

(3) USE, PRINCIPAL -- The primary or predominant use of any lot.

(4) USE, SIMILAR -- A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

(5) USE, TEMPORARY -- A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the designated time period.

USE PERMIT -- A certificate issued and enforced by the Zoning Officer upon completion of the

construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

UTILITY FACILITY, BOX or STRUCTURE -- Transformers, switch boxes, pedestals, poles and similar devices.

UTILITY, PUBLIC OR PRIVATE -- Includes:

(1) Any agency which, under public franchise or ownership or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

(2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

UTILITY SERVICES -- The generation, transmission and/or distribution of electricity, gas, steam, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

VARIANCE -- Relief granted pursuant to the provisions of Article XXVII. In granting a variance in designated floodplain districts, additional criteria set forth in Article XVIII shall also apply.

VEGETATIVE COVER -- Consists of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute, but not including gravel, stone or crushed rocks if not used in conjunction with plant material.

VEHICLE -- Every device in or by which any person or property is or may be transported or drawn upon a street.

VEHICLE WASHING (CAR WASH) -- A building on a lot, designed and used primarily for the washing and polishing of vehicles.

VEHICLE WRECKING -- The dismantling or wrecking of used automobiles, trailers or similar vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

VEHICULAR BODY SHOP -- Any structure or any building or part thereof that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

VEHICULAR FREIGHT TERMINAL — Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

VEHICULAR GARAGE -- A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks or similar motor vehicles.

VEHICULAR SALES ESTABLISHMENT -- The use of any building, land area or premises for the display, sale and leasing of new or used automobiles, trucks or vans, trailers or recreational vehicles, including boats and motorcycles, and including any warranty repair work and other repair service conducted as an accessory use.

VEHICULAR SERVICE ESTABLISHMENT -- A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail cost, directly from pumps and storage tanks, and which may include accessory facilities for rendering services, such as lubrication, washing and minor repairs.

VETERINARY FACILITY -- An establishment offering on-site veterinary services.

WALL -- A structure that is usually solid, that defines and sometimes protects an area, or provides support to a soil embankment.

WAREHOUSE -- A building used primarily for the storage of goods and materials.

WATERCOURSE -- A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or man-made.

WETLANDS -- Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WHOLESALE ESTABLISHMENT -- A building or group of buildings primarily used for the storage, transfer and distribution of products and materials, which may include wholesale sales but not retail sales.

WOODLAND -- An area of plant material covering one acre or more and consisting of 30% or more canopy trees having an eight-inch or greater caliper, or more trees having a ten-inch or greater caliper. Trees shall be measured at 4.5 feet from ground level.

(1) **MATURE WOODLAND** -- An area of plant material covering one acre or more and consisting of 30% or more canopy trees having a sixteen-inch or greater caliper, or any grove consisting of eight or more trees having an eighteen-inch or greater caliper. Trees shall be measured at 4.5 feet from ground level.

(2) **YOUNG WOODLAND** -- An area of plant material covering one acre or more and consisting of 70% or more canopy trees having a two-and-one-half-inch caliper or greater, or a tree plantation for commercial or conservation purposes where 70% or more of the canopy trees have a two-and-one-half-inch or greater caliper. Trees shall be measured at 4.5 feet from ground level.

YARD -- An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard per district, as set forth in this chapter, is unoccupied and unobstructed from the ground upward, except as may be specifically provided for herein.

(1) **YARD, BUFFER** -- A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this chapter, on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district, and may include a wall, as provided for in this chapter.

(2) **YARD, EXTERIOR** -- An open, unoccupied space between the buildings of a dwelling group or its accessory building(s) and the property boundary or street line.

(3) **YARD, FRONT** -- A yard encompassing the entire width of the lot and situated between the front lot line and the building line nearest to the front lot line.

(4) **YARD, INTERIOR** -- An open, unoccupied space between the buildings of a dwelling group or

its accessory building(s); not a front, side or rear yard.

(5) YARD, PERIMETER -- An open space extending along the boundaries or borders of a tract or parcel of land.

(6) YARD, REAR -- A yard encompassing the entire width of the lot and situated between the rear lot line and the building line nearest to the rear lot line.

(7) YARD, SIDE -- A yard lying between the side lot line and the building line nearest to the side lot line and extending from the front yard to the rear yard or, in the absence of either of such front or rear yards, to the front or rear lot lines.

ZONING -- The designation of specified districts within the township, reserving them for certain uses, together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING MAP -- The map setting forth the boundaries of the zoning districts of the township, which shall be a part of this chapter.

ZONING OFFICER -- The duly constituted township official designated to administer and enforce this chapter in accordance with its literal terms.

ZONING PERMIT -- A permit stating that the purpose for which a building and/or structure or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the district in which it is or will be located.

ARTICLE III, Designation of Districts

Section 220-7. Zoning districts.

For the purpose of this chapter, the township is hereby divided into districts which shall be designated as follows:

R-1 Single-Family Established Residential District

R-2 Single-Family Rural Residential District

R-3 Multifamily Residential District

MUN Mixed Use Neighborhood

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Business Park District

C-4 Regional Commercial District

I-1 General Industrial District

I-2 Mineral Recovery District

I-3 Industrial/Commercial District

FW Floodway (Overlay) District

- FF Flood-Fringe (Overlay) District
- AHZ Airport Hazard Zone (Overlay) District
- GN Groundwater Nonuse Overlay District
- CS Conservation Subdivision Overlay District
- TND Traditional Neighborhood Development Overlay District
- NR Neighborhood Redevelopment Overlay District

Section 220-8. Zoning Map.

- A. The boundaries of the above-designated districts shall be as shown upon the map attached to and made a part of this chapter which shall be designated "Zoning Map". Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.
- B. The boundaries of the FW and FF Districts shall serve as overlays to the underlying districts as shown on the Official Zoning Map and as specifically described in the Floodway Data Table and one-hundred-year-flood delineation in the Flood Insurance Study (FIS) prepared for the township by the Flood Insurance Administration (FIA), dated March 2009 and as may be amended. Said study and accompanying maps, all notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.
- C. The boundaries of the Airport Hazard Zone shall be that as described by mapping completed as part of the Model Airport Zoning Ordinance for Lower Allen Township, prepared by L. Robert Kimball and Associates, 1989 and as may be amended, and available from the township office. Such boundaries are referenced as an overlay to the Zoning Map and are incorporated by reference into this chapter as if fully described herein.

Section 220-9. District boundaries.

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines or such lines extended or lines parallel thereto.
- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way or lot line and a district boundary line, such figures indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
- C. Where district boundaries are not clearly fixed by the above methods, such boundaries shall be determined by the use of the scale of the Zoning Map.
- D. Should any other uncertainty exist, the Zoning Officer shall interpret the intent of this chapter and the Zoning Map as to the exact location of district boundaries.
- E. When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of either abutting district may be construed by the owner

to be applicable to the portion of such lot in the other abutting district for a distance of not more than 50 feet beyond the district boundary line.

ARTICLE IV, R-1 Single-Family Established Residential District

Section 220-10. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is to preserve the integrity of established single-family residential communities and future communities. Due to both the age and design of these communities, unique and flexible standards and regulations are proposed to bring the majority of dwelling units into conformance with this chapter. It is the purpose of this district to provide these standards and regulations.

Section 220-11. Permitted uses.

The permitted uses are as follows:

- A. Single-family detached dwellings.
- B. Family-care facility.
- C. Family day-care facility in accordance with Section 220-162.
- D. Accessory dwellings in accordance with Section 220-149.
- E. Home occupations in accordance with Section 220-165.
- F. Public parks, public playgrounds, public recreation areas and public camping facilities
- G. Municipal buildings, public libraries and public museums.
- H. Places of worship, including: one accessory residential unit; and accessory pre-school uses.
- I. Cemeteries.
- J. K-12 public and private schools, including accessory pre-school uses..
- K. Utility facilities, where operation requirements necessitate location within the district, in accordance with Section 220-180.
- L. Signs, when erected and maintained in accordance with Article XXV herein.
- M. Accessory uses and structures on the same lot with and customarily incidental to any of the above permitted uses in accordance with Section 220-150.

Section 220-12. Building height limit.

- A. No principal building shall be erected to a height in excess of 35 feet.
- B. No accessory structure shall be erected to a height in excess of 25 feet.

Section 220-13. Residential density, lot area and lot width.

- A. With public water and public sewer (public or private utility):
 - (1) The maximum permitted residential density shall be four dwelling units per gross acre, excluding existing dedicated rights-of-way.
 - (2) The minimum lot area shall be 7,200 square feet.
 - (3) The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.
- B. With on-lot water supply and/or sewage disposal systems:
 - (1) The maximum permitted residential density shall be one dwelling unit per gross acre, excluding existing dedicated rights-of-way.
 - (2) There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading, on-lot water supply and sewage disposal system requirements, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.
 - (3) The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.

Section 220-14. Impervious coverage.

Impervious coverage shall not exceed 50%.

Section 220-15 Yards.

- A. Yards of the following minimum depths shall be provided for residential uses:
 - 1. Minimum front yard depth: 30 feet. On a corner lot, two front yards shall be provided. If the abutting street right-of-way width is less than 50 feet, front yard setback is measured in accordance with Section 220-212A. Where existing principal buildings in the same block have lawfully nonconforming front yard setbacks of less than 30 feet, an average setback may be used in accordance with Section 220-212B.
 - 2. Minimum side yards shall total no less than 15 feet, with no one side yard less than five feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.
 - 3. The minimum rear yard depth shall be 25 feet. On a corner lot, a rear yard shall not be required.

B. Yards of the following minimum depths shall be provided for non-residential principal buildings:

1. Minimum front yard depth: 30 feet. On multiple frontage lots, a front yard shall be provided abutting each street frontage. If the abutting street right-of-way width is less than 50 feet, front yard setback is measured in accordance with Section 220-212A.
2. Minimum side yard: 15 feet.
3. Minimum side yard for a non-residential principal building abutting a residential use: 50 feet.
4. Minimum rear yard. 35 feet.

Section 220-16. Performance standards.

All uses must comply with performance standards as set forth within Article XIX herein.

Section 220-17. Off-street parking.

Off-street parking shall be provided in accordance with Article XXIV.

ARTICLE V, R-2 Single-Family Rural Residential District

Section 220-18. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is to maintain the integrity of existing rural areas through low-impact development techniques while still preserving the existing rural character, environmentally sensitive areas and open space.

Section 220-19. Permitted uses.

The permitted uses are as follows:

- A. Single-family detached dwellings.
- B. Family-care facilities.
- C. Family day-care facilities, in accordance with Section 220-162.
- D. Accessory dwelling units, in accordance with Section 220-149.
- E. Nonintensive agriculture that may include horticulture, floriculture or silviculture uses, in

accordance with Section 220-151.

- F. Kennels, in accordance with Section 220-167.
- G. Public parks, public playgrounds, public recreation areas and public camping facilities.
- H. Municipal buildings, public libraries and public museums.
- I. Cemeteries.
- J. Utility facilities, where operation requirements necessitate location within the district, in accordance with Section 220-180.
- K. Home occupations, in accordance with Section 220-165.
- L. Bed-and-breakfast establishments as a primary use, in accordance with Section 220-156.
- M. Places of worship, including one accessory residential unit.
- N. Preschool and elementary-level schools.
- O. Golf courses and country clubs, in accordance with Section 220-163.
- P Signs, when erected and maintained in accordance with Article XXV.
- Q. Accessory uses and structures on the same lot with and customarily incidental to any of the above permitted uses, in accordance with Section 220-150.

Section 220-20. Building height limit.

- A. No principal building shall be erected to a height in excess of 35 feet.
- B. No accessory building shall be erected to a height in excess of 25 feet.

Section 220-21. Residential unit density.

The maximum permitted residential density shall be one dwelling unit per gross acre, excluding existing dedicated rights-of-way.

Section 220-22. Lot area and width.

- A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading, on-lot well and septic system requirements, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.
- B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line and not less than 100 feet at the building line.

Section 220-23. Impervious coverage.

Impervious coverage shall not exceed 30%.

Section 220-24. Yard regulations.

A. Yards of the following minimum depths shall be provided for principal residential buildings:

1. Minimum front yard depth: 40 feet. On multiple frontage lots, a front yard shall be provided abutting each street frontage. If the abutting street right-of-way width is less than 50 feet, front yard setback is measured in accordance with Section 220-212A.
2. Minimum side yards shall total no less than 20 feet, with no one side yard less than five feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.
3. The minimum rear yard depth shall be 40 feet. On a corner lot, a rear yard shall not be required.

B. Yards of the following minimum depths shall be provided for non-residential principal buildings:

1. Minimum front yard depth: 40 feet. On a corner lot, two front yards shall be provided. If the abutting street right-of-way width is less than 50 feet, front yard setback is measured in accordance with Section 220-212A.
2. Minimum side yard: 20 feet.
3. Minimum side yard for a non-residential principal building abutting a residential use: 50 feet.
4. Minimum rear yard. 40 feet.

Section 220-25. Performance standards.

All uses must comply with performance standards as set forth within Article XIX herein.

Section 220-26. Off-street parking/access.

Off-street parking/access shall be provided in accordance with Article XXIV.

ARTICLE VI, MUN Mixed Use Neighborhood District

Section 220-27. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is to allow for the establishment of a mixed-use residential and commercial district in established areas served by public water and public sewer.

Section 220-27A. Applicability

1. For the purposes of this article VI, the words “parcel” or “lot”, whether singular or plural, shall encompass planned community units under the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A Section 5101 et seq., as amended, and condominium units under the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A Section 3101 et seq., as amended, and the lot area, lot width and yard standards of this Article VI shall apply to each such planned community unit or condominium unit as if each unit constituted a parcel or lot.

Section 220-28. Permitted uses.

The permitted uses are as follows:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings, in accordance with Section 220-35.
- C. Two-family attached dwellings.
- D. Two-family side-by-side dwellings.
- E. Multi-family dwellings.
- F. Conversion apartment dwellings, permitted as a Special Exception only, in accordance with Section 220-154.
- G. Accessory dwellings, in accordance with Section 220-149.
- H. Manufactured (mobile) home parks, in accordance with Section 220-169.
- I. Family-care facilities.
- J. Group-care facilities, in accordance with Section 220-162.
- K. Boarding homes, in accordance with Section 220-156.
- L. Nursing homes.
- M. Personal-care boarding homes.
- N. Home occupations, in accordance with Section 220-165.
- O. Family day-care facilities, in accordance with Section 220-162.
- P. Group day-care facilities, in accordance with Section 220-162.

Q. Day-care facilities, in accordance with Section 220-160.

R. Additional non-residential uses, no greater than 3,000 square feet in gross floor area, shall be permitted in accordance with the NAICS as follows, excluding drive-through facilities:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
23	Construction
323	Printing and Related Support Activities
334	Computer and Electronic Product Manufacturing
44-45	Retail Trade, excluding Industry 4543, Direct Selling Establishments, and excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
482	Rail Transportation
483	Water Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation
491	Postal Service
492	Couriers and Messengers

51412	Libraries and Archives
52	Finance and Insurance
53	Real Estate and Rental and Leasing, excluding: Industries 53113 (Lessors of Miniwarehouses and Self-Storage Units); 5321 (Automotive Equipment Rental and Leasing); and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing).
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Industry 5617 (Services to Buildings and Dwellings); and Subsector 562, Waste Management and Remediation Services.
61	Educational Services
62	Health Care and Social Assistance, except: Subsectors 622 (Hospitals) and 623 (Nursing and Residential Care Facilities); and Industries 6242 (Community Food and Housing, and Emergency and Other Relief Services) and 6243 (Vocational Rehabilitation Services).
7113	Promoters of Performing Arts, Sports and Similar Events
7114	Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
7115	Independent Artists, Writers and Performers
722	Food Services and Drinking Places
8112	Electronic and Precision Equipment Repair and Maintenance

- 8114 Personal and Household Goods Repair and Maintenance
- 812 Personal and Laundry Service
- 813 Religious, Grantmaking, Civic, Professional and Similar Organizations
- 92 Public Administration, except: Industry 92214 (Correctional Institutions).

- S. Signs, when erected and maintained in accordance with Article XXV.
- T. Accessory uses and structures on the same lot with and customarily incidental to any of the above permitted uses, in accordance with Section 220-150.
- U. Parking lots as a primary use to provide required off-street parking for a permitted use on another lot in the MUN District.

Section 220-29. Building height limit.

- A. No principal building shall be erected to a height in excess of 35 feet.
- B. No accessory building shall be erected to a height in excess of 25 feet.

Section 220-30. Residential unit density.

The maximum permitted density shall be 10 units per gross acre, excluding existing dedicated rights-of-way.

Section 220-31. Lot area and width.

- A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.
- B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line, except for single family attached dwellings, where the lot width may be reduced to a minimum of 20 feet.

Section 220-32. Impervious coverage.

Impervious coverage shall not exceed 70%.

Section 220-33. Yards.

Unless otherwise stated herein, yards of the following minimum depths and widths shall be provided as follows:

- A. Minimum front yard depth: 30 feet. On multiple frontage lots, a front yard shall be provided abutting each street frontage. If the abutting street right-of-way width is less than 50 feet, front yard setback is measured in accordance with Section 220-212A. Where existing principal buildings in the same block have lawfully nonconforming front yard setbacks of less than 30 feet, an average setback may be used in accordance with Section 220-212B.
- B. Minimum side yards shall total no less than 15 feet, with no one side yard less than five feet in width, except as follows:
 - (1) A minimum side yard of 15 feet shall be provided for the unattached sides of all side-by-side and attached dwellings.
 - (2) A minimum side yard of 15 feet shall be provided for all non-residential primary buildings.
 - (3) A minimum side yard of 15 feet shall be provided for each side of a multi-family dwelling.
 - (4) On a corner lot, two side yards shall be provided along the interior lot lines.
 - (5) No side yard shall be required for the attached side of side-by-side and attached dwellings.
- C. The minimum rear yard depth shall be 25 feet. On a corner lot, a rear yard shall not be required.

Section 220-34. Performance standards.

All uses must comply with performance standards as set forth within Article XIX herein.

Section 220-35. Use limitations.

- A. No more than six dwelling units per building.
- B. A vertical or horizontal visual structural offset or other deviation in exterior architectural materials shall be provided for every other single-family attached dwelling unit.

Section 220-35A. Site design standards.

In addition to performance standards contained within Article XIX, the following site design standards are applicable for any new construction within the MUN Mixed Use Neighborhood District:

- A. Off-street parking for nonresidential uses. Off-street parking/loading and unloading areas shall be provided in accordance with provisions set forth in Article XXIV herein.

B. Lighting.

- (1) Lighting must be controlled in both height and intensity to maintain neighborhood character.
- (2) Light standards are restricted to a maximum of 20 feet in height.
- (3) The light level from any use measured at a residential lot line may not exceed 0.2 footcandle. To achieve this standard, luminaires shall be shielded to prevent light shining beyond the lot lines onto neighboring properties.

C. Screening and buffering. Where nonresidential uses abut residential uses, screen parking lots and driveways from adjacent residential, non-residential and multi-family residential uses. Screening and buffering shall be provided in accordance with Sections 220-201 and 202 herein.

ARTICLE VII, R-3 Multifamily Residential District

Section 220-36. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is:

- A. To provide reasonable standards for the development of higher density, multifamily residential uses.
- B. To establish design standards that will avoid undue traffic congestion on the streets, provide for the public convenience and harmonize with adjoining residential uses.

Section 220-36A. Applicability.

1. For the purposes of this article VII, the words “parcel” or “lot”, whether singular or plural, shall encompass planned community units under the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A Section 5101 et seq., as amended, and condominium units under the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A Section 3101 et seq., as amended, and the lot area, lot width and yard standards of this Article VII shall apply to each such planned community unit or condominium unit as if each unit constituted a parcel or lot.

Section 220-37. Permitted uses.

The permitted uses are as follows:

- A. Single-family detached dwellings.
- B. Two-family side by side dwellings.
- C. Two-family attached dwellings.
- D. Single-family attached dwellings, in accordance with Section 220-35.

- E. Multifamily dwellings.
- F. Family day-care facilities, in accordance with Section 220-162.
- G. Group day-care facilities, in accordance with Section 220-162.
- H. Home occupations, in accordance with Section 220-165.
- I. Conversion Apartments, in accordance with Section 220-154.
- J. Manufactured Home Parks.
- K. Additional non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
4812	Heliport, as a Conditional Use only
482	Rail Transportation
483	Water Transportation
51412	Libraries and Archives
622	Hospitals
623	Nursing and Residential Care Facilities
6244	Child Day Care Services
721191	Bed-and-Breakfast Inns
8131	Religious Organizations

L. Parking garages/decks and lots accessory to other permitted uses, in accordance with Article XXIV.

M. Signs, when erected and maintained in accordance with Article XXV.

N. Accessory uses and structures on the same lot with and customarily incidental to the above permitted residential and nonresidential uses, in accordance with Section 220-150.

Section 220-38. Building height limit.

No building shall be erected to a height in excess of 75 feet, provided that an additional setback of one foot for all sides of the tract shall be required for each foot exceeding 50 feet in height.

Section 220-39. Residential unit density.

The maximum permitted density shall be 15 units per gross acre, excluding existing dedicated rights-of-way.

Section 220-40. Lot area and width.

A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, off-street parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.

B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line, except for single family attached dwellings, where the lot width may be reduced to a minimum of 20 feet.

Section 220-41. Impervious coverage.

Impervious coverage shall not exceed 60%.

Section 220-42. Yards.

A. Unless otherwise stated herein, yards of the following minimum depths and widths shall be provided:

- (1) Front yard setback: 30 feet.
- (2) Side yard setbacks (for each side yard):

- (a) Single family detached dwellings: Minimum side yards shall total no less than 15 feet, with no one side yard less than five feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines..
- (b) Attached dwellings (including multifamily units): 15 feet.
- (c) A nonresidential principal structure abutting a residential use: 50 feet.
- (d) Nonresidential principal structures: 15 feet.
- (e) No side yard shall be required for the attached side of side-by-side and attached dwellings.

(3) Rear yard setback: 35 feet.

B. An additional setback of one foot for all sides of the tract shall be required for each foot of building exceeding 50 feet in height.

C. Buffer yards and screen plantings shall be provided in accordance with Sections 220-201 and 202 herein.

Section 220-43. Performance standards.

All uses must comply with performance standards as set forth within Article XIX herein.

Section 220-44. Use limitations.

A. No more than six single-family dwelling units shall be attached.

B. A vertical or horizontal visual structural offset or other deviation in exterior architectural materials shall be provided for every other single-family attached dwelling unit and between every four multifamily dwelling units.

Section 220-45. Off-street parking.

Off-street parking, loading space and motor vehicle access shall be provided in accordance with the provisions of Article XXIV.

Section 220-46. Site design standards.

In addition to performance standards contained within Article XIX, the following additional site

design standards are applicable for any new construction within the R-3 Multifamily Residential District.

- A. Off-street parking. Off-street parking/loading and unloading areas shall be provided in accordance with provisions set forth in Article XXIV herein. Such parking shall only be located to the side or rear of buildings.
- B. Lighting.
 - (1) Lighting must be controlled in both height and intensity to maintain neighborhood character.
 - (2) The light level from any use measured at a residential lot line may not exceed 0.2 footcandle. To achieve this standard, luminaires shall be shielded to prevent light shining beyond the lot lines onto neighboring properties.

ARTICLE XIII, C-1 Neighborhood Commercial District

Section 220-47. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is:

- A. To provide standards for the development of commercial uses to serve surrounding residential districts and uses.
- B. To provide for smaller-scale neighborhood-oriented businesses so as to reduce traffic flow to major commercial areas throughout the township.

Section 220-48. Permitted uses.

The permitted uses are as follows:

- A. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems

334	Computer and Electronic Product Manufacturing
44-45	Retail Trade, excluding Industry 4543, Direct Selling Establishments, and excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
482	Rail Transportation
483	Water Transportation
51412	Libraries and Archives
52	Finance and Insurance
53	Real Estate and Rental and Leasing, excluding: Industries 53113 (Lessors of Miniwarehouses and Self-Storage Units); 5321 (Automotive Equipment Rental and Leasing); and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing).
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Industry 5617 (Services to Buildings and Dwellings); and Subsector 562, Waste Management and Remediation Services.
61	Educational Services
62	Health Care and Social Assistance, except: Subsectors 622 (Hospitals) and 623 (Nursing and Residential Care Facilities); and Industries 6242 (Community Food and Housing, and Emergency and Other Relief Services) and 6243 (Vocational Rehabilitation Services).
7113	Promoters of Performing Arts, Sports and Similar Events

7114	Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
7115	Independent Artists, Writers and Performers
722	Food Services and Drinking Places
8111	Automotive Repair and Maintenance
8112	Electronic and Precision Equipment Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
812	Personal and Laundry Service
813	Religious, Grantmaking, Civic, Professional and Similar Organizations
92	Public Administration, except: Industry 92214 (Correctional Institutions).

- B. Neighborhood-level shopping centers, in accordance with Section 220-176.
- C. Signs, when erected and maintained in accordance with Article XXV herein.
- D. Accessory uses and structures on the same lot with and customarily incidental to any of the above permitted uses, in accordance with Section 220-150.

Section 220-49. Use limitations.

- A. All uses shall be provided for in accordance with performance standards as contained within Article XIX herein.
- B. No single use shall exceed 4,000 square feet in combined gross floor area and outdoor display/sales area, unless as part of a neighborhood shopping center, in which case the aggregate total of building and/or outdoor display/sales area on any lot shall not exceed 40,000 square feet of gross area.
- C. The retail sale of fuel shall be limited to a capacity to serve no more than eight vehicles at one time.

D. Outdoor storage and display, when accessory to a permitted use, shall be regulated as follows:

- (1) Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas nor required front yard.
- (2) Outdoor storage areas, excluding display areas, shall be shielded from view from the public streets and adjacent residential uses in accordance with Section 220-201.
- (3) Roadside produce and nursery stands shall be exempted from outdoor storage limitations.

Section 220-50. Impervious coverage.

Impervious coverage shall not exceed 70% of the lot.

Section 220-51. Building height limit.

No building shall be erected to a height in excess of 35 feet.

Section 220-52. Lot area and width.

- A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.
- B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.

Section 220-53. Yards.

- A. Yards of the following minimum depths and widths shall be provided:
 - (1) The minimum front yard depth shall be 20 feet, measured from the dedicated right-of-way.
 - (2) The minimum side yard depth shall be 10 feet.
 - (3) The minimum rear yard depth shall be 35 feet.
- B. The establishment of unlimited area buildings, as defined within the Lower Allen Township Building Code, as amended, may require yard depths and widths exceeding the minimum depths and widths required by this article.

Section 220-54. Site design standards.

In addition to performance standards contained within Article XIX, the following additional site design standards are applicable for any new construction within the C-1 Neighborhood Commercial District:

- A. Off-street parking. Off-street parking/loading and unloading areas shall be provided in accordance with provisions set forth in Article XXIV herein.
- B. Lighting.
 - (1) Lighting must be controlled in both height and intensity to maintain neighborhood character.
 - (2) Light standards are restricted to a maximum of 20 feet in height.
 - (3) The light level from any use measured at a residential lot line may not exceed 0.2 footcandle. To achieve this standard, luminaires shall be shielded to prevent light shining beyond the lot lines onto neighboring properties.
- C. Screening and buffering. Where nonresidential uses abut residential uses, screening and buffering shall be provided in accordance with Sections 220-201 and 202 herein.

ARTICLE IX, C-2 General Commercial District

Section 220-55. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is:

- A. To provide standards for the development of a variety of general commercial uses.
- B. To establish these districts in existing commercial areas and to allow for the reasonable expansion of such uses.
- C. To develop standards designed to minimize traffic congestion and to provide for public conveniences.

Section 220-56. Permitted uses.

The permitted uses are as follows:

- A. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS # Category

22112 Electric power Transmission, Control and Distribution

2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
23	Construction
3219	Other Wood Product Manufacturing, excluding Industry 32199, All Other Wood Product Manufacturing
323	Printing and Related Support Activities
334	Computer and Electronic Product Manufacturing
337	Furniture and Related Product Manufacturing
339	Miscellaneous Manufacturing
42	Wholesale Trade
44-45	Retail Trade, excluding Industry 4543, (Direct Selling Establishments), and excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
482	Rail Transportation
483	Water Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation
487	Scenic and Sightseeing Transportation

488	Support Activities for Transportation
491	Postal Service
492	Couriers and Messengers
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Subsector 562, Waste Management and Remediation Services.
61	Educational Services
62	Health Care and Social Assistance
71	Arts, Entertainment and Recreation, except: Industries 7131 (Amusement Parks and Arcades) and 7132 (Gambling Industries).
72	Accommodation and Food Services, except: Industry 721191 (Bed-and- Breakfast Inns
81	Other Services (except Public Administration)
92	Public Administration, except: Industry 92214 (Correctional Institutions).

- B. Signs, when erected and maintained in accordance with Article XXV.
- C. Accessory uses and structures customarily incidental to the above permitted uses, in accordance with Section 220-150.
- D. Parking lots as a principal use.

Section 220-57. Use limitations.

- A. All uses shall be provided for in accordance with performance standards as contained within Article XIX herein.
- B. Outdoor storage and display, when accessory to a permitted use, shall be regulated as follows:
 - (1) Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas nor required front yard.
 - (2) Outdoor storage areas, excluding display areas, shall be shielded from view from the public streets and adjacent residential uses in accordance with Section 220-201.
 - (3) Roadside produce and nursery stands shall be exempted from outdoor storage limitations.
- C. Stores, shops and businesses shall be conducted within an enclosed building, except as otherwise permitted in accordance with Article XIX herein.
- D. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store and when all such products are sold on the premises.

Section 220-58. Impervious coverage.

Impervious coverage shall not exceed 70% of the lot.

Section 220-59. Building height limit.

No building shall be erected to a height in excess of 40 feet.

Section 220-60. Lot area and width.

- A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, off-street parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.
- B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.

Section 220-61. Yards.

- A. Yards of the following minimum depths and widths shall be provided.
- (1) The minimum front yard depth shall be 30 feet at the dedicated right-of-way.
 - (2) The minimum side yard depth shall be 10 feet for buildings up to 20 feet in height. One additional foot of side yard shall be provided for each foot of building height above 20 feet.
 - (3) The minimum rear yard depth shall be 35 feet.
- B. The establishment of unlimited area buildings, as defined within the Lower Allen Township Building Code, as amended, may require yard depths and widths exceeding the minimum depths and widths required by this article.

Section 220-62. Off-street parking, loading and unloading areas and access drives.

Off-street parking, loading areas and access shall be provided in accordance with Article XIX.

ARTICLE X, C-3 Business Park District

Section 220-63. Intent.

The intent of this district is to provide for the orderly and integrated development of a campus-like professional business park consisting of a variety of light industrial and office facilities and uses for local residents, as well as the general public, encompassing uses which will:

- A. Encourage the construction on and continued use of land for a variety of nonresidential uses that are generally less intensive than uses permitted within the C-2 General Commercial District and are compatible with abutting residential areas.
- B. Provide reasonable performance standards for the establishment of structures and uses that will permit continued economic development, yet conserve the value of abutting residential areas. Such performance standards shall manage the type and intensity of uses permitted and minimize impact upon abutting residential areas.
- C. Provide for and create a transition zone between residential districts and other more intensive commercial and industrial districts.

Section 220-64. Permitted uses.

In this district, no building or land shall be used and no building shall be erected which is arranged,

intended to be used or designed to be used for other than one or more of the following permitted uses in accordance with all other provisions of this chapter.

- A. Planned Business Centers, as a Conditional Use only, in accordance with Section 220-157.
- B. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
334	Computer and Electronic Product Manufacturing
335	Electrical Equipment, Appliance and Component Manufacturing
337	Furniture and Related Product Manufacturing
339	Miscellaneous Manufacturing
42	Wholesale Trade
4812	Heliport, as a Conditional Use only
482	Rail Transportation
483	Water Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation

487	Scenic and Sightseeing Transportation
491	Postal Service
492	Couriers and Messengers
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Subsector 562, Waste Management and Remediation Services.
61	Educational Services
62	Health Care and Social Assistance, except: Subsectors 622 (Hospitals) and 623 (Nursing and Residential Care Facilities); and Industries 6242 (Community Food and Housing, and Emergency and Other Relief Services) and 6243 (Vocational Rehabilitation Services).
71	Arts, Entertainment and Recreation, except: Industries 7131 (Amusement Parks and Arcades), and 7132 (Gambling Industries).
72	Accommodation and Food Services, except: Industry 721191 (Bed-and-Breakfast Inns)
81	Other Services (except Public Administration), except: Industry 8111 (Automotive Repair and Maintenance).

C. Accessory uses and structures customarily incidental to the above permitted uses, in accordance with Section 220-150.

Section 220-65. Use limitations.

A. All uses shall be provided for in accordance with performance standards as contained within Article XV herein.

B. Outdoor storage and display, when accessory to a permitted use, shall be regulated as follows:

(1) Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas nor required front yard.

(2) Outdoor storage areas, excluding display areas, shall be shielded from view from the public streets and adjacent residential uses in accordance with Section 220-201.

Section 220-66. Building height limit.

No building shall be erected to a height in excess of 75 feet. When adjacent to a residential district, two feet in additional setbacks along the adjacent property lines shall be provided for every foot over 50 feet.

Section 220-67. Impervious coverage.

Impervious coverage shall not exceed 65% of the lot.

Section 220-68. Lot area and width.

A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, off-street parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.

B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.

Section 220-69. Yards.

- A. Yards of the following minimum depths and widths shall be provided.
- (1) The minimum front yard depth shall be 30 feet at the dedicated right-of-way.
 - (2) The minimum side yard depth shall be 10 feet. When adjacent to a Residential District, two feet in additional setbacks along the adjacent property lines shall be provided for every foot over 50 feet.
 - (3) The minimum rear yard depth shall be 35 feet.
 - (4) Interior yards: Minimum open space between separate principal buildings on the same lot shall be 35 feet.
- B. The establishment of unlimited area buildings, as defined within the Lower Allen Township Building Code, as amended, may require yard depths and widths exceeding the minimum depths and widths required by this article.

Section 220-70. Site design standards.

In addition to performance standards contained within Article XIX, off-street parking requirements contained within Article XXIV and sign provisions contained within Article XXV, the following site design standards are applicable for any new construction within the C-3 Business Park District:

- A. Off-street parking requirements.
- (1) All or part of the off-street parking spaces required within the C-3 Business Park District for two or more uses may be provided in common parking garages/decks or parking lots, provided that:
 - (a) The number of spaces is not less than the sum of the spaces required for each use individually;
 - (b) The parking facility must be located within the C-3 District.
 - (2) Cross-access easements for adjacent lots with interconnecting parking areas shall be required in a format suitable to the township.
 - (3) Shared parking areas are preferred and encouraged. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.
 - (4) Parking lot layout shall take into consideration pedestrian circulation and shall provide marked crosswalks and walkways interconnected into the pedestrian circulation system. Such crosswalks and walkways shall provide safe access from buildings to parking areas, adjacent properties and sidewalks. The crosswalks and walkways shall be integrated with existing sidewalks and paths.
- B. Pedestrian access.
- (1) Paths and lanes.
 - (a) A pedestrian access system shall be provided throughout the development adjacent to and interconnecting all businesses so as to promote pedestrian activity throughout the development, as well as neighboring developments, and may include gathering/sitting areas with benches, landscaping and other street furniture, as appropriate.
 - (b) The pedestrian access system shall consist of interconnected pedestrian/biking paths located

along rear or side property lines and clearly marked pedestrian/biking lanes located on one side of the existing cartway, linking such lanes with said paths. Such paths and lanes shall be no less than six feet wide. Paths shall be constructed of asphalt or similar durable material as approved by the Township Engineer. Ramps for the physically challenged shall be provided at intersections and crosswalks.

(c) Walking and biking paths linking businesses and neighboring residential areas shall be provided where possible. Such paths shall be a minimum of six feet wide and may use asphalt paving.

(d) An agreement shall be required for signature between affected property owners, outlining responsibilities and costs associated with the continued maintenance of said pedestrian access system.

ARTICLE XI, C-4 Regional Commercial District

Section 220-71. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Lower Allen Township Comprehensive Plan, the specific intent of this article is:

- A. To provide standards for the development of a variety of regional commercial uses.
- B. To establish these districts in existing commercial areas and to allow for the reasonable expansion of such uses.
- C. To develop standards designed to minimize traffic congestion and to provide for public conveniences.

Section 220-72. Permitted uses.

The permitted uses are as follows:

- A. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems

323	Printing and Related Support Activities
44-45	Retail Trade, excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
482	Rail Transportation
483	Water Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation
491	Postal Service
492	Couriers and Messengers
51412	Libraries and Archives
52	Finance and Insurance
53	Real Estate and Rental and Leasing, except: Industries 53113 (Lessors of Miniwarehouses and Self-Storage Units); 5321 (Automotive Equipment Rental and Leasing); and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing).
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Industry 5617 (Services to Buildings and Dwellings); and Subsector 562, (Waste Management and Remediation Services).

- 61 Educational Services
- 62 Health Care and Social Assistance, except: Subsectors 622 (Hospitals) and 623 (Nursing and Residential Care Facilities); and Industries 6242 (Community Food and Housing, and Emergency and Other Relief Services) and 6243 (Vocational Rehabilitation Services).
- 71 Arts, Entertainment and Recreation
- 72 Accommodation and Food Services, except: Industry 721191 (Bed-and- Breakfast Inns
- 81 Other Services (except Public Administration), except: Industries 8113 (Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance); and 8114 (Personal and Household Goods Repair and Maintenance).
- 92 Public Administration, except: Industry 92214 (Correctional Institutions).

- B. Signs, when erected and maintained in accordance with Article XXV.
- C. Accessory uses and structures customarily incidental to the above permitted uses, in accordance with Section 220-150.
- D. Parking lots as a principal use.

Section 220-73. Use limitations.

- A. All uses shall be provided for in accordance with performance standards as contained within Article XIX herein.
- B. Outdoor storage and display, when accessory to a permitted use, shall be regulated as follows:
 - (1) Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas nor required front yard.
 - (2) Outdoor storage areas, excluding display areas, shall be shielded from view from the public streets and adjacent residential uses in accordance with Section 220-201.
 - (3) Roadside produce and nursery stands shall be exempted from outdoor storage limitations.
- C. Stores, shops and businesses shall be conducted within an enclosed building, except as

otherwise permitted in accordance with Article XIX herein.

D. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store and when all such products are sold on the premises.

Section 220-74. Impervious coverage.

Impervious coverage shall not exceed 70% of the lot.

Section 220-75. Building height limit.

No building shall be erected to a height in excess of 40 feet.

Section 220-76. Lot area and width.

A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, off-street parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.

B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.

Section 220-77. Yards.

A. Yards of the following minimum depths and widths shall be provided.

(1) The minimum front yard depth shall be 30 feet at the dedicated right-of-way.

(2) The minimum side yard depth shall be 10 feet for buildings up to 20 feet in height. One additional foot of side yard shall be provided for each foot of building height above 20 feet.

(3) The minimum rear yard depth shall be 35 feet.

B. The establishment of unlimited area buildings, as defined within the Lower Allen Township Building Code, as amended, may require yard depths and widths exceeding the minimum depths and widths required by this article.

Section 220-78. Off-street parking, loading and unloading areas and access drives.

Off-street parking, loading areas and access shall be provided in accordance with Article XXIV.

ARTICLE XII, I-1 General Industrial District

Section 220-79. Intent.

Consistent with the general purposes of this chapter and the goals and objectives of the Comprehensive Plan, the specific intent of this article is:

- A. To encourage the construction on and continued use of the land for industrial purposes.
- B. To prohibit any use which should substantially interfere with the development, continuation or expansion of industrial uses in the I-1 General Industrial District.
- C. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, fire, safety hazards, etc.
- D. To establish these districts in areas of the Township which have adequate infrastructure, including access to a major transportation corridor, public water and a public sewer.
- E. To provide increased employment opportunities for the citizens of the Township and surrounding communities.

Section 220-80. Permitted uses.

The permitted uses are as follows:

- A. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
23	Construction
31-33	Manufacturing

42	Wholesale Trade
4543	Direct Selling Establishments
4812	Heliport, as a Conditional Use only
482	Rail Transportation
483	Water Transportation
484	Truck Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation
487	Scenic and Sightseeing Transportation
488	Support Activities for Transportation
491	Postal Service
492	Couriers and Messengers
493	Warehousing and Storage
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific and Technical Services

55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Industries 5616 (Investigation and Security Services) and 5619 (Other Support Services).
6244	Child Day Care Services
7111	Performing Arts Companies
7112	Spectator Sports
712	Museums, Historical Sites and Similar Institutions
7139	Other Amusement and Recreation Industries
811	Repair and Maintenance
812	Personal and Laundry Services
92	Public Administration

- B. Accessory dwellings for watchmen or caretakers employed on the premises.
- C. Junkyards, in accordance with Section 220-166.
- D. Landfill operations, in accordance with Section 220-168.
- E. Signs, in accordance with Article XXV.
- F. Accessory uses on the same lot with and customarily incidental to the above permitted uses, in accordance with Section 220-150.

Section 220-81. Use limitations.

- A. All uses shall be provided for in accordance with performance standards as contained within Article XIX herein.
- B. Outdoor storage and display, when accessory to a permitted use, shall be regulated as follows:

(1) Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required off-street parking areas nor required front yard.

(2) Outdoor storage areas, excluding display areas, shall be shielded from view from adjacent residential uses in accordance with Section 220-201.

C. Screening required in accordance with Section 220-201.

D. Buffering required in accordance with Section 220-202.

Section 220-82. Building height limit.

No building shall exceed a height of 75 feet.

Section 220-83. Impervious coverage.

Impervious coverage shall not exceed 70% of the lot.

Section 220-84. Lot area and width.

A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, off-street parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.

B. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line.

Section 220-85. Yards.

A. Yards of the following minimum depths and widths shall be provided.

(1) The minimum front yard depth shall be 30 feet at the dedicated right-of-way.

(2) The minimum side yard depth shall be 10 feet.

(3) The minimum rear yard depth shall be 35 feet.

(4) Interior yards: open space between separate principal buildings on the same lot, minimum 35 feet.

B. The establishment of unlimited area buildings, as defined within the Lower Allen Township Building Code, as amended, may require yard depths and widths exceeding the minimum depths and widths required by this article.

C. When adjacent to a residential district, two feet in additional setbacks along the adjacent property lines shall be provided for every foot over 50 feet in building height.

Section 220-86. Off-street parking, loading and unloading areas and access drives.

Off-street parking, loading and unloading areas and access drives shall be provided in accordance with Article XXIV.

ARTICLE XIII, I-2 Mineral Recovery District

Section 220-87. Intent.

The specific intent of the this article is:

- A. To identify an area or district where recovery of minerals from the earth is a permitted use.
- B. To recognize that in certain cases federal and state regulations apply to the recovery of minerals.
- C. To provide additional safeguards deemed necessary to protect the health, safety and welfare of the citizens of the township.

Section 220-88. Permitted uses.

The permitted uses are as follows:

- A. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
21	Mining
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
23	Construction

324	Petroleum and Coal Products Manufacturing
327	Nonmetallic Mineral Product Manufacturing
562	Waste Management and remediation Services
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance

- B. Timbering, processing, sales and restoration.
- C. Accessory dwellings for watchmen or caretakers employed on the premises.
- D. Public and private parks and recreation areas and appurtenant buildings and improvements, when they are compatible with all other authorized uses on the site and the reclamation of the site.
- E. Agricultural uses.
- F. Signs, in accordance with Article XXV.

Section 220-89. Application.

- A. An application shall be filed with the Zoning Officer prior to the issuance of a use or zoning permit for the establishment or expansion of the following uses:
 - (1) Surface mining, processing, sales and restoration.
 - (2) Storage, stockpiling, distribution and sale of minerals.
 - (3) Installation and operation of plants or apparatus for rock crushing or cement treatment of base materials and appurtenant screening, blending, washing, loading and conveyer facilities.
 - (4) Concrete batching plants and mixing plants for either portland cement or asphalt concrete.
 - (5) Manufacture of concrete and clay products and precast structural units.
- B. Such application shall include the following:
 - (1) An application fee in such amount as shall be determined by the Board of Commissioners Fee Schedule.
 - (2) A copy of all applications, plans, maps and related information filed with any regulatory agency or body having jurisdiction and all permits issued with respect thereto for review by the Planning Commission and the Board of Commissioners.
 - (3) The applicant shall post security, as permitted in the Surface Mining Conservation and Reclamation Act, in the amount of \$1,000 per acre. If such security has been posted with another

regulatory agency or body having jurisdiction, naming the township as additional obligee, an additional bond shall not be required.

C. Prior to the issuance of a use or zoning permit for the establishment or expansion of permitted uses, excluding permitted uses listed above within Subsection A, a building and/or zoning permit and other applicable state and federal permits shall be obtained by the appropriate agency.

Section 220-90. Lot area and width.

- A. The minimum lot area shall be five acres.
- B. The minimum lot width at the building line shall be 200 feet.

Section 220-91. Lot coverage and open space.

- A. Principal and accessory buildings shall not cover more than 50% of the lot area.
- B. Not less than 20% of the lot area shall be covered with lawn and plantings.

Section 220-92. Yards.

Yards of the following minimum depths and widths shall be provided, except as provided in Section 220-212:

- A. The minimum front yard depth shall be 50 feet.
- B. The minimum side yard width shall be 25 feet.
- C. The minimum rear yard depth shall be 50 feet.

Section 220-93. Special setback regulations.

Unless otherwise provided for by the Pennsylvania Department of Environmental Protection, the following special setback regulations shall apply to uses as contained within Section 220-88:

- A. Activities shall not be nearer than 100 feet to any property line or public street.
- B. Activities shall not be nearer than 300 feet to an occupied dwelling unit or commercial or industrial building, unless released by the owner thereof.
- C. Activities shall not be nearer than 300 feet to a public building, school, or institutional building or a public park.
- D. Activities shall not be nearer than 100 feet to a cemetery.
- E. Activities shall not be nearer than 100 feet to a bank of a perennial or intermittent watercourse.

F. All activities shall be protected by a fence or wall six feet high and shall have openings no larger than six inches.

G. Quarry walls shall not be readily visible from public streets or adjacent developed properties, except for ingress and egress roads.

Section 220-94. Performance standards.

1. In addition to special setback requirements for certain uses as provided for within Section 220-93, all uses must comply with performance standards as set forth within Article XIX herein.
2. All activities must be undertaken in compliance with the Noncoal Surface Mining Conservation and Reclamation Act of 1984, as amended.

Section 220-95. Off-street parking, loading and unloading areas and access drives.

Off-street parking, loading and unloading areas and access drives shall be provided in accordance with Article XXIV.

ARTICLE XIV, I-3 Industrial/Commercial District

Section 220-96. Intent.

The intent of this district is to provide for the orderly and integrated development of existing and future service establishments, industrial uses, offices and a mix of commercial uses, including wholesale and retail establishments, exclusive of incompatible industries and high traffic-generating uses. The intent of this article is to:

- A. Encourage the construction on and continued use of land for a variety of nonresidential uses that complements and serves the local community.
- B. Encourage the construction of new buildings and establishment of new uses at a scale consistent with existing buildings, uses and development patterns.
- C. Encourage and direct uses that will utilize existing facilities, such as public sewer, public water, public transit, roadways and the existing railroad system.
- D. Provide reasonable performance standards for the establishment of structures and uses that will permit continued economic development, yet conserve the value of abutting residential areas. Such performance standards shall manage the type and intensity of uses permitted and minimize impacts upon abutting residential areas.

Section 220-97. Permitted uses.

The permitted uses are as follows:

A. Non-residential uses shall be permitted in accordance with the NAICS as follows:

1. NAICS #	Category
22112	Electric power Transmission, Control and Distribution
2212	Natural Gas Distribution
2213	Water, Sewage and Other Systems
23	Construction
31-33	Manufacturing
42	Wholesale Trade
44-45*	Retail Trade, excluding Industry 4543, (Direct Selling Establishments), and excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
4812	Heliport, as a Conditional Use only
482	Rail Transportation
483	Water Transportation
484	Truck Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation

487	Scenic and Sightseeing Transportation
488	Support Activities for Transportation
491	Postal Service
492	Couriers and Messengers
493	Warehousing and Storage
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Subsector 562, Waste Management and Remediation Services.
61	Educational Services
62	Health Care and Social assistance
71	Arts, Entertainment and Recreation, except Industries 7131 (Amusement Parks and Arcades) and 7132 (Gambling Industries).
72	Accommodation and Food Services, except: Industry 721191 (Bed-and-Breakfast Inns).

81 Other Services (except Public Administration)

92 Public Administration, except Industry 92214 (Correctional Institutions)

*No proposed retail use or combination of retail uses occupying an existing building or proposed for a new building shall exceed 30,000 square feet of floor area. No single building, existing or proposed, shall be occupied by more than 30,000 square feet of floor area of retail use or combination of retail uses described by NAICS Sectors 44 and 45.

- B. Parking lots as a principal use
- C. Accessory dwellings for watchmen or caretakers employed on the premises
- D. Signs, when erected and maintained in accordance with Article XXV.
- E. Accessory uses and structures on the same lot with and customarily incidental to any of the above permitted uses, in accordance with Section 220-150.

Section 220-98. Use limitations.

- A. All uses shall be provided for in accordance with performance standards as contained within Article XIX herein.
- B. Outdoor storage and display, when accessory to a permitted use, shall be regulated as follows:
 - (1) Outdoor storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required off-street parking areas or required front yard.
 - (2) Outdoor storage areas, excluding display areas, shall be shielded from view from adjacent residential uses, and from view from public streets if storage is located between a building and the public street, in accordance with Section 220-201.
- C. Permitted uses shall be conducted within an enclosed building, except as otherwise permitted within Article XIX herein.

Section 220-99. Building height limit.

No building shall exceed a height of 75 feet. When adjacent to a residential district or use, two feet in additional setbacks along the adjacent property lines shall be provided for every foot that the building

height exceeds 50 feet.

Section 220-100. Impervious coverage.

Impervious coverage shall not exceed 70% of the lot.

Section 220-101. Lot area and width.

- A. There shall be no minimum lot area. Lot area shall be based upon required setbacks, impervious coverage, off-street parking and loading/unloading, floodplains/wetlands, steep slope requirements, woodland preservation and other applicable criteria as set forth in this chapter.
- B. The minimum lot width shall not be less than 50 feet at the dedicated right-of-way line.

Section 220-102. Yards.

- A. Yards of the following minimum depths and widths shall be provided:
 - (1) The minimum front yard depth shall be 30 feet at the dedicated right-of-way.
 - (2) The minimum side yard depth shall be 10 feet.
 - (3) The minimum rear yard depth shall be 35 feet. The rear yard may be reduced to 15 feet when it abuts a railroad or limited-access highway right-of-way.
 - (4) Interior yards: open space between separate principal buildings on the same lot, minimum 35 feet.
- B. An additional setback of two feet for all sides of the tract shall be required for each foot of building exceeding 50 feet in height.
- C. The establishment of unlimited area buildings, as defined within the Lower Allen Township Building Code, as amended, may require yard depths and widths exceeding the minimum depths and widths required by this article.

Section 220-103 Screening and buffering.

Screening and buffering shall be provided pursuant to Sections 220-201 and 202.

Section 220-104. Off-street parking, loading and unloading areas and access drives.

Off-street parking, loading and unloading areas and access drives shall be provided in accordance with Article XXIV.

ARTICLE XV, Conservation Subdivision (CS) Overlay District

Section 220-105. Intent.

The CS Overlay District is primarily intended to:

1. Promote a detailed analysis of development parcels so as to locate and coordinate appropriate areas for development and for conservation;
2. Avoid development that could cause inefficient patterns of development;
3. Encourage a blend of recreation areas and a mix of housing at a medium density to serve various age groups and types of housing;
4. Provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on connecting residential and recreational areas;
5. Provide greater design flexibility and efficiency in the siting of homes, services and infrastructure, including the opportunity to reduce the length of streets and utility facilities;
6. Preserve rural characteristics through the permanent preservation of meaningful open space and sensitive natural resources;
7. Encourage the creation of a sense of place and community spirit;
8. Promote the goals and objectives of the Lower Allen Township Comprehensive Plan Update, 2006, as amended;
9. Make efficient use of available public water and sewer services and other infrastructure; and
10. Avoid excessive improvement costs and future Township maintenance costs for each new home by minimizing the amount of street and utility length per home.

Section 220-106. Applicability

1. The Conservation Subdivision (CS) Overlay District applies to R-1 Single-Family Established Residential and R-2 Single-Family Rural Residential Zoning Districts.
2. CS developments are a permitted use by right in the R-1 and R-2 Zoning Districts.
3. For the purposes of this Article, the words “parcel” or “lot”, whether singular or plural, shall encompass planned community units under the Pennsylvania Uniform Planned Community Act,

68 Pa. C.S.A Section 5101 et seq., as amended, and condominium units under the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A Section 3101 et seq., as amended, and the lot area, lot width and yard standards of this Article shall apply to each such planned community unit or condominium unit as if each unit constituted a parcel or lot.

Section 220-107. Minimum requirements

1. A minimum tract size of 5 acres is required for a CS development.
2. Each residential lot shall be within 300 feet walking distance of either public recreation land or Common Open Space.
3. Perimeter setbacks:
 - a. For single-family detached and side-by-side twin dwelling units, no additional perimeter setback other than required yards shall be required.
 - b. For all other permitted uses, a 50-foot wide perimeter setback shall be required for uses in the CS development from existing residential uses. Screen planting shall be provided in the setback in accordance with Sections 220-201 and 202.

Section 220-108. Infrastructure requirements

1. All proposed development within any CS shall be served by either public water or suitable private wells. If water supply other than public water is proposed, applicant shall provide a hydrogeologic study demonstrating the availability of adequate water supply. The study shall be submitted with the Preliminary Plan.
2. All proposed development within any CS shall be served by either public sewer or a community sewage disposal system.
3. Traffic from a CS of 20 acres or more shall have access to a Major Collector Road, a Minor Arterial Road or a Local Road, as identified in the Township Comprehensive Plan Update, 2006, as amended. Primary access from a CS of 20 acres or more from a Minor Township Road shall not be permitted. Where primary access to a CS of 20 acres or more is via a Major Collector Road or a Local Road, the primary route of travel from the CS to a Principal Arterial shall be identified. This primary route of travel shall not contain deficiencies identified in the Township Comprehensive Plan Update, 2006, as amended.
4. Single-family detached and side-by-side twin dwelling unit lots are permitted to front only Minor Township or Local streets. All other permitted uses are permitted to front on Minor Township, Local or Major Collector street.
5. All CS developments shall include provisions for constructing trails within and through the development.

Section 220-109. Permitted Uses

In addition to those uses permitted in the underlying Zoning District, the following uses shall be permitted by right:

1. Single-family detached dwellings
2. Townhouses
3. Side-by-side twin dwellings
4. Publicly Owned Recreation Uses; Recreation Uses and Open Space owned by a property-owners association
5. Nature preserves

Section 220-110. Building Height Limit

Refer to the requirements in the underlying Zoning District.

Section 220-111. Residential density

1. Maximum density for a CS shall be determined as follows:
 - a. Determine land area available for development after deleting: existing rights-of-way of existing streets and railroads, and lands continuously covered with water.
 - b. Multiply the resulting acreage by two to result in the number of permitted dwelling units within the residential sections of the CS.
2. Residential Density Bonuses when the underlying Zoning District is the R-2 Single-Family Rural Residential District may be computed as follows:
 - a. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides more than 125% of the public recreation land required by ordinance.
 - b. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides more than 125% of the Open Space required by ordinance.
 - c. In no case shall the maximum residential density be greater than 4 dwelling units per acre.
3. Residential Density Bonuses when the underlying Zoning District is the R-1 Single-Family Established Residential District may be computed as follows:
 - a. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides more than 125% of the public recreation land required by ordinance.

- b. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides more than 150% of the public recreation land required by ordinance.
- c. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides more than 125% of the Open Space required by ordinance.
- d. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides more than 150% of the Open Space required by ordinance.
- e. In no case shall the maximum residential density be greater than 6 dwelling units per acre.

Section 220-112. Lot area and width

- 1. For single-family detached dwellings:
 - 1. The minimum lot area shall be 6,000 square feet.
 - 2. The minimum lot width at the building setback line shall be 40 feet.
- 2. For side-by-side twin dwelling:
 - 1. The minimum lot area shall be 5,000 square feet.
 - 2. The minimum lot width at the building setback line shall be 30 feet.
- 3. For townhouse dwelling units:
 - 1. The minimum lot area shall be 2,000 square feet.
 - 2. The minimum lot width and dwelling unit width at the front of the enclosed dwelling unit shall be 20 feet.
- 4. For all other permitted uses:
 - 1. There shall be no minimum lot area. Lot area shall be based on required setbacks, impervious coverage, parking, environmental limitations and other applicable criteria.
 - 2. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line, and not less than 100 feet at the building line.

Section 220-113. Impervious coverage

- 1. The overall impervious coverage for a CS development shall not exceed 30%.

Section 220-114. Yards

Yards shall be provided as follows:

1. On a multiple frontage lot, a front yard shall be provided abutting each street frontage.
2. For single-family detached and side-by-side twin dwellings:
 1. Minimum front yard depth: 5 feet
 2. Maximum front yard depth: 25 feet
 3. Minimum rear yard for principal building: 25 feet
3. For single-family detached dwelling:
 1. Minimum side yards shall total no less than 15 feet, with no one side less than five feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.
4. For side-by-side twin dwellings:
 1. One side yard shall be provided, with a minimum width of 10 feet.
5. For townhouse dwellings:
 1. No side yard shall be required for interior units, if alley or easement access is provided to the rear yard.
 2. For each end unit, one side yard shall be provided, with a minimum width of 10 feet.
6. For all other permitted uses, refer to the requirements in the underlying Zoning District.
7. An unenclosed porch, deck or patio may intrude into a required front, side or rear yard a maximum of 50% of the required setback or 10 feet, whichever is less.
8. Chimneys, roof overhangs, rain gutters, building footings, window wells and similar features may intrude up to 2 feet into a required setback.
9. Detached accessory buildings shall be setback a minimum of 5 feet from a side or rear lot line. Accessory buildings shall not be permitted within a front yard.

Section 220-115. Residential Development Criteria

1. A maximum of 25% of residential units within any CS development may be townhouses.
2. For townhouse dwelling units:
 1. No more than five townhouse units shall be attached.
 2. A vertical or horizontal visual structural offset or other deviation in exterior architectural materials shall be provided for every other unit.

Section 220-116. Open Space Requirements

1. In addition to required public recreation land, a minimum of 35 % of the gross area of a CS development project shall be retained as Common Open Space reserved for passive recreational use.
2. A minimum of 50% of the designated Common Open Space shall not be regraded as part of development of the site.
3. Common Open Space shall be available for use by residents of the CS and their guests free of charge, except for areas of non-intensive agriculture, horticulture, floriculture or silviculture. An annual maintenance fee assessed to all property owners for maintenance of Common Open Space shall not be considered a charge for use of the space.
4. Common Open Space may be made available for use by the general public. This shall not be cause to reduce the requirements for dedication of public recreation land.
5. A pedestrian access and trail construction plan shall be required to provide accessibility to the Common Open Space.
6. Commercial uses shall not be permitted in Common Open Space, except for community events approved by the owner of the Common Open Space.
7. Any area designated as Common Open Space shall be no smaller than four times the area of the smallest residential lot within the CS development, except for designated trails.

Section 220-117. Ownership and Preservation of Common Open Space

1. Applicant must supply documentation showing proposed plan for ownership and perpetual maintenance and protection of Common Open Space (COS). Available methods are as follows:
 1. COS ownership retained by Applicant.
 2. COS offered for dedication to the Township. The Board of Commissioners may accept dedication to the Township at their discretion, but there is no obligation to do so.
 3. Ownership by a qualified conservation or preservation organization.
 4. Ownership by a homeowners' association or condominium association

2. A conservation easement shall be provided to ensure that all Common Open Space shall remain open in perpetuity.

ARTICLE XVI, Traditional Neighborhood Development (TND) Overlay District

Section 220-118. Intent.

The TND Overlay District is primarily intended to:

1. Encourage new development to occur in a manner consistent with traditional patterns and scale of development, and mix of uses, that occurred prior to newer suburban development patterns;
2. Promote a mix of diverse but compatible types of neighborhood development;
3. Avoid development that could cause inefficient patterns of development;
4. Encourage a blend of recreation areas and a mix of housing at a medium density to serve various age groups and types of housing;
5. Provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts with vehicles backing out of garages across sidewalks;
6. Encourage persons to work, shop, attend religious services and enjoy recreation in the neighborhood within which they live;
7. Encourage the creation of a sense of place and a community spirit that promotes social interaction and volunteerism;
8. Service the purposes that are provided in the Pennsylvania Municipalities Planning Code, as amended, for Traditional Neighborhood Development;
9. Promote the goals and objectives of the Lower Allen Township Comprehensive Plan Update, 2006, as amended;
10. Make efficient use of available public water and sewer services and other infrastructure; and
11. Avoid excessive improvement costs and future Township maintenance costs for each new home by minimizing the amount of street and utility length and width per home.

Section 220-119. Applicability

1. The Traditional Neighborhood Development (TND) Overlay District applies to R-1 Single-Family Established Residential, R-2 Single-Family Rural Residential, and R-3 Multifamily Residential Zoning Districts.
2. Except as provided for in Section 220-119.3, a TND development is a Conditional Use in the R-1, R-2 and R-3 Zoning Districts.

3. A TND development is permitted by right in the R-1, R-2 and R-3 Zoning Districts provided that:
 - a. At least 50% of the TND is located within an Opportunity Site as identified in the Township's Comprehensive Plan Update, 2006, as amended.; and
 - b. The TND provides direct access onto at least one road that is owned or maintained by the Commonwealth of Pennsylvania; and
 - c. The TND does not include outside of the Core Neighborhood any of the non-residential uses listed in Section 220-124.18.
4. For the purposes of this article XVI, the words “parcel” or “lot”, whether singular or plural, shall encompass planned community units under the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A Section 5101 et seq., as amended, and condominium units under the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A Section 3101 et seq., as amended, and the lot area, lot width and yard standards of this Article XVI shall apply to each such planned community unit or condominium unit as if each unit constituted a parcel or lot.
5. In addition to any standard, provision or requirement outside of Article XVI that is specifically referenced in Article XVI, the standards, provisions and requirements of Article XVI shall be the only standards, provisions and requirements of the Zoning Ordinance that apply to TNDs.

Section 220-120. Minimum requirements

1. A minimum gross land area of 50 acres is required for a TND development.
2. A TND development shall include at least one Core Neighborhood. A TND may require more than one Core Neighborhood in order to comply with Section 220-120.4.
3. Each parcel containing a dwelling unit shall be within a 1,000 foot walking distance of either public recreation land or common open space.
4. Each parcel containing a dwelling unit shall be within a 2,000 foot walking distance of the Core Neighborhood.
5. Each Core Neighborhood shall consist of a minimum of 10% of the overall TND gross land area. The Core Neighborhood, or the combined areas of all Core Neighborhoods if the TND includes more than one Core Neighborhood, shall consist of a maximum of 40% of the overall TND gross land area.
6. A minimum of 15% of the sum total of acreage required for public recreation land or Common Open Space must be located within the Core Neighborhoods. This must include an area designed as a central public space.

Section 220-121. Infrastructure requirements

1. All proposed development within any TND shall be served by public water and public sewer.

2. A TND development shall provide at least one, full turning movement street that directly connects to a Major Collector road or a Minor Arterial Road, as identified in the Township Comprehensive Plan Update, 2006, as amended. Primary access from a TND to an existing Local Road or a Minor Township Road as identified in the Township Comprehensive Plan Update, 2006, as amended shall not be permitted. For the purposes of this Section 220-121, “primary access” means any street of a TND that is intended and designed to accommodate more than 50% of the trips generated by the TND.
3. Where primary access to a TND is via a Major Collector Road, the primary route of travel from the TND to a Principal Arterial shall be identified. Upon completion of the proposed TND, this primary route of travel shall not contain deficiencies identified in the Township Comprehensive Plan Update, 2006, as amended. Existing deficiencies may be mitigated with proposed improvements included in the Overall Master Plan.
4. Access to single-family detached, side-by-side twin and townhouse dwelling unit lots is permitted only from new or existing Minor Township or Local streets or alleys. Access for all other permitted uses is permitted from new or existing Minor Township, Local or Major Collector streets.

Section 220-122. Conditional Use Requirements

1. Except as provided in Section 220-119.3, Applicant shall submit a Conditional Use (CU) Application for any proposed TND.
2. The CU Application shall be processed in accordance with Section 220-226.A of this Chapter.
3. In addition to the requirements of Section 220-226.A, the Applicant shall:
 - a. Demonstrate conformance with the goals and objectives of the Lower Allen Township Comprehensive Plan Update, 2006, as amended;
 - b. Provide a Traffic Impact Study showing the impacts of the proposed development, and proposed measures to mitigate those impacts; and
 - c. Demonstrate that the proposed development will be adequately served by public safety services and public utilities.

Section 220-123. Overall Master Plan (OMP)

1. Applicant shall submit an Overall Master Plan (OMP) with the Conditional Use Application required under Section 220-119. If a CU Application is not required pursuant to Section 220-119.3, then all of the information required in Section 220-123 shall be submitted with an application for a Preliminary Subdivision or Land Development Plan for the TND.
2. The OMP shall:
 - a. Show existing features, including but not limited to: roads; bridges; culverts; railroads; rights-of-way; easements; utilities; and pipelines; and the proposed changes to these features.

- b. Show areas and percentage of total land area designated for public recreation land;
- c. Show areas and percentage of total land area designated for common open space;
- d. Show areas designated for Stormwater Management Facilities;
- e. Show the designated Core Neighborhood;
- f. Show the general layout of streets, alleys, sidewalks and trails. This shall include traffic circulation diagrams demonstrating adequate access for emergency and routine service vehicles to all areas of the proposed TND;
- g. Show in general terms how the TND will be served by utility and transportation services;
- h. Provide an assessment of the impact of the TND on applicable public school systems;
- i. Include documentation showing proposed plan for ownership and perpetual maintenance and protection of Common Open Space;
- j. Include typical design details for streets, alleys, sidewalks, trails, public recreation facilities and common open space facilities.

3. The OMP shall include a Phasing Plan and Schedule for implementation of the TND. The schedule shall be developed to show that:

- a. No more than 25% of the residential units outside the Core Neighborhood will be constructed until at least 10% of the square footage of the non-residential uses in the Core Neighborhood is constructed.
- b. No more than 25% of the square footage of the non-residential uses in the Core Neighborhood is constructed until at least 10% of the residential units outside the Core Neighborhood are constructed.
- c. No more than 75% of the residential units outside the Core Neighborhood will be constructed until at least 50% of the square footage of the non-residential uses in the Core Neighborhood is constructed.
- d. No more than 75% of the square footage of the non-residential uses in the Core Neighborhood is constructed until at least 50% of the residential units outside the Core Neighborhood are constructed.

4. Architectural Standards and Guidelines

- a. The OMP submitted with the Conditional Use Application, Preliminary Subdivision Plan or Preliminary Land Development Plan shall include a set of proposed Architectural Standards and Guidelines (ASG), to be applied consistently throughout the entire TND.
- b. The ASG shall, at a minimum address the following:
 - 1. Architectural style of building.
 - 2. Building materials, proportions, massing and detailing.
 - 3. Roof style and pitches.
 - 4. Window and door type, size and location.
 - 5. Front porch type, size and location.

Section 220-124. Permitted Uses

The following uses shall be permitted by right, provided that, if Conditional Use (CU) approval is required under Section 220-119, such approval is granted; and the proposed uses are consistent with the Overall Master Plan:

1. Single-family detached dwellings
2. Side-by-side twin dwellings
3. Townhouses, in accordance with Section 220-35.
4. Places of worship, including: one accessory residential dwelling unit per each place of worship; and one accessory pre-school use per each place or worship.
5. Libraries
6. Schools, from pre-school through grade 12
7. Family care facility
8. Family day-care facility in accordance with Section 220-162
9. Home occupations in accordance with Section 220-165
10. Multifamily dwellings
11. Accessory dwellings, in accordance with Section 220-149
12. Accessory uses and structures on the same lot with and customarily incidental to any of the permitted uses in accordance with Section 220-150
13. Publicly Owned Recreation Uses and Open Space; Recreation Uses and Open Space owned by a property-owners association
14. Nature preserves
15. Municipal facilities
16. Signs, in accordance with Article XXV.
17. Live-Work Units, only permitted within the Core Neighborhood, unless such specific uses are identified on the OMP and approved as part of the Conditional Use approval, Preliminary Subdivision Plan approval or Preliminary Land Development Plan approval..
18. Farms and farm related occupations, with a maximum size of 20 acres.
19. Utility facilities, where operation requirements necessitate location within the district, in accordance with 220-180. Any utility-related structure must be in compliance with the Architectural Standards and Guidelines approved for the TND.
20. Additional non-residential uses in the NAICS shall be permitted as follows:

NAICS #	Category
22	Utilities
44-45*	Retail trade, excluding Industries 4411 (Automobile Dealers) and 4412 (Other Motor Vehicle Dealers), and excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
485	Transit and Ground Passenger Transportation
491	Postal Service
492	Couriers and Messengers
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing, excluding: Industries 53113 (Lessors of Miniwarehouses and Self-Storage Units); 5321 (Automotive Equipment Rental and Leasing); and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing).
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
56	Administration and Support and Waste Management and Remediation Services, except: Industry 5617 (Services to Buildings and Dwellings); and Subsector 562, Waste Management and Remediation Services.
6116	Other Schools and Instruction

621	Ambulatory Health Care Services
624	Social Assistance
71	Arts, Entertainment and Recreation
721191	Bed-and-Breakfast Inns
722	Food Services and Drinking Places, excluding drive through facilities
81	Other Services (Except Public Administration), except: Industries 8113 (Commercial and Industrial Machinery and Equipment [except Automotive and Electronic] Repair and Maintenance); and 812332 (Industrial Launderers).
92	Public Administration, except: Industry 92214 (Correctional Institutions).

2. The non-residential uses listed in Section 220-124.18 shall only be permitted within the Core Neighborhood, unless such specific uses are identified on the OMP and approved as part of the Conditional Use approval..

Section 220-125. Building Height Limit

1. Maximum building height for principal buildings: 40 feet, except that buildings containing multifamily dwellings and/or live-work units may have a maximum building height of 50 feet.
2. Maximum building height for accessory buildings: 25 feet

Section 220-126. Residential density

1. Maximum density for a TND shall be determined as follows:
 - a. Determine land area of the overall TND site after deleting; existing rights-of-way of existing streets and railroads, and lands continuously covered with water.
 - d. Multiply the resulting acreage by 4 dwelling units per acre to result in the number of permitted dwelling units within the residential sections of the TND.

2. The maximum residential density may be increased by one additional dwelling unit per acre for each of the following incentives, but in no case shall the maximum residential density be greater than 8 dwelling units per acre:
 - a. The maximum residential density may be increased by one additional dwelling unit per acre if more than 125% of the Open Space required by this Article is provided.
 - b. The maximum residential density may be increased by one additional dwelling unit per acre if more than 150% of the Open Space required by This Article is provided.
 - c. The maximum residential density may be increased by one additional dwelling unit per acre if more than 125% of the public recreation land required by the Subdivision and Land Development Ordinance is provided.
 - d. The maximum residential density may be increased by one additional dwelling unit per acre if more than 150% of the public recreation land required by the Subdivision and Land Development Ordinance is provided.
 - e. In no case shall the maximum residential density be greater than 8 dwelling units per acre.
3. For purposes of calculating residential density, live-work units in a Core Neighborhood and any other dwelling unit located above a non-residential use in a Core Neighborhood shall count as 0.5 dwelling unit.

Section 220-127. Residential Development Criteria

1. Lot area and width:
 - a. For single-family detached dwellings:
 1. The minimum lot area shall be 5,000 square feet.
 2. The minimum lot width shall be 40 feet.
 - b. For side-by-side twin dwelling:
 1. The minimum lot area shall be 4,000 square feet.
 2. The minimum lot width shall be 30 feet.
 - c. For townhouse dwelling units:
 1. The minimum lot area shall be 2,000 square feet.
 2. The minimum lot width and dwelling unit width at the front of the enclosed dwelling unit shall be 20 feet.
 - d. For all other permitted uses:

1. There shall be no minimum lot area. Lot area shall be based on required setbacks, impervious coverage, parking, environmental limitations and other applicable criteria.
2. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line, and not less than 100 feet at the building setback line.

2. Location of residential units:

- a. A maximum of 20% of residential units may be structures comprised of only multi-family residential units.
 - b. A maximum of 10% of residential units may be live-work units, designed to accommodate one residential unit and one business use within a single unit. The total gross floor area of a live-work unit may not exceed 5,000 square feet.
 - c. In addition to live-work units, a maximum of 10% of residential units may be located within multi-story mixed use structures, with non-residential uses on the first floor and residential units above the first floor uses.
 - d. A maximum of 5% of residential uses may be Accessory Dwelling Units, located on the same lot with a primary single-family dwelling unit. On each side of the street in any block the number of Accessory Dwelling Units shall not exceed 10% of the total number of principal dwelling units.
3. A minimum of 40% and a maximum of 75% of residential units shall be single-family detached dwellings.
4. Residential Yards: Yards shall be provided as follows:
5. For single-family detached, side-by-side twin and townhouse dwellings.
- a. Minimum front yard depth for principal building space: 5 feet
 - b. Maximum front yard depth: 25 feet
 - c. Minimum rear yard depth for principal building: 25 feet
 - d. Minimum front yard depth for attached or detached garage: 20 feet from front property line, and a minimum of 15 feet more than the principal building space.
6. For single-family detached dwelling:
- a. Minimum side yards shall total no less than 10 feet, with no one side less than five feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.

7. For side-by-side twin dwellings:
 - a. One side yard shall be provided, with a minimum width of 5 feet.
8. For townhouse dwellings:
 - a. No side yard shall be required for interior units, if alley or easement access is provided to the rear yard.
 - b. For each end unit, one side yard shall be provided, with a minimum width of 10 feet.
9. For all other permitted residential uses refer to the yard requirements in the underlying Zoning District.
10. An unenclosed porch or deck may intrude into a required front, side or rear yard a maximum of 50% of the required setback or 10 feet, whichever is less.
11. Chimneys, roof overhangs, rain gutters, building footings, window wells and similar features may intrude up to 2 feet into a required setback.
12. Detached accessory buildings shall be setback a minimum of 5 feet from a side or rear lot line. Accessory buildings shall not be permitted within a front yard.
13. For townhouse dwelling units:
 - a. No more than ten townhouse units shall be attached.
 - b. A vertical or horizontal visual structural offset or other deviation in exterior architectural materials shall be provided for every other unit.
14. A minimum of 90% of residential lots within the TND shall be deeper than they are wide by a minimum ratio of 2:1.
15. All uses other than single-family detached residential units shall provide a minimum building setback of 60 feet along the perimeter boundary of the TND when the adjacent parcel contains a residential use.
16. If portions of the TND are designed with more than one primary building on a lot, the buildings shall be located such that yard requirements would be met if property lines are established.
17. No building shall contain more than 48 residential units.

Section 220-128. Non-Residential Development Criteria

1. Lot area and width

a. For Large Single Use Commercial Lots:

1. Minimum lot area: 20,000 square feet.
2. Maximum lot area: 40,000 square feet.
3. Minimum lot width at the right-of-way line: 80 feet
4. Maximum lot width at the right-of-way line: 150 feet.

b. For Standard Single Use Commercial Lots

1. Minimum lot area: 7,200 square feet.
2. Maximum lot area: 20,000 square feet
3. Minimum lot width at the right-of-way line: 40 feet.
4. Maximum lot width at the right-of-way line: 80 feet.

c. For Single Use Lots, designed and constructed as an integral part of a continuous commercial frontage:

1. Minimum lot area: 2,000 square feet.
2. Maximum lot area: 7,200 square feet.
3. Minimum lot width at the right-of-way line: 20 feet.
4. Maximum lot width at the right-of-way line: 80 feet.

d. For Multiple Use Lots: No minimum requirements for lot area or width.

2. Location of uses

- a. A maximum of 10% of the land area within the Core Neighborhood may be established as Large Single Use Commercial Lots.

3. Yards

a. Minimum front yard depth: Zero, provided that:

1. Required parking is provided in the rear or side yard only.
2. Primary access to the use is at the front property line.
3. Front access is part of a coordinated pedestrian access system, connecting the subject use with: other commercial uses; parking spaces for the subject use; public open space.

b. Minimum front yard depth for principal building space: 5 feet

- c. Maximum front yard depth: 15 feet, if there is no parking in the front yard.
 - d. Maximum front yard depth: 80 feet, if there is parking in the front yard.
 - e. Minimum rear yard depth for principal building: 35 feet
 - f. Minimum rear yard depth for principal building: 15 feet, if the building is served by rear alley access, and there is no parking permitted in the alley or rear yard.
 - g. Minimum side yard depth: Zero, if designed and constructed as an integral part of a continuous commercial frontage.
 - h. Minimum side yards shall total no less than 20 feet, with no one side less than ten feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.
 - i. Minimum side yard depth: For end units, one side yard shall be provided, with a minimum width of 10 feet.
4. All uses other than single-family detached residential units shall provide a minimum building setback of 60 feet along the perimeter boundary of the TND when the adjacent parcel contains a residential use. Screen planting shall be provided in the setback in accordance with Sections 220-201 and 202.
5. If portions of the TND are designed with more than one primary building on a lot, the buildings shall be located such that yard requirements would be met if property lines are established.
6. Size limitations on non-residential uses:
- a. Buildings on Large Single Use Commercial Lots shall not exceed 15,000 square feet in gross floor area.
 - b. For Multiple Use Lots:
 - 1. No single occupant or business shall exceed 8,000 square feet in gross floor area.
 - 2. No more than 50% of non-residential uses shall exceed 4,000 square feet in gross floor area.
7. Building setback requirements of the Pennsylvania Uniform Construction Code may impact the required construction of building walls.
8. Refer to Section 220-252.F for specific requirements regarding projecting signs within the public right-of-way.

Section 220-129. Impervious coverage

The overall impervious coverage for a TND development shall not exceed 50%.

Section 220-130. Parking

1. In addition to the requirements of Article XXIV, the following apply to a TND:
 - a. No more than 10% of residential units shall have required parking areas within the front yard.
 - b. No more than 10% of the required parking in the Core Neighborhood shall be within front yards.
 - c. Within the Core neighborhood, up to 50% of the required parking may be attained with on-street parking spaces.
 - d. Within the Core Neighborhood, required parking may be reduced up to 15% if it is demonstrated through the Conditional Use process that shared parking spaces of different primary uses will have different peak demand times for parking, and that adequate parking will be available during the peak demand periods for all uses.

Section 220-131. Open Space Requirements

1. In addition to required public recreation land, a minimum of 35 % of the gross area of a TND project shall be retained as Common Open Space reserved for passive recreational use.
2. A minimum of 50% of the designated Common Open Space shall not be regraded as part of development of the site.
3. Common Open Space shall be available for use by residents of the TND and their guests free of charge, except for areas of non-intensive agriculture, horticulture, floriculture or silviculture . An annual maintenance fee assessed to all property owners for maintenance of Common Open Space shall not be considered a charge for use of the space.
4. Common Open Space may be made available for use by the general public. This shall not be cause to reduce the requirements for dedication of public recreation land.
5. A pedestrian access and trail construction plan shall be required to provide accessibility to the Common Open Space.
6. Commercial uses shall not be permitted in Common Open Space, except for community events approved by the owner of the Common Open Space.
7. Any area designated as Common Open Space shall be no smaller than four times the area of the smallest residential lot within the TND, except for designated trails.

Section 220-132. Ownership and Preservation of Common Open Space

1. Applicant must supply documentation showing proposed plan for ownership and perpetual maintenance and protection of Common Open Space (COS). Available methods are as follows:
 1. COS ownership retained by Applicant.
 2. COS offered for dedication to the Township. The Board of Commissioners may accept dedication to the Township at their discretion, but there is no obligation to do so.
 3. Ownership by a qualified conservation or preservation organization.
 4. Ownership by a homeowners' association or condominium association

2. A conservation easement shall be provided to ensure that all Common Open Space shall remain open in perpetuity.

Section 220-132.A Modification of Design Standards

1. The Board of Commissioners may, by conditional use approval, permit the modification of the provisions of this Article XVI, and any provision of the Zoning Ordinance that is referenced in Article XVI, in order to encourage traditional neighborhood development. A landowner desiring to obtain such Conditional Use approval shall make such application concurrently with an application for CU approval for the TND development if such approval is required under Section 220-119. If CU approval for the TND development is not required under Section 220-119, then such CU approval for modification of the provisions of this Article XVI shall be made prior to approval of a Subdivision or Land Development Plan for any portion of of TND development that does not comply with the provision(s) sought to be modified. Any CU to permit modification of the requirements of this Article XVI shall be subject to the following standards:
 - a. Such modifications are consistent with the purpose and intent of this Article XVI.
 - b. Such modifications of design standards will not result in any danger to the public health or welfare or in adverse impact to adjoining properties or future inhabitants within the TND development.
 - c. Such modifications of design standards will not result in an increase in residential densities permitted for the TND development.
 - d. Such modifications will not result in configuration of lots or street systems that are impractical or detract from the appearance of the TND development; and
 - e. Such modifications will allow for equal or better results and represent the minimum amount of relief necessary.

ARTICLE XVII, Neighborhood Redevelopment (NR) Overlay District

Section 220-133. Intent.

The NR Overlay District is primarily intended to:

1. Encourage redevelopment to occur in a manner consistent with traditional patterns and scale of development, and mix of uses, that occurred prior to newer suburban development patterns;
2. Promote a mix of diverse but compatible types of neighborhood development;
3. Avoid development that could cause inefficient patterns of development;
4. Provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts with vehicles backing out of garages across sidewalks;
5. Encourage persons to work, shop, attend religious services and enjoy recreation in the neighborhood within which they live;
6. Encourage the creation of a sense of place and a community spirit that promotes social interaction and volunteerism;
7. Service the purposes that are provided in the Pennsylvania Municipalities Planning Code, as amended, for Traditional Neighborhood Development;
8. Promote the goals and objectives of the Lower Allen Township Comprehensive Plan Update, 2006, as amended;
9. Make efficient use of available public water and sewer services and other infrastructure; and
10. To promote adaptive use and convenient reuse of land and buildings.

Section 220-134. Applicability

1. The Neighborhood Redevelopment (NR) Overlay District applies to R-3 Multi-Family Residential, MUN Mixed Use Neighborhood, and C-1 Neighborhood Commercial and I-3 Industrial/Commercial Zoning Districts.
2. A NR development is a Conditional Use in the aforementioned Zoning Districts.
3. For the purposes of this article XVII, the words “parcel” or “lot”, whether singular or plural, shall encompass planned community units under the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A Section 5101 et seq., as amended, and condominium units under the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A Section 3101 et seq., as amended, and the lot area, lot width and yard standards of this Article XVII shall apply to each such planned community unit or condominium unit as if each unit constituted a parcel or lot.

Section 220-135. Minimum requirements

1. A minimum tract size of 5 acres is required for a NR development.
2. A minimum of 35% of the proposed development area shall be occupied by permitted uses in the underlying Zoning District.
3. A minimum of 15% of the proposed development area shall be designated as Common Open Space.

Section 220-136. Infrastructure requirements

1. All proposed development within any NR shall be served by public water and public sewer.
2. Single-family detached, side-by-side twin and townhouse dwelling unit lots are permitted to front only Minor Township or Local streets. All other permitted uses are permitted to front on Minor Township, Local or Major Collector street.

Section 220-137. Conditional Use Requirements

1. Applicant shall submit a Conditional Use (CU) Application for any proposed NR.
2. The CU Application shall be processed in accordance with Section 220-266.A of this Chapter.
3. In addition to the requirements of Section 220-266.A, the Applicant shall:
 - a. Demonstrate conformance with the goals and objectives of the Lower Allen Township Comprehensive Plan Update, 2006, as amended;
 - b. Provide a Traffic Impact Study showing the impacts of the proposed development, and proposed measures to mitigate those impacts; and
 - c. Demonstrate that the proposed development will be adequately served by public safety services

Section 220-138. Overall Master Plan (OMP)

1. Applicant shall submit an Overall Master Plan (OMP) with the Conditional Use Application.
2. The OMP shall:
 - a. Show existing features, including but not limited to: roads; bridges; culverts; railroads; rights-of-way; easements; utilities; and pipelines; and the proposed changes to these features.
 - b. Show areas designated for Stormwater Management Facilities;
 - c. Show the general layout of streets, alleys, sidewalks and trails. This shall include traffic circulation diagrams demonstrating adequate access for emergency and routine service vehicles to all areas of the proposed NR;
 - d. Show in general terms how the NR will be served by utility and transportation services;
 - e. Include documentation showing proposed plan for ownership and perpetual maintenance and protection of any Common Open Space;
 - f. Include typical design details for streets, alleys, sidewalks, trails, public recreation facilities and common open space facilities.

3. The OMP shall include a Phasing Plan and Schedule for implementation of the NR. The schedule shall be developed to show that:
 - a. No more than 25% of the residential units will be constructed until at least 10% of the square footage of the non-residential uses is constructed.
 - b. No more than 25% of the square footage of the non-residential uses is constructed until at least 10% of the residential units are constructed.
 - c. No more than 75% of the residential units will be constructed until at least 50% of the square footage of the non-residential uses is constructed.
 - d. No more than 75% of the square footage of the non-residential uses is constructed until at least 50% of the residential units are constructed.

4. Architectural Standards and Guidelines
 - a. The OMP submitted with the Conditional Use Application shall include a set of proposed Architectural Standards and Guidelines (ASG), to be applied consistently throughout the entire NR.
 - b. The ASG shall, at a minimum address the following:
 1. Architectural style of building.
 2. Building materials, proportions, massing and detailing.
 3. Roof style and pitches.
 4. Window and door type, size and location.
 5. Front porch type, size and location.

Section 220-139. Permitted Uses

1. After a NR Conditional Use has been approved, the following uses in addition to those in the underlying Zoning District shall be permitted by right, provided the uses are consistent with the approved Overall Master Plan:

1. Single-family detached dwellings
2. Side-by-side twin dwellings
3. Townhouses
4. Places of worship, including: one accessory residential unit; and accessory pre-school uses.
5. Libraries
6. Schools, from pre-school through grade 12
7. Family care home

8. Family day-care home in accordance with Section 220-162
9. Home occupations in accordance with Section 220-165
10. Multifamily dwellings
11. Accessory dwellings, in accordance with Section 220-149
12. Accessory uses and structures on the same lot with and customarily incidental to any of the permitted uses in accordance with Section 220-150
13. Publicly Owned Recreation Uses; Recreation Uses and Open Space owned by a property-owners association
14. Nature preserves
15. Municipal facilities
16. Signs, in accordance with Article -XXV
17. Additional non-residential uses shall be permitted in accordance with the NAICS as follows:

NAICS #	Category
22	Utilities
44-45*	Retail trade, excluding Industries 4411 (Automobile Dealers) and 4412 (Other Motor Vehicle Dealers), and excluding sexually oriented business as defined by Chapter 59 of the Lower Allen Township Codified Ordinances. Refer to said chapter for sexually oriented business regulations.
485	Transit and Ground Passenger Transportation
491	Postal Service
492	Couriers and Messengers
51	Information
52	Finance and Insurance
53	Real Estate and Rental and Leasing, excluding: Industries 53113 (Lessors of Miniwarehouses and Self-Storage Units); 5321 (Automotive

Equipment Rental and Leasing); and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing).

- 54 Professional, Scientific and Technical Services
- 55 Management of Companies and Enterprises
- 56 Administration and Support and Waste Management and Remediation Services, except: Industry 5617 (Services to Buildings and Dwellings); and Subsector 562, Waste Management and Remediation Services.
- 6111 Elementary and Secondary Schools
- 6116 Other Schools and Instruction
- 621 Ambulatory Health Care Services
- 624 Social Assistance
- 71 Arts, Entertainment and Recreation
- 721191 Bed-and-Breakfast Inns
- 722 Food Services and Drinking Places
- 81 Other Services (Except Public Administration), except: Industries 8113 (Commercial and Industrial Machinery and Equipment [except Automotive and Electronic] Repair and Maintenance); and 812332 (Industrial Launderers).
- 92 Public Administration, except: Industry 92214 (Correctional Institutions).

Section 220-140. Building Height Limit

1. Maximum building height for principal and accessory buildings: As permitted in the underlying Zoning District.

Section 220-141. Residential density

1. Maximum density for a NR shall be determined as follows:
 - a. Determine land area for development after deleting; existing rights-of-way of existing streets, railroads, utilities, pipeline easements; area of lands within the 100 year floodplain; delineated wetlands; lands continuously covered with water; 25-foot wide riparian buffer from the top of bank of any stream channel; and 85% of existing mature woodlands.
 - b. Delete 50% of lands with an average slope greater than 25% from “a”.
 - c. Multiply the resulting acreage by 5 dwelling units per acre to result in the number of permitted dwelling units within the NR.

2. Residential Density Bonus may be approved by the Board of Commissioners through the Conditional Use process as follows:
 - a. The maximum residential density may be increased by a maximum of one additional dwelling unit per acre if the developer provides 150% of the Common Open Space required by ordinance.
 - b. In no case shall the maximum residential density be greater than 6 dwelling units per acre.

Section 220-142. Residential Development Criteria

1. Lot area and width:
 - a. For single-family detached dwellings:
 1. The minimum lot area shall be 6,000 square feet.
 2. The minimum lot width at the building setback line shall be 40 feet.
 - b. For side-by-side twin dwelling:
 1. The minimum lot area shall be 5,000 square feet.
 2. The minimum lot width at the building setback line shall be 30 feet.
 - c. For townhouse dwelling units:
 1. The minimum lot area shall be 2,000 square feet.
 2. The minimum lot width and dwelling unit width at the front of the enclosed dwelling unit shall be 20 feet.
 - d. For all other permitted uses:

1. There shall be no minimum lot area. Lot area shall be based on required setbacks, impervious coverage, parking, environmental limitations and other applicable criteria.
2. The minimum lot width shall be not less than 50 feet at the dedicated right-of-way line, and not less than 100 feet at the building line.

2. Location of residential units:

1. A maximum of 10% of residential units may be live-work units, designed to accommodate one residential unit and one business use within a single unit. The total gross square footage of a live-work unit may not exceed 5,000 square feet.
2. A maximum of 10% of residential units may be located within multi-story mixed use structures, with non-residential uses on the first floor and residential units above the first floor uses.
3. A maximum of 5% of residential uses may be Accessory Dwelling Units, located on the same lot with a primary single-family dwelling unit. On each side of the street in any block the number of Accessory Dwelling Units shall not exceed 10% of the total number of units.

3. Residential Yards: Yards shall be provided as follows:

a. For single-family detached, side-by-side twin and townhouse dwellings.

1. Minimum front yard depth for principal building space: 5 feet
2. Maximum front yard depth: 25 feet
3. Minimum rear yard depth for principal building: 25 feet
4. Minimum front yard depth for attached or detached garage: 20 feet from front property line, and a minimum of 15 feet more than the principal building space.

b. For single-family detached dwelling:

1. Minimum side yards shall total no less than 15 feet, with no one side less than five feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.

c. For side-by-side twin dwellings:

1. One side yard shall be provided, with a minimum width of 10 feet.

d. For townhouse dwellings:

1. No side yard shall be required for interior units, if alley or easement access is provided to the rear yard.
2. For each end unit, one side yard shall be provided, with a minimum width of 10 feet.

e. For all other permitted uses refer to the requirements in the underlying Zoning District.

4. An unenclosed porch or deck may intrude into a required front, side or rear yard a maximum of

50% of the required setback or 10 feet, whichever is less.

5. Chimneys, roof overhangs, rain gutters, building footings, window wells and similar features may intrude up to 2 feet into a required setback.

6. Detached accessory buildings shall be setback a minimum of 5 feet from a side or rear lot line. Accessory buildings shall not be permitted within a front yard.

7. For townhouse dwelling units:

a. No more than ten townhouse units shall be attached.

b. A vertical or horizontal visual structural offset or other deviation in exterior architectural materials shall be provided for every other unit.

8. A minimum of 90% of residential lots within the NR shall be deeper than they are wide by a minimum ratio of 2:1.

9. All uses other than residential units shall provide a minimum building setback of 60 feet along the perimeter boundary of the NR when the adjacent parcel contains a residential use.

10. If portions of the NR are designed with more than one primary building on a lot, the buildings shall be located such that yard requirements would be met if property lines are established.

11. No building shall contain more than 48 residential units.

Section 220-143. Non-Residential Development Criteria

1. Lot area and width:

1. For Standard Single Use Commercial Lots

1. Minimum lot area: 7,200 square feet.

2. Maximum lot area: 20,000 square feet

3. Minimum lot width at the right-of-way line: 40 feet.

4. Maximum lot width at the right-of-way line: 80 feet.

2. For Single Use Lots, designed and constructed as an integral part of a continuous commercial frontage:

1. Minimum lot area: 2,000 square feet.

2. Maximum lot area: 7,200 square feet.
3. Minimum lot width at the right-of-way line: 20 feet.
4. Maximum lot width at the right-of-way line: 80 feet.
3. For Multiple Use Lots: No minimum requirements for lot area or width.

2. Yards

1. Minimum front yard depth: Zero, provided that:
 1. Required parking is provided in the rear or side yard only.
 2. Primary access to the use is at the front property line.
 3. Front access is part of a coordinated pedestrian access system, connecting the subject use with: other commercial uses; parking spaces for the subject use; public open space.
 2. Minimum front yard depth for principal building space: 5 feet
 3. Maximum front yard depth: 15 feet, if there is no parking in the front yard.
 4. Maximum front yard depth: 80 feet, if there is parking in the front yard.
 5. Minimum rear yard depth for principal building: 35 feet
 6. Minimum rear yard depth for principal building: 15 feet, if the building is served by rear alley access, and there is no parking permitted in the alley or rear yard.
 7. Minimum side yard depth: Zero, if designed and constructed as an integral part of a continuous commercial frontage.
 8. Minimum side yards shall total no less than 20 feet, with no one side less than ten feet, in width. On a corner lot, two side yards shall be provided along the interior lot lines.
 9. Minimum side yard depth: For end units, one side yard shall be provided, with a minimum width of 10 feet.
3. All uses other than residential units shall provide a minimum building setback of 60 feet along the perimeter boundary of the NR when the adjacent parcel contains a residential use. Screen planting shall be provided in the setback in accordance with Sections 220-201 and 202.
 4. If portions of the NR are designed with more than one primary building on a lot, the buildings shall be located such that yard requirements would be met if property lines are established.
 5. Size limitations on non-residential uses:
 1. For Multiple Use Lots:
 1. No single use shall exceed 8,000 square feet.
 2. No more than 50% of non-residential uses shall exceed 4,000 square feet.

6. Building setback requirements of the Pennsylvania Uniform Construction Code may impact the required construction of building walls.
7. Refer to Section 220-XXV for specific requirements regarding projecting signs within the public right-of-way.

Section 220-144. Impervious coverage

The overall impervious coverage for a NR development shall not exceed 70%.

Section 220-145. Parking

1. In addition to the requirements of Article XXIV, the following apply to a NR:
 1. No more than 10% of residential units shall have required parking areas within the front yard.
 2. No more than 10% of the required parking for non-residential units shall be within front yards.
 3. Up to 50% of the required parking for non-residential uses may be attained with on-street parking spaces.
 4. Required parking may be reduced up to 15% if it is demonstrated through the Conditional Use process that shared parking spaces of different primary uses will have different peak demand times for parking, and that adequate parking will be available during the peak demand periods for all uses.

Section 220-146. Open Space Requirements

1. In addition to required public recreation land, a minimum of 15 % of the gross area of a NR project shall be retained as Common Open Space reserved for passive recreational use.
2. Common Open Space shall be available for use by residents of the NR and their guests free of charge, except for areas of non-intensive agriculture, horticulture, floriculture or silviculture . An annual maintenance fee assessed to all property owners for maintenance of Common Open Space shall not be considered a charge for use of the space.
3. Common Open Space may be made available for use by the general public. This shall not be cause to reduce the requirements for dedication of public recreation land.
4. A pedestrian access and trail construction plan shall be required to provide accessibility to the Common Open Space.
5. Commercial uses shall not be permitted in Common Open Space, except for community events approved by the owner of the Common Open Space.
6. Any area designated as Common Open Space shall be no smaller than four times the area of the smallest residential lot within the NR, except for designated trails.

Section 220-147. Ownership and Preservation of Common Open Space

1. Applicant must supply documentation showing proposed plan for ownership and perpetual maintenance and protection of Common Open Space (COS). Available methods are as follows:
 - a. COS ownership retained by Applicant.
 - b. COS offered for dedication to the Township. The Board of Commissioners may accept dedication to the Township at their discretion, but there is no obligation to do so.
 - c. Ownership by a qualified conservation or preservation organization.
 - d. Ownership by a homeowners' association or condominium association

3. A conservation easement shall be provided to ensure that all Common Open Space shall remain open in perpetuity.

ARTICLE XVIII, Use Standards

Section 220-148. Intent.

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter.

Section 220-149. Accessory dwellings.

Where permitted, an accessory dwelling may be created in a single-family detached dwelling that is owned and occupied by the permit applicant, provided that:

- A. The accessory dwelling is designed as a separate and complete housekeeping unit with living, sleeping, cooking and bathroom areas that can be isolated from the remaining original dwelling unit.
- B. Only one accessory dwelling may be created within a single-family detached dwelling unit.
- C. The original single-family detached dwelling unit or the accessory dwelling shall serve as the owner's principal place of residence, except for bona fide temporary absences.
- D. The accessory dwelling shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling unit, and any new entrances are located to the sides and/or rear of the building.
- E. The proposed additions and alterations to the existing building shall conform to all applicable state and Township codes, and to regulations of the Lower Allen Township Authority regarding connection of, and fees payable for an additional dwelling unit.

- F. The total floor area of additions and alterations that are proposed to create an accessory dwelling are limited to 10% of the floor area existing at the time of permit application.
- G. The accessory dwelling shall not be greater than 30% of the building's total floor area.
- H. A minimum of 360 square feet of habitable floor area shall be required for the accessory dwelling unit.
- I. No application for an accessory dwelling shall be approved if the habitable floor area of the single-family detached dwelling has been increased within three years of the application date.

Section 220-150. Accessory structures

Accessory structures shall comply with the following provisions:

- A. An accessory structure shall not be erected or an existing accessory building shall not be substantially altered within any front yard setback.
- B. Any accessory structure may be erected within one of the side yard setbacks or within the rear yard setback, provided that:
 - (1) Structures accessory to a residential use shall be located within the rear yard or side yard setback of the principal building or structure no less than five feet from any rear or side lot line. Private garages with entrances fronting an alley or access drive shall be located not less than 10 feet from the alley.
 - (2) Structures accessory to a nonresidential use shall not be located less than 15 feet from any lot line.
 - (3) No side yard setback shall be required where two or more garages are designed to abut for single-family attached and two-family dwellings.
- C. No more than two storage/utility sheds may be located on a lot used for residential purposes.

Section 220-151. Nonintensive agricultural uses, including horticulture, floraculture and silviculture

Nonintensive agricultural uses shall comply with the following provisions:

- A. No agricultural building shall be constructed closer than 75 feet to any property line.
- B. All grazing or pasture areas utilized for agricultural purposes shall be fenced.
- C. Commercial composting is prohibited. Any on-site composting shall be limited for use on the premises on which such compost is made and produced.

Section 220-152. Intensive agricultural uses.

Intensive agricultural uses shall comply with the following provisions:

- A. No agricultural building shall be constructed closer than 75 feet to any property line.
- B. All properties for such uses shall have a minimum area of 10 acres.
- C. A fence shall be maintained around all areas in which animals are kept outside buildings.
- D. Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems.
- E. No discharge of liquid waste and/or sewage shall be permitted into a reservoir, sewage or stormwater system, holding pond, stream or other open body of water or into the ground unless treated so that the discharge is in total compliance with the standards approved by the appropriate local, state and federal regulatory bodies and/or agencies.
- F. All organic materials to be used in on-site composting shall be stored and processed on an impervious surface under a roof to prevent stormwater runoff from the materials.

Section 220-153. Radio and television antennas.

A. Satellite dish antennas.

- (1) No such antenna shall be located in any front yard setback, unless permitted by the Zoning Officer upon presentation of evidence that an antenna placed within said front yard is the only feasible method of obtaining reception due to physical characteristics of the property and the location of existing structures.
- (2) The maximum diameter of any antenna for residential use shall be eight feet.
- (3) The maximum height of any freestanding antenna shall be 15 feet.
- (4) No part of any freestanding antenna shall be located any closer than 10 feet to any property line.
- (5) No such antenna shall be located on the roof of any accessory building such as detached garages or sheds.
- (6) Roof-mounted antennas greater than two feet in diameter shall not be permitted in any residential district nor located on the front roofline, unless permitted by the Zoning Officer upon presentation of evidence that a roof-mounted antenna is the only feasible method of obtaining reception due to physical characteristics of the property and the location of existing structures.
- (7) Roof-mounted antennas shall not exceed 12 feet in height.

B. Other radio and television antennas subject to licensing and/or regulation by the Federal Communications Commission.

- (1) Antennas and associated structures which do not exceed 30 feet in height shall be located at least 15 feet from any property line. Antennas which exceed 30 feet in height shall provide an additional one foot of clearance for every one foot of height in excess of 30 feet.
- (2) Antennas shall not be permitted within any front yard setback.
- (3) The antenna and associated structures shall be securely anchored in a fixed position on the

ground, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.

(4) The antenna and its associated supports, such as guy wires, or the yard area containing the structure shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five feet to any property line.

C. General development standards.

(1) Antenna installation shall meet all manufacturer's specifications.

(2) Whenever it is necessary to install an antenna near power lines or where damage would be caused by its falling, a separate safety wire must be attached to the antenna mast or tower and secured in a direction away from the hazard. Antennas and guy wires must be kept at least four feet clear of telephone or electric wires.

(3) All antennas shall be permanently and effectively grounded.

(4) Installation of any antenna shall comply with the Pennsylvania Uniform Construction Code.

(5) All antennas shall be maintained in good condition and in accordance with all requirements of this section.

(6) All antennas shall be subject to periodic reinspection. No additions, changes or modifications shall be made to an antenna unless the addition, change or modification is in conformity with township codes and the zoning permit.

Section 220-154. Conversion apartments.

Where permitted, any building existing at the effective date of this chapter may be converted to a dwelling for more than one family, provided that:

A. The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with Chapter 70 of the Lower Allen Township Code.

B. There is no exterior evidence of change in the building except as required by state or township building or housing codes or regulations.

C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street, unless permitted by the Zoning Officer upon presentation of evidence that such location is the only feasible alternative.

D. If an apartment conversion results in a total of three or more units, it shall be considered a land development plan, and shall be acted upon in accordance with the Township Subdivision and Land Development Ordinance, as amended.

Section 220-155. Drive-through service facilities.

A. The required space for the drive-through line shall be separated, to the maximum extent

feasible, from parking spaces for non-drive-through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

Section 220-156. Boarding homes.

Where permitted, boarding homes (including rooming/lodging houses and bed-and-breakfast establishments as a principal use) may be established subject to the following conditions:

- A. Accommodations shall be limited to no more than 10 guest rooms for rent.
- B. Not more than 20 guests may be accommodated at any one time.
- C. Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms.
- D. Guest rooms shall contain a minimum of 100 square feet of habitable floor area per unit.
- E. The minimum front, side and rear yard setbacks shall be no less than 25 feet.

Section 220-157. Planned Business Center (PBC)

It is the purpose of this section to provide for the orderly and integrated development of a campus-like office park consisting of a variety of office facilities and uses for local residents, as well as the general public. Where permitted, Planned Business Centers may be established subject to the following requirements:

- A. Applicant shall submit an Overall Master Plan (OMP) for the PBC which shall:
 - 1. Show existing features, including but not limited to: roads; bridges; culverts; railroads; rights-of-way; easements; utilities; pipelines; and the proposed changes to these features.
 - 2. Show areas designated for Stormwater Management Facilities.
 - 3. Show the general layout of streets, sidewalks and trails. This shall include traffic circulation diagrams demonstrating adequate access for emergency and routine service vehicles to all areas of the PBC.
 - 4. Show in general terms how the PBC will be served by utility and transportation services.
 - 5. Include typical design details for streets, sidewalks and trails.
 - 6. Include a phasing plan and schedule for implementation.
- B. Permitted uses. Permitted uses are as follows:
 - (1) All uses permitted in the C-3 Business Park District, as designated within Article X.
 - (2) Parking garages/decks and lots accessory to other permitted uses in accordance with Article XXIV.
 - (3) Retail sales and service; provided that such retail uses shall not exceed 5,500 square feet gross

floor area for each unit of not less than 10 acres of land area or portion thereof of each PBC. It shall be part of, compatible with and incidental to other permitted uses. Such retail establishments shall not include motor vehicle service stations or garages, motor vehicle sales areas or buildings or adult businesses.

C. Minimum requirements.

- (1) Sewer and water. Public sewer and public water service are required.
- (2) Access. The proposed tract must abut and have access to a collector street or arterial street as identified by the township.
- (3) Minimum PBC area. Ten acres of contiguous area; following approval of the Overall Master Plan, can be subdivided into separate lots in accordance with the requirements of the applicable zoning district.
- (4) Interior yards; open space between separate principal buildings on the same lot.
 - (a) When front to front, rear to rear, or front to rear, parallel buildings shall have 50 feet between faces of the building. If the front or rear faces are obliquely aligned, the above distance may be decreased by as much as 10 feet at one end if increased by similar or greater distance at the other end.
 - (b) An interior yard of 50 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the buildings may be reduced to a minimum of 25 feet.
 - (c) An interior yard of 50 feet is required between end walls and front or rear faces of buildings.
- (5) All permitted uses shall comply with performance standards as set forth within Article XIX herein.
- (6) Covenants and restrictions. As a condition of approval of the PBC use, there shall be provided a declaration of covenants and restrictions pertaining to the maintenance of all shared facilities, including private streets, private sidewalks or walkways and common areas. After approval of the PBC use, said declaration of covenants and restrictions shall be recorded. Such declaration of covenants and restrictions shall be supplemented as necessary by recorded agreements to provide for maintenance and shared use of private streets, access drives, sidewalks, walkways and common areas.

Section 220-158. Clubs, lodges and fraternal organizations.

Where permitted, these and similar uses shall meet the following requirements:

- A. Uses shall be restricted to those not conducted primarily for gain, although a dining room/banquet facility may be rented, leased or operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages shall be permitted.

Section 220-159. Convenience stores; fuel sales.

A site circulation plan shall be devised that separates those patrons awaiting fueling service from those

patrons awaiting other services. At a minimum, parking shall not be permitted between the main entrance of the establishment and the refueling bays. Where the area between the main entrance and the parking bays is paved, a no-parking lane shall be established.

Section 220-160. Day-care facilities.

Where permitted, day-care facilities may be established subject to the following:

- A. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
- B. Outdoor play areas shall be located in the rear yard and shall be surrounded by a safety fence or natural barrier.
- C. Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

Section 220-161. Drive-through eating establishments.

- A. Vehicular stacking areas for drive-through services shall be provided in accordance with Section 220-240.
- B. The required space for the drive-through line shall be separated, to the maximum feasible extent, from parking spaces for non-drive-through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.

Section 220-162. Family day-care facilities; group day-care facilities.

Where permitted, family day-care and group day-care homes may be established subject to the following conditions:

- A. A minimum of 100 square feet of usable outdoor play space and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
- B. Outside play shall be limited to the rear yard of such facility, during the hours of 8:00 a.m. and 7:00 p.m.
- C. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.

Section 220-163. Golf courses .

Where permitted, golf courses and accessory uses and structures shall comply with the following:

- A. The minimum lot area shall be 50 acres for a golf course.

- B. The course shall not be designed to require a golf ball to be driven across any building, road or parking lot.
- C. There shall be a minimum setback of 100 feet from the field of play to any adjacent residentially zoned property.
- D. Any points where the golf course crosses a road shall be signed, warning motorists and pedestrians.
- E. No outdoor storage of maintenance equipment or golf carts shall be permitted.
- F. Dining facilities shall be permitted only in the golf course clubhouse as noted in the definition in Section 220-6.
- G. No dining facilities on a golf course shall provide drive-through facilities.
- H. A golf course may also include a swimming pool, tennis courts, driving range, miniature golf course and other customary accessory uses and structures.

Section 220-164. Golf driving ranges.

Where permitted, golf driving ranges and accessory uses and structures shall comply with the following:

- A. The minimum lot area shall be 15 acres for a golf driving range.
- B. The driving range shall not be designed to allow a golf ball to be driven across any building, road or parking lot.
- C. There shall be a minimum setback of 100 feet from the field of play to any adjacent residentially zoned property.
- D. Safety netting shall be provided where necessary to prevent golf balls from exiting the property.
- E. No outdoor storage of maintenance equipment or golf carts shall be permitted.
- F. Outdoor Lighting requirements contained in Section 220-193.

Section 220-164.A. Heliports.

Where permitted, heliports shall be designed, constructed and maintained in accordance with applicable State and Federal regulations, and the International Fire Code.

Section 220-165. Home occupations.

Within the R-1, R-2, R-3 and MUN Districts, home occupations may be established in a lawfully existing residential dwelling, subject to the following conditions:

- A. A home occupation that will be administered or conducted without 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, shall be considered a "no-impact home-based business". Such uses shall be permitted by right and do not require a zoning permit, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.
- (5) The 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, and all business activities shall conform with performance standards contained in Article XIX.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with the residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

B. A home occupation that does not meet all the requirements of a no-impact home-based business may only be established by special exception granted by the Zoning Hearing Board. Such home occupations with impact may only deviate from the requirements to establish a no-impact home-based business in the following manner:

- (1) A barber or beauty shop shall not include any non-resident employees, and all other home occupations with impact shall be limited to one non-resident employee. Where more than one home occupation with impact is proposed within a residential dwelling, there shall be no more than one employee for the sum of all home occupations.
- (2) Sale of retail goods may not involve any display of goods visible outside of the dwelling.
- (3) Changes to the outside appearance of the home are limited to provision of required off-street parking, in accordance with Article XXIV of this chapter, erection of signs by special exception, in accordance with Article XXV of this chapter, and means of egress lighting, in accordance with Chapter 70, Building Construction and Safety standards.

(4) Any sewage discharge which deviates from the volume or type which is normally associated with a residential use shall be permitted if the residential property is served by a public sewer system, subject to approval and conditions imposed by the authority having jurisdiction over the sewer system.

(5) The business activity may not occupy more than 25% of the gross floor area of the dwelling. Where more than one home occupation with impact is proposed within a residential dwelling, the total floor area used for for all such uses shall be contained within the 25% limit specified herein.

(6) Bed-and-breakfast establishments meeting the following criteria shall be considered home occupations:

- (a) Sleeping accommodations shall be located only within the principal dwelling and shall be limited to no more than five rooms for rent, with a total size not to exceed 35% or 1,250 square feet of the dwelling, whichever is less.
- (b) No more than 10 adult guests may be accommodated at any one time. The length of stay per guest is limited to 15 consecutive days.
- (c) Meals for compensation shall be provided only to guests of the bed-and-breakfast establishment.
- (d) No more than one bed-and-breakfast establishment is permitted per lot.

C. Applicants for a special exception to establish a home occupation shall demonstrate compliance with all applicable provisions of Section 220-165. A., 220-165.B. and 220-269.D.

Section 220-166. Junkyards.

Where permitted, junkyards may be established in accordance with the following provisions:

- A. Junk/salvage shall be stored in piles not exceeding eight feet in height and shall be arranged so as to permit easy access for fire-fighting purposes.
- B. No open burning shall be permitted.
- C. Operations shall be conducted in compliance with the performance standards of Article XIX and other applicable standards established herein.
- D. All junkyards shall meet the licensing and screening requirements of Pennsylvania Act 4 of Special Session Number 3 of 1966, prohibiting junk from being located within 1,000 feet of the right-of-way of any interstates or primary roads (roads conveying traffic from one municipality to another).
- E. Stored materials shall be setback a minimum of 50 feet from any lot line.

Section 220-167. Kennels.

Where permitted, an animal kennel may be established in accordance with performance standards as set forth in Article XIX and the following provisions:

- A. All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.
- B. All runs shall be located at least 200 feet from all lot lines.
- C. All buildings in which animals are housed shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.
- D. Outdoor runs may be provided if screened in accordance with Section 220-201 herein. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

Section 220-168 Landfills.

Where permitted, a landfill may be established in accordance with the following provisions:

- A. Landfills shall be constructed, licensed and operated in accordance with the Cumberland County Solid Waste Plan and/or all applicable local, county and commonwealth laws and regulations.
- B. Operations shall be conducted in compliance with performance standards of Article XIX and other applicable standards established herein.

Section 220-169. Manufactured home parks and subdivisions.

Where permitted, manufactured home parks shall be subject to the following provisions:

- A. A manufactured home park shall be developed and approved in accordance with regulations as set forth herein and other applicable township regulations.
- B. The maximum permitted density shall be 8 units per acre, excluding existing rights-of-way.
- C. The minimum building setback line from the cartway line of a private street shall be 20 feet.
- D. Detached accessory structures shall be located on the lot no closer than five feet to a manufactured (mobile) home and shall comply with the required front, side and rear building setback lines.
- E. Lots shall be served by both public water supply and sanitary sewerage collection systems.
- F. Not less than 10% of the total land area shall be provided for usable open space in accordance with the following provisions:
 - (1) Open space areas shall be developed to complement and enhance the man-made environment. In the selection of the location of such area, consideration shall be given to the preservation of natural and man-made features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed, including floodplains, streams and ponds, wetlands, slopes equal to or greater than 25%, natural permanent vegetation, historical amenities and other community assets.

- (2) The area shall be so located and designed that it is easily accessible to all residents, including handicapped persons. Safe and easy access to common open space areas shall be provided either by adjoining road frontage, easements and/or paths.
- (3) Whenever possible, common open space areas shall be designed as a continuous system of usable area, which is interspersed among groupings of dwelling units; provided, however, that in those instances in which the total minimum required open space is less than two acres in size, such areas shall be located in one parcel.
- (4) Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.
- (5) Sanitary sewer treatment facilities shall not be considered as part of open space.
- (6) Accessways to the site shall be of a sufficient width so that maintenance equipment shall have reasonable convenient access to such areas. In all instances, such open space areas shall be maintained in accordance with applicable ordinances..
- G. The minimum tract area for a manufactured home park shall be 10 acres.
- H. The minimum side yard setback per lot shall be five feet, provided that no manufactured (mobile) home shall be within 15 feet of any other manufactured home or building.
- I. The minimum rear yard setback shall be 15 feet.
- J. The total area of all impervious surfaces shall not exceed 60% of the gross area of the manufactured home park.
- K. All manufactured home parks/subdivisions shall comply with design and improvement standards as set forth in the township's Subdivision and Land Development Ordinance.

Section 220-170. Mixed uses.

When two or more principal uses occupy the same lot, either within one structure or multiple structures, off-street parking, lot area, lot width, building setbacks/placement standards, height and building area requirements shall be provided so that the requirements pertaining to each use will be met in full.

Section 220-171. Motels and hotels.

Where permitted, motels/hotels shall be subject to the following:

- A. Off-street parking and loading spaces shall be provided for the motel/hotel, in addition to that which is required for other accessory facilities developed as part of the motel/hotel premises, in accordance with Article XXIV herein.
- B. Every unit shall be provided with complete bathroom facilities.
- C. The minimum front, side and rear yard setbacks shall be no less than 25 feet.
- D. Interior yards between structures shall be provided in accordance with Section 220-212 herein.

Section 220-172. Public and private nursery schools.

See Section 220-160, Day-care centers.

Section 220-173. Resource recovery and recycling facilities.

Where permitted, resource recovery and recycling facilities shall be subject to the following safeguards and regulations:

- A. All facilities shall be operated and licensed in accordance with Pennsylvania Department of Environmental Protection rules and regulations.
- B. All operations shall comply with performance standards as contained within Article XIX herein.
- C. Off-street loading/unloading spaces shall be provided on site for three vehicles or the anticipated peak customer load, whichever is greater, to circulate and to deposit recyclable materials. All loading spaces shall be designed in accordance with Article XXIV herein.
- D. Containers provided for after-hours donation of recyclable materials shall be located at least 50 feet from any property zoned, occupied or planned for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, shall be secure from unauthorized entry or removal of materials and shall be clearly marked to identify the type of materials that may be deposited within them.
- E. Stockpiled materials and processing activities shall be setback a minimum of 25 feet from any lot line.

Section 220-174. Riparian Buffers.

- A. Regulated riparian buffers shall consist of the area measuring 50 feet from the top of stream bank, measured perpendicularly, landward.
- B. Riparian buffers shall be located on both sides of all perennial and intermittent streams.
- C. Riparian buffers shall be undisturbed by construction activities and be vegetated, except as otherwise provided for herein.
- D. The following uses are permitted within Riparian Buffers:
 - 1. Trails, paved or unpaved.
 - 2. Stream crossings.
 - 3. Underground utility facilities.
 - 4. Maintenance and restoration of the buffer, including revegetation with appropriate native species.

5. Projects to improve, stabilize, restore or enhance the stream bank, channel floodplain or watershed hydrology.
6. Private recreational uses by the property owner that do not include installation of structures.

E. Riparian Buffers shall be established and maintained in accordance with Township Landscape Standards.

Section 220-175. Self-service storage facilities.

Where permitted, self-service storage facilities shall comply with the following:

- A. The use shall comply with performance standards as set forth in Article XIX herein.
- B. Yards of the following minimum depths and widths shall be provided:
 - (1) The minimum front yard depth shall be 30 feet at the dedicated right-of-way line.
 - (2) The minimum side yard depth shall be 30 feet.
 - (3) The minimum rear yard depth shall be 35 feet.
- C. Minimum building access requirements.
 - (1) Paved access for fire apparatus must be provided to all buildings.
 - (2) Access drives which provide loading/unloading space on only one side shall be a minimum of 20 feet in width.
 - (3) Access drives which provide loading/unloading space on both sides shall be a minimum of 26 feet in width.
- D. Maximum area of any individual storage unit shall be 500 square feet.
- E. No off-street parking spaces are required for the storage units. Off-street parking shall be provided in accordance with Article XXIV herein for accessory uses (i.e., office, manager's residence) of the self-storage facility.
- F. Landscape screening shall be required in all yards. For every 20 feet of property line where screening is required, an evergreen or deciduous tree of at least two inches in caliper shall be planted and incorporated into the screening material.
- G. Outdoor storage, including the outdoor storage of vehicles, shall not be permitted.
- H. Lighting of exterior areas shall be required. Such lighting may be provided through the use of light fixtures on either a pole or a building and shall comply with performance standards set forth in Article XV herein.
- I. A security fence shall be installed around the perimeter of the facility. The fence shall be a minimum of six feet in height and shall not be located in any yard. A solid building wall with no storage unit access openings may be considered a security fence.
- J. Perimeter building walls.
 - (1) Perimeter building walls facing the front yard(s) of the lot shall be constructed of brick, split-face architectural blocks, natural stone, manufactured stone, exterior insulation and finish system

(EIFS) type exterior finish system or similar materials, either alone or in combination.

- (2) Perimeter walls facing the side and rear yard(s) of the lot shall be constructed using a minimum of 35% of the materials listed in Subsection L(1) above.
- (3) In no event shall any portion of any wall or storage unit door facing the perimeter of the lot be constructed of unfinished metal or unfinished concrete masonry units.
- (4) Wall openings required for doors and windows shall not be included in calculating the building wall construction material requirements specified in this section.

Section 220-176. Shopping centers.

- A. A shopping center shall contain a minimum of six separate business establishments.
- B. Parking lots shall be designed in accordance with Article XXIV, with an easily discernible circulation pattern, and shall meet the following additional requirements:
 - (1) Terminal islands shall be installed at both ends of each row of parking. Terminal islands shall be a minimum of 15 feet long and a minimum of five feet wide. The terminal islands shall be landscaped in accordance with Section 220-200.
 - (2) The minimum distance between the sidewalk adjacent to the main entrances of establishments and the parking area shall be 30 feet. Sufficient space shall be provided between the sidewalk and the parking area to allow two-way traffic and a pickup/fire lane. Parking shall not be permitted in the required pickup/fire lane.

Section 220-177. Solar collectors and related equipment.

- A. Solar collectors and related equipment shall be permitted in any district as an appurtenance to a building or as an accessory structure.
- B. Initial and continued access to solar energy shall be the sole responsibility of the homeowner and/or occupant of the building or accessory structure.

Section 220-178. Solid waste storage facilities.

All multifamily, commercial and manufacturing/industrial buildings or other nonresidential uses shall include adequate facilities on site for the proper storage of solid waste and recyclable material in accordance with the provisions of the Township Solid Waste regulations and as hereinafter provided.

- A. Such storage areas shall comply with performance standards as contained within Article XIX herein.
- B. Pavement of loading areas shall be of concrete at least eight inches thick or a 50% increase in base and paving thereon.

- C. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate township regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.
- D. Storage areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections but shall not be less than four feet by eight feet in size or of other dimensions providing an approved equal space.
- E. Screening and Buffering in accordance with Sections 220-201 and 202.

Section 220-179. Swimming pools.

Swimming pools shall be permitted as an accessory use in any district and shall comply with the following conditions and requirements:

- A. Pools shall not be located over an on-lot sewage disposal system.
- B. All swimming pools hereafter constructed, installed or established or shall comply with the Pa. UCC, as amended, and maintained in accordance with the International Property Maintenance Code.
- C. All public pools must comply with the applicable regulations of the Pa. Department of Health.
- D. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.
- E. Pools must comply with applicable regulations pertaining to accessory structures.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, other than diffused or reflected light, enters adjoining properties, in accordance with performance standards as set forth in Article XIX herein.
- G. Pools shall be setback a minimum of ten feet from any property line. Pumps, filters and other appurtenances must be setback a minimum of five feet from any property line.

Section 220-180. Utility facilities.

Utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or equipment erected for such utilities shall be subject to the regulations of the Zoning District in which the facility is located, and to the following:

- A. Unhoused equipment shall be enclosed within a chain link fence six feet in height, and screen planting shall be installed in accordance with Section 220-201.
- B. When equipment is totally enclosed within a building, no fence or screen planting shall be required and yard setbacks shall be maintained in accordance with the district in which the facility is located.

- C. The facility shall comply with performance standards as contained within Article XIX herein.
- D. The external design of the building shall be in character with existing buildings in the respective district.
- E. Bus shelters are intended to be in public rights-of-way and do not therefore require minimum set backs.

Section 220-181. Uses not provided for.

- A. Whenever under this chapter a use is neither specifically permitted nor denied in any Zoning District an applicant may make application for such use to the Zoning Hearing Board to hear and decide such a request as a special exception. The Zoning Hearing Board shall have the authority to permit or deny the use. The use may be permitted if: it is similar to and compatible with the permitted uses within the district in which subject property is located; it is not permitted in any other district under the terms of this chapter; and it in no way is in conflict with the general purposes and intent of this chapter. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and will not be detrimental to the public health, safety and welfare of the neighborhood.
- B. Such use shall comply with all applicable area and bulk regulations and other applicable standards for comparable uses specifically listed in the district.

Section 220-182. Vehicular body shop.

Where permitted, vehicular body shops may be established in accordance with the following:

- A. The use shall comply with performance standards as set forth in Article XIX and Section 220-201 herein.
- B. All repair and paint work shall be performed within a structure.
- C. Outdoor storage of vehicles shall not exceed 60 days from the date of arrival, unless respective repair parts are documented to be unavailable within such time period. Said documentation shall be provided to the Zoning Officer for approval.

Section 220-183. Vehicular freight terminals.

Where permitted, vehicular freight terminals shall comply with performance standards as set forth in Article XIX herein, in addition to the following provisions:

- A. The layout of improvements shall provide for convenient forward movement of vehicles leaving and entering the site.
- B. Adequate space shall be provided for parked and loading/unloading vehicles that does not interfere with the maneuvering space.

C. All parking, loading, maneuvering and storage areas shall be paved and site drainage shall be provided in accordance with design and improvement standards of the township's Subdivision and Land Development and Stormwater Management Ordinances

D. A vehicular freight terminal shall only be permitted where all public streets used to access said terminal have been designed and constructed with a pavement structure adequate for the anticipated traffic loading.

Section 220-184. Vehicular service stations.

Such uses, where permitted, shall comply with the following:

A. The use shall comply with performance standards as set forth in Article XIX herein.

B. No equipment for the service of motor vehicles shall be closer than 25 feet to any side or rear property line.

C. Canopies shall comply with Section 220-150, Accessory Structures, except that canopies may be located no less than 10 feet from the right-of-way line.

D. Fuel pumps shall be located at least 10 feet from any public right-of-way or 50 feet from the street center line, whichever is greater.

E. Outdoor storage of vehicles shall not exceed 60 days from the date of arrival, unless respective repair parts are documented to be unavailable within such time period. Said documentation shall be provided to the Zoning Officer for approval.

F. The use shall comply with the requirements of Section 220-201.

G. The use shall comply with all applicable requirements of the International Fire Code.

Section 220-185. Veterinary facilities.

Veterinary facilities and accessory kennels shall comply with performance standards contained in Article XIX and Section 220-167, in addition to the following:

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 or stalls shall be a minimum of 100 feet from all property lines and shall be screened from all adjacent properties.

C. All outdoor pasture areas shall be enclosed to prevent the escape of the animals. All such enclosures shall be set back a minimum of 25 feet from all property lines.

D. All animal wastes shall be regularly cleaned up and disposed of properly.

E. Animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

ARTICLE XIX, Performance Standards

Section 220-186. Intent.

The following performance standards shall apply to all commercial and industrial uses located throughout the township, unless more stringent provisions are contained within a specified zoning district. Where applicable, in determining the best practical control methods, the township shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.

Section 220-187. Noise.

A. Sound levels shall be measured with a sound-level meter using the A-weighting decibel network and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute. The level so read shall be designated “dB”(A). Measurements shall be made using the flat network of the sound-level meter. Impulsive-type noises shall be subject to the prescribed performance standards, provided that such noises shall be capable of being accurately measured with such equipment. Noises able to be so measured, for the purpose of this chapter, shall be those noises which cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two decibels. Noises not able to be so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

B. The sound-pressure level (other than background noise not directly under the control of the operator) abutting upon a residential or commercial use shall not exceed the decibel limits in the octave band designated in the following table:

Octave Band Frequency (cycles per second)	Decibel Limits Along Residential Use Boundaries	Decibel Limits Along Commercial Use Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41

C. Sounds of short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound-level meter shall be measured with the impact noise filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound-pressure level as set forth in Subsection B above shall be increased by six decibels.

D. Exemptions. The provisions of this section shall not apply to:

- (1) Warning devices necessary for the protection of public safety, including but not limited to police, fire and ambulance sirens and train horns.
- (2) Occasional outdoor gatherings, public dances, shows and sporting and entertainment events, including regularly scheduled school athletic events.
- (3) Temporary construction/demolition activities.
- (4) Stationary nonemergency signaling devices.
- (5) Motor vehicles operating on a public right-of-way.
- (6) Township-permitted parades, civic functions or gatherings.
- (7) Federal- or commonwealth-preempted activities, to the extent that regulations herein have been preempted by commonwealth or federal law.

Section 220-188. Vibration.

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any property line of the lot on which the use is located. Vibrations from temporary construction and vehicles (trucks, trains, airplanes and helicopters) which leave the lot are excluded.

Section 220-189. Particulate matter.

Particulate material emitted by a use shall not exceed such limits as contained within the National Primary and Secondary Ambient Air Quality Standards, 40 CFR 50.6, including Appendix J, and 40 CFR 50.12, including Appendix G.

Section 220-190. Toxic and noxious material.

A person/business entity shall not conduct a use causing toxic or noxious material emissions across a property line that exceed applicable federal and commonwealth standards.

Section 220-191. Flammable and explosive materials.

The storage and/or use of flammable and explosive materials shall be in accordance with the Pa. UCC standards as adopted by the Township.

Section 220-192. Noxious odorous material.

A. In any district, no odor shall be permitted at any lot line exceeding the lowest amount set forth in Table III, Odor Thresholds, of Chapter 5, Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in said Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual, and no odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.

B. When the source is a manufacturing process or agricultural operation, no violation of the above Subsection A shall be cited by the township, provided that the best practical treatment, maintenance and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases.

Section 220-193. Outdoor lighting.

A. Where light fixtures are installed to provide exterior illumination, excluding overhead streetlighting and warning, emergency or traffic signals, the following restrictions shall apply:

(1) No glare or direct illumination may be in excess of 0.5 footcandle when measured at a residential use and/or residential zoning district.

(2) Such illumination shall not interfere with the vision of motor vehicle operators.

(3) Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.

(4) The installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals shall not be permitted.

B. When a property owner is notified by the Zoning Officer that a violation of these provisions exists, the glare or illumination problem shall be abated within 15 days of receipt of the violation notice.

Section 220-194. Heat.

Any operation producing intense heat perceptible to normal senses across the property line shall be performed within a completely enclosed building in such a manner so as not to create a public nuisance or hazard along such property lines.

Section 220-195. Radiation hazards.

No activity shall emit radioactivity at any point in violation of applicable commonwealth and federal regulations.

Section 220-196. Electromagnetic interference.

In all districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, television and/or telecommunications reception from off the premises where the activity is conducted.

Section 220-197. Limestone hazard areas.

In areas within the limestone formation, best management practices shall be employed to avoid groundwater contamination and structural collapse. All stormwater shall be discharged to pipes and/or existing natural drainageways which discharge into waters of the Commonwealth of Pennsylvania.

Section 220-198. Outdoor storage and disposal of waste.

- A. No materials or wastes shall be deposited upon a lot in such form or manner that such may be transported off the lot by natural causes or forces.
- B. All materials or wastes having the potential to cause fumes or dust, to constitute a fire hazard or to be edible by or otherwise to be attractive to rodents or insects shall be stored outdoors only in closed containers in accordance with applicable Lower Allen Township codes.
- C. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground, in accordance with applicable Lower Allen Township codes, except that:
 - (1) Railroad locomotive fueling, fuel tanks for energy/heating products and tanks containing compressed natural gas operated in association with a permitted use may utilize aboveground tanks, provided that they are located a minimum of 1,000 feet from a residential district.
 - (2) Vaulted tanks, as approved by the Township Code Official, may be located above ground.
 - (3) The parking of railroad tank cars containing explosive or flammable materials shall be located a minimum of 1,000 feet from a residential district.
- D. Storage and disposal of all materials shall be in compliance with the applicable requirements of the International Fire Code.

Section 220-199. Loading operations.

Truck or railroad loading/unloading operations located within 200 feet of or abutting a residential district shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m. or else shall be conducted entirely within an enclosed structure.

Section 220-200. Landscaping requirements.

A. Front yard landscaping. In the front yard of any nonresidential or multifamily development, at least 5% of that area shall be landscaped, unless otherwise provided for within the specific zoning district. For purposes of this subsection, the "front yard area" is defined as that area between the front facade of the structure and the edge of the public right-of-way. The composition of the landscaping material and its placement on the lot shall be at the discretion of the developer/applicant. At a minimum, these landscaped areas shall contain evergreen and/or deciduous trees at least 1 1/2 inches in caliper, evergreen and/or deciduous shrubs one foot to three feet in height and continuous ground cover.

B. Parking area landscaping. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics, as well as to improve the environment of the site and surrounding area in accordance with the following provisions. Parking lots containing more than 50 parking spaces shall be divided into sections, as appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms and similar elements.

(1) Amount required. At least 5% of the interior parking area shall be landscaped with plantings, including one tree per every 10 parking spaces. Planting required within the parking lot is exclusive of other planting and screening requirements.

(2) Location. Landscaping shall be located within protected areas at the discretion of the developer/applicant, such as along walkways, in center islands, at the ends of bays or between parking stalls. All landscaping in parking areas and along street frontage shall be placed so that it will not obstruct sight distance nor interfere with overhead utility lines.

(3) Plant type. A mixture of hardy flowering and/or decorative evergreen and deciduous trees is preferred. The evergreens should be used along the perimeter of the lot as part of the screening requirements and the deciduous trees for shading of the lot. The areas between trees shall be mulched, planted with shrubs or ground cover or covered with a paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material. Plantings shall avoid overhanging onto adjacent properties.

C. Maintenance. The owner and tenant of any property where landscaping is required shall be jointly and severally responsible for the maintenance of all required plant material and continued compliance with this section.

Section 220-201 Screening requirements.

A. A fence, wall, landscaping, earth berm, existing vegetation area or any combination thereof shall

be provided to obscure certain uses or portions of a specific use which, by their nature, are unsightly or which, by scale or design, represent the potential to negatively impact adjacent properties. The following specific uses or features shall be screened from adjacent properties and from public view from a public street:

- (1) Dumpster and trash-handling areas.
- (2) Service entrances, mechanical equipment and utility facilities.
- (3) Outdoor storage of any material stocks or equipment, including but not limited to motor vehicles, farm or construction equipment or other similar items.
- (4) Commercial and industrial uses, when located adjacent to residential uses and/or residential districts.

B. Screening standards. Where required, screening shall consist of an area containing any materials as defined above to visually screen land uses. The composition of the screening material and its placement on the lot shall be at the discretion of the developer/applicant of the lot as long as the purpose and requirements of this section are fulfilled. The following standards apply:

- (1) Maximum height of solid screening (fences, walls and earthen berms).
 - (a) Front yard: six feet.
 - (b) Rear and side yards: eight feet.
- (2) The minimum height of any screening shall be that which is sufficient to visually separate uses within the subject property from adjoining properties or public streets.
- (3) The height of any screening material, natural or man-made, shall not interfere with clear sight distance at driveways or street intersections.
- (4) For every 50 feet of property line where screening is required, an evergreen or deciduous tree of at least two inches in caliper shall be planted and incorporated into the screening material. This shall not apply when fencing or a wall is used to fulfill the screening requirement.
- (5) Any earthen berm used to fulfill the requirements of this subsection shall be stabilized to prevent erosion and landscaped with grasses, shrubs or other ground covers.
- (6) Shrubs used as screening materials shall be of evergreen varieties and shall be at least three feet in height and placed no further than six feet apart when planted. Possible planting arrangements include planting in parallel, serpentine or broken rows. Shrubs shall be of a variety providing for an average height of five feet to six feet within two years from the time of planting.

C. Screening and buffering requirements for parking areas located adjacent to residential uses. The following standards shall apply for nonresidential parking areas located adjacent to residential uses:

- (1) A front yard setback for any parking area equal to at least 1/2 of that required for the adjacent residential use, but in no case less than 10 feet, shall be provided.
- (2) A wall, hedge or earthen berm shall be placed along the perimeter of the parking area adjacent to the residential use, within a buffer yard of five feet, in addition to the required yard setbacks.

D. Maintenance. The owner and tenant of any property for which screening or buffering is required shall be jointly and severally responsible for the maintenance of all required plant material and continued compliance with this Subsection. Such planting material shall be maintained so as not to project past property lines.

E. In addition to the above standards, screening shall be designed, installed and maintained in accordance with Township Landscape Standards.

Section 220-202. Buffering Requirements.

A. Buffering standards. Where required, buffering shall consist of an area no less than five feet in width, unless otherwise stated within the specific zoning district, containing an area to visually buffer land uses. The following standards apply:

(1) Where nonresidential uses and multifamily and single-family attached dwellings, abut residential uses within the same zoning district, excluding such uses located within the MUN Mixed Use Neighborhood and C-1 Neighborhood Commercial Districts, a buffer yard of 25 feet shall be provided, unless otherwise indicated herein.

(2) A buffer yard of 100 feet shall be provided for nonresidential uses located within the I-1 General Industrial, I-3 Industrial/Commercial, C-4 Regional Commercial and C-3 Planned Business Center Districts when abutting a residential district.

(3) Required buffer yards may be combined with a utility or other easement, so long as all landscape requirements can be provided in accordance with any existing or proposed easement agreements. Vehicles or other objects shall not overhang or otherwise intrude upon the required buffer yard more than 2 1/2 feet, and wheel stops or curbs shall be required.

(4) Where residential subdivisions abut collector or arterial streets, adjacent lots shall front on minor Township or local streets, and a landscaped buffer yard shall be provided along the property line abutting the collector or arterial street. The buffer yard shall be a minimum of 25 feet in width and shall include trees and shrubs in accordance with screening requirements as stated herein.

B. In addition to the above standards, screening shall be designed, installed and maintained in accordance with Township Landscape Standards.

Section 220-203. Woodland preservation.

The following provisions shall apply to woodlands as defined herein:

A. No more than 15% of any mature woodland may be cleared or developed. The remaining 85% shall be maintained as open space. No more than 30% of any woodlands not identified as a mature or young woodland in accordance with definitions herein may be cleared or developed. The remaining 70% shall be maintained as permanent open space. No more than 60% of any young woodland shall be cleared. The remaining 40% shall be maintained as permanent open space.

B. Replacement of woodlands credit. In the case of mature woodlands, the developer may clear or develop more than the area otherwise permitted to be disturbed by this section, provided that the total mature woodland or woodland area disturbed shall not be increased by more than 50% of the area otherwise permitted to be disturbed. No more than 22.5% of mature woodlands may be disturbed. No more than 45% of all woodlands may be disturbed. In addition:

- (1) The developer shall designate a new woodland area on a part of the site not forested.
- (2) The new woodland area shall consist of 1.2 times the surface acreage of the woodland area disturbed pursuant to this section.
- (3) The new woodland area shall be planted with new trees at 1.5 times the number of woodland trees removed. New trees shall have a minimum caliper of 2.5 inches. Trees shall be planted in accordance with a planting plan provided a by a design professional.

C. Removal of any woodlands shall be in accordance with an approved timber harvesting plan.

Section 220-204. Steep slope provisions.

The provisions of this section shall apply to additional building lots created by a subdivision plan. Furthermore, these regulations shall not apply to existing man-made slopes.

A. The development, grading and stripping of vegetation shall be limited to a percentage of land within steep slope categories established by this section. The applicant proposing the subdivision shall prepare a topographic site plan, with contour intervals of five feet (or of greater detail), depicting the slope of all areas within the site in categories of 15% to 24.9%, and greater than 25%. Such plan shall be sealed by a professional engineer, a professional land surveyor or a landscape architect.

B. The maximum area of land which may be developed, graded and stripped of vegetation shall be as follows:

- (1) No greater than 30% of areas with slopes ranging from 15% to 24.9% shall be developed, graded or stripped of vegetation.
- (2) No greater than 15% of areas with slopes greater than 25% shall be developed, graded or stripped of vegetation.

Section 220-205. Scenic river corridor standards.

In addition to the performance standards of this Chapter, the following provisions within state-designated Scenic River Corridor for Yellow Breeches Creek shall apply:

A. Any activity shall be conducted in accordance with guidelines as set forth within the Management Guidelines of the Scenic Rivers Program, as amended. Such guidelines address the following activities:

- (1) Dams and encroachments.
- (2) Earthmoving activities.

- (3) Flood management.
- (4) Forest management.
- (5) Mineral and fuel extraction.
- (6) Recreation uses.
- (7) Utility and transportation corridors.
- (8) Waste disposal.
- (9) Water quality/quantity.

B. No existing vegetation shall be removed within 100 feet of the designated scenic river, measured from the edge of water at normal flow, except:

- 2. When associated with the development of an accessway. Such accessway shall not exceed 10 feet in width. Access points authorized by the Pennsylvania Fish and Boat Commission shall be built in accordance with Commission regulations.
- 3. The removal of dead, diseased or damaged vegetation.
- 4. The removal of invasive species and replacement with native species.

C. Any new vegetative plantings and/or replacement of existing vegetative plantings shall be of native plant materials to stabilize any disturbed landscapes, improve the function of the floodplain, screen and buffer adjacent land uses and improve the aesthetic condition of the corridor whenever possible. Regular maintenance/pruning of landscaping, including the removal of dead and/or diseased vegetation, shall be permitted.

Section 220-206. Floodplain management.

Any activity within the floodway or flood-fringe, as herein defined, shall be in accordance with applicable Township floodplain management provisions, as amended.

Section 220-207 Personal Wireless Service Facilities

Section 220-208 Purpose.

In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this article is as follows:

- A. To accommodate the need for personal wireless service antennas while regulating their location and number in the township.
- B. To minimize adverse visual impact and effects of personal wireless service antennas and antenna support structures through proper design, siting and vegetative screening.
- C. To avoid potential damage to adjacent properties from antenna support structure failure and

falling ice or debris, through engineering and proper siting of antenna support structures.

D. To encourage the joint use of any new and existing antenna support structures to reduce the number of such structures needed in the future.

E. To ensure that the location and number of personal wireless facilities are in the best interests of the health, safety, welfare and morals of the residents of the township.

F. To minimize any adverse effects of location and design of personal wireless facilities on residential property values.

Section 220-209 Use regulations.

A. The following sites shall be considered by applicants as the preferred order of location of proposed personal wireless service facilities, including antenna and assorted equipment. As determined feasible, and in order of preference, the sites are:

- (1) Existing personal wireless facilities smokestack, water tower or any other tall structure.
- (2) I-1 General Industrial District, I-2 Mineral Recovery District and I-3 Industrial/Commercial District.
- (3) Publicly owned structures.
- (4) C-2 General Commercial District, C-4 Regional Commercial District and C-3 Planned Business Center District.
- (5) Residential zones which are R-1 Single-Family Established Residential District, R-2 Single-Family Rural Residential District, MUN Mixed Use Neighborhood District, R-3 Multifamily Residential District and C-1 Neighborhood Commercial District as a conditional use.

B. A personal wireless service facility with antenna and assorted equipment that is attached to a preexisting personal wireless facility, smokestack, water tower, or any other tall structure is a permitted use in all zoning districts. If the antenna is to be mounted on any such existing structure, a full site plan shall not be required. The applicant shall be required to submit a written agreement with the owner of the tower or structure allowing the shared use.

C. A personal wireless service facility with antenna and assorted equipment that is not mounted on any existing structure is a permitted use in districts zoned C-2 General Commercial District, C-3 Planned Business Center District, C-4 Regional Commercial District, I-1 General Industrial District, I-2 Mineral Recovery District and I-3 Industrial/Commercial District, subject to the provisions of Subsection F.

D. A personal wireless service facility with antenna and assorted equipment is a permitted use on publicly-owned structures. Applicant shall be required to submit a written agreement allowing such use.

E. A personal wireless facility with antenna that is not to be mounted on a preexisting personal wireless facility, smokestack, water tower or any other tall structure in any residential zone (R-1 Single-Family Established Residential District, R-1P Planned Single-Family Residential District, R-2 Single-Family Rural Residential District, MUN Mixed Use Neighborhood District, R-3 Multifamily Residential District) and C-1 Neighborhood Commercial District is permitted in such zones as a

conditional use. The Board of Commissioners may grant a conditional use after review of the Planning Commission and a public hearing before the Board of Commissioners. The applicant must provide and establish the following criteria:

- (1) That there is not suitable space on existing personal wireless service facilities or other personal wireless service facility sites or on other sufficient tall structure where the intended personal wireless service facility can be accommodated and functions as required by its construction permit or license without unreasonable modification.
- (2) Presenting technological evidence that the personal wireless facility must go where it is proposed in order to satisfy its function in the grid system and the providing of the quality of service required by law.
- (3) A full site plan which shall include:
 - (a) Written authorization from the property owner of the proposed tower site.
 - (b) A site plan:
 - [1] Drawn to a scale of not smaller than 100 feet to one inch.
 - [2] Showing the property boundaries.
 - [3] Showing any tower guy wire anchors and other apparatus.
 - [4] Existing and proposed structures.
 - [5] Scaled elevation view of proposed structures.
 - [6] Access drive(s), location and design standard set forth in the Lower Allen Township Subdivision and Land Development Ordinance.
 - [7] Parking area.
 - [8] Fences in accordance with Section 220-210D.
 - [9] Location and content of (any or warning) signs.
 - [10] Exterior lighting specifications in accordance with Section 220-210H.
 - [11] Landscaping plan in accordance with Section 220-210E.
 - [12] Land elevation contours not greater than intervals of five feet.
 - [13] Existing land uses surrounding the site.
 - [14] Proposed transmission building and/or other accessory uses.
 - [15] Proposed use.
 - (c) A written report, including:
 - [1] Information describing the tower height and design.
 - [2] A cross-section of the structure.
 - [3] Engineering specifications detailing construction of tower, base and guy wire anchorage.
 - [4] Information describing the proposed painting and lighting schemes.
 - [5] Information describing the tower's capacity, including the number and type of antennas that it

can accommodate.

- [6] Radio frequency coverage.
- [7] All tower structure information to be certified by a licensed professional engineer.
- [8] Personal wireless service facilities data to be certified by an engineer learned in personal wireless service facility.
- [9] Inventory of existing antenna support structures within a two-mile radius of the proposed site and information discussing unavailability of such sites for one or more of the following reasons:
 - [a] Refusal by current tower owner.
 - [b] Topographic limitations.
 - [c] Adjacent impediments blocking transmission.
 - [d] Site limitations to tower construction.
 - [e] Technical limitations of the system.
 - [f] Equipment exceeds structural capacity of facility or tower.
 - [g] No space on existing facility or tower.
 - [h] Other limiting factors rendering existing facilities or towers unusable.
 - [i] An update of capacity on an existing tower.

F. If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a two-mile radius of the site proposed to be located in zoning districts set forth in Subsection E and a one-fourth-mile radius of the site proposed in any other zoning districts. This would include smokestacks, water towers, tall buildings, antenna support structures of other personal wireless service companies, other communications towers (fire, police, etc.) and other tall structures. The Board of Commissioners or Zoning Officer may deny any application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure. A good faith effort shall require that all owners of potentially suitable structures within the radius hereinbefore set forth of the proposed antenna support structure be contacted and that one or more of the following reasons for not selecting such structure apply:

- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its function.
- (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- (5) A commercially reasonable agreement could not be reached with the owners of such structures.

G. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the personal wireless service facilities site unless otherwise permitted in the zoning district in which the personal wireless service facilities site is located.

Section 220-210 Approval standards.

A. Antenna height. The applicant shall demonstrate that the antenna support structure and antenna are the lowest height required to function satisfactorily. No antenna support structure and antenna that is taller than this minimum height shall be approved.

B. Setbacks from base of antenna support structure.

(1) If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distances between the base of the support structure or any guy wire anchors and any property line or right-of-way line shall be the largest of the following:

(a) Thirty percent of antenna height.

(b) The minimum front yard setback in the underlying zoning district.

(c) Forty feet.

(2) Except as hereinafter provided, in all cases, monopole antenna support structure shall be required. The Board of Commissioners may grant use of guy wire, freestanding or any other type of antenna support structure as conditional use after review by the Planning Commission and a public hearing before the Board of Commissioners. The applicant must establish the following for approval of conditional use:

(a) Cost of erecting a monopole would preclude the provision of adequate service to the public or erection of a safe antenna support structure.

(b) The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole.

(c) The proposed antenna support structure is architecturally compatible with surrounding buildings and land use through location and design and blends in with the existing characteristics of the site to the extent practical.

C. Antenna support structure safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/IEEE C95-1-1992) with respect to radio frequency emissions. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.

D. Fencing. A fence shall be required around the antenna support structure, accessory building(s) and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of six feet in height and a maximum of eight feet in height; shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than nine square inches; and shall contain, at all entrances, gates which shall be locked except during such times as the

site is manned by authorized operations or maintenance personnel.

E. Landscaping. The following landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the support structure and any other ground-level features (such as a building) and in general soften the appearance of the personal wireless service facility site. The township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

(1) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.

(2) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

F. The applicant company must demonstrate that it is licensed by the Federal Communications Commission.

G. Required parking. If the personal wireless service site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, two parking spaces shall be required.

H. Antenna support structures shall be painted in a color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration (FAA) regulations. The use of grays, blues and greens may be appropriate; however, each case should be evaluated individually. No antenna support structure may be artificially lighted except when required by the FAA. Any outdoor lighting shall comply with Section 220-193. Except as hereinafter provided, in all cases, monopole antenna support structure shall be required. The Board of Commissioners may grant use of guy wire, freestanding or any other type of antenna support structure as a conditional use after review by the Planning Commission and a public hearing before the Board of Commissioners. The applicant must establish the following for approval of conditional use:

(1) Cost of erecting a monopole would preclude the provision of adequate service to the public or erection of a safe antenna support structure.

(2) The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole.

(3) The proposed antenna support structure is architecturally compatible with surrounding buildings and land use through location and design and blends in with the existing characteristics of the site to the extent practical.

I. Personal wireless service facilities shall result in a minimal visual impact for those residents in the immediate area and for those in the larger community who view these facilities from a distance. Minimal visual impact shall include the following:

(1) For facilities located in highly developed portions of the township, buildings may be used to accomplish the screening noted above.

(2) It is acknowledged that large, multi-use towers located within major use transmission areas cannot be effectively screened. In order to minimize the visual impact, such new facilities should be

located in close proximity to other comparable structures. Accompanying buildings, ground-mounted antennas and other equipment and structures should be subject to screening recommendations.

(3) Federal Aviation Administration (FAA) requirements for coloring and lighting of towers supersedes township requirements for visual minimum impact.

(4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

J. As-built plans. Within 60 days of completion of the initial construction and any additional construction, the applicant shall furnish two complete sets of plans, drawn to scale and certified to the township as accurately depicting the location of personal wireless service facility constructed pursuant to the building permit.

K. Removal. Any antenna support structure that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the township with a copy of the notice to the FCC of intent to cease operations and shall be given 90 days from the date of ceasing operations to remove the obsolete antenna support structure and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the antenna support structure has first been dismantled and removed.

L. Inspection. Beginning in December of 1999 and by December of each odd-numbered year thereafter, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report shall be provided to the township. At the time said report is provided to the township, applicant shall pay a fee in the amount of \$25 or such other amount as the Board of Commissioners shall from time to time set forth in resolution with respect to this Section 220-210.

Section 220-210.A. Amateur radio.

This article shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio status operator.

ARTICLE XX, General Standards

Section 220-211. Height regulations.

Height regulations shall not apply to spires, belfries, cupolas or domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, silos, utility poles, towers, flagpoles, solar collectors and

ornamental or necessary appurtenances.

Section 220-212. Yard regulations.

A. Where the street or streets upon which the lot abuts are less than 50 feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from a line parallel to 25 feet from the center line of the street. In no case shall any structure interfere with the individually designated clear-sight triangles for lots and/or tracts at street intersections.

B. Front yards.

1. Where buildings exist in the same block, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building.

2. On multiple frontage lots, front yards shall be required for such sides facing the street rights-of-way.

C. Side yards.

1. On multiple frontage lots, a side yard shall be provided for any lot line that is not a front line.

D. Interior yards (open space between principal structures).

(1) Front-to-front, rear-to-rear or front-to-rear parallel principal structures shall have 50 feet between faces for one story in height, plus five feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least 50 feet.

(2) From end to end, there shall be a distance of 25 feet between principal structures for a one-story structure, plus five additional feet for each story in excess of one.

(3) From end to front or from end to rear, there shall be a distance of 30 feet between principal structures for each one-story structure, plus five feet additional for each story in excess of one.

(4) When adjacent principal structures differ in the number of stories, the required distance between structures shall be calculated based upon the taller of the structures.

Section 220-213. Projections in yards.

A. Unenclosed terraces, patios, porches and associated stairways at or below ground floor level may project not more than 1/2 of the required setback into any required yard setback or no more than 10 feet into any required yard setback, whichever is less. However, in no instance shall a side or rear yard setback be reduced to less than five feet. Ramps for the physically challenged are exempt from this requirement and may project into any required yard setback as necessary.

B. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two feet into a required yard setback.

Section 220-214. Obstruction to vision.

- A. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- B. A clear sight triangle of 25 feet, measured along the street center lines of intersecting streets, shall be maintained, within which such structures or planting shall be limited to a height of not more than three feet or less than 10 feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of 10 feet above the street grade.

Section 220-215. Fences and walls.

- A. Fences and walls may be erected, altered and maintained in accordance with the following location requirements:
 - (1) Fences and walls may only be placed in a public right-of-way by the authority having jurisdiction over the right-of-way, in accordance with generally accepted construction practices. These structures provide functions such as pedestrian and traffic safety, access limitation, retaining walls and noise abatement.
 - (2) Fences and walls may not restrict access to easements unless constructed in accordance with guidelines of, and with written permission of, the entity to which the easement rights were granted.
 - (3) Fences and walls must be located up to but not across an established property line unless a written agreement exists between the affected property owners, addressing maintenance of the fence and location of actual property lines. Such agreement shall be binding on all future property owners, heirs and assigns of the property, and shall provide for maintenance cross easements of no less than three feet.
- B. Fences and walls may be erected, altered and maintained in accordance with the following height limitations:
 - (1) Fences and walls located within a clear sight triangle of intersecting streets shall not exceed three feet in height.
 - (2) Fences and walls located outside a clear sight triangle, but within a required front yard for a primary building, shall not exceed 3.5 feet in height, with the following exceptions.
 - (a) Fences on farms, as defined herein, may be up to six feet in height if at least 50% of the fence area is open area.
 - (b) Fences and walls installed as solid screening per Section 220-201B.
 - (c) Retaining walls, constructed to hold back or support an earthen berm, shall not be limited in height.
 - (d) Any portion of a retaining wall greater than four feet in height and within five feet of a property line shall be protected by a physical barrier, not less than three feet in height, on the upslope side of the

retaining wall.

(e) Where a public thoroughfare is classified as an alley and its intersection with another public thoroughfare creates a corner lot, fences and walls within the required yard along the alley may be up to eight feet in height if located at least 10 feet from the alley right-of-way, and outside of the required front yard of the intersecting street.

(f) When two corner lots are situated in the same block in a manner that two houses face streets in opposite directions, and the backs of the two houses face each other, a fence up to six feet in height may be installed in the required front yard along the common street frontage between the two rear building lines.

(3) Fences and walls located within required side or rear yards shall not exceed six feet in height; however, the height limit may be increased to eight feet if the portion of the fence above six feet in height is at least 50% open area, with the following exceptions:

(a) Fences and walls installed as solid screening in accordance with Section 220-201B.

(b) Retaining walls, constructed to hold back or support an earthen berm, shall not be limited in height.

(4) Fences and walls located anywhere on a lot where a primary building can be located are limited to eight feet in height, with the following exceptions that are not limited in height:

(a) Fences and walls erected for prison security.

(b) Fences having at least 50% open area for athletic fields and sports courts, such as tennis court enclosures and baseball backstops.

(c) Retaining walls constructed to hold back or support an earthen berm.

C. All fences and walls shall be erected, altered and maintained in accordance with the Building Code (cited at Chapter 70). Any fence or wall not limited in height by the provisions of this Zoning Ordinance may be limited in height by compliance with structural design criteria of the applicable construction code.

Section 220-216. Space regulations.

No yard or other space provided for any building or structure for the purpose of complying with this chapter shall be considered as a yard or other open space for another building or structure.

Section 220-217. Control of traffic and protection of public safety.

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a state road or highway, approval by the Pennsylvania Department of Transportation shall be required.

Section 220-218. Reduction of lot dimensions.

The area, width or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, and yards or other spaces are smaller or so that the impervious coverage is greater than prescribed in the underlying zoning district regulations.

ARTICLE XXI, Nonconforming Buildings, Structures and Uses

Section 220-219. General provisions.

All lawful or previously nonconforming buildings, structures and uses of land or of a building, sign or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, changed, sold or maintained, even though such building, structure or use may not conform to the use, height, area, yard and other regulations of the district in which it is located, provided that such nonconforming conditions shall comply with the following sections of Article XXI.

Section 220-220. Certificate of nonconformance.

The owner of the premises occupied by a lawful nonconforming use, structure or building existing at the effective date of this chapter may secure a certificate of nonconformance, which shall be for the purpose of ensuring to the owner the right to continue a nonconforming structure, building or use.

Section 220-221. Alterations.

Repairs and structural alterations may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, provided that such alterations and repairs are in conformance with the regulations as set forth in this chapter and other applicable codes and ordinances adopted by the township.

Section 220-222. Extensions or enlargements.

A. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings or structures existing on the effective date of this chapter:

- (1) The extension of a nonconforming use of land upon a lot occupied by such use.
- (2) The extension or enlargement of a conforming building or structure occupied by a nonconforming use.
- (3) The extension or enlargement of a nonconforming building or structure occupied by a

nonconforming use.

(4) The extension or enlargement of a nonconforming building or structure occupied by a conforming use.

B. The foregoing extensions or enlargements of such nonconforming buildings, structures or uses shall be subject to the following conditions:

(1) The extension or enlargement shall conform to the height, area, yard and impervious coverage regulations of the district in which it is located. Where a building, structure or use is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether a front, side or rear yard, than the original setback line extended. Extension or enlargement of the nonconforming use, building or structure shall not exceed 50% of the floor area or use existing on the effective date of this chapter or the date of an amendment thereto thereby creating the nonconformity.

(2) The entire building, structure or use shall be provided with off-street parking and loading spaces as required by Article XXIV herein.

(3) The extension or enlargement does not replace a conforming use.

(4) The extension or enlargement of a building, structure or use used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.

(5) Any lawful nonconforming use of a building, structure or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking or produce any noise, glare, heat, dust, traffic vibration or illumination in excess of the existing nonconforming use.

Section 220-223. Reconstruction and restoration.

A. A nonconforming building, structure or use which is damaged by fire, explosion, windstorm or other natural or criminal acts may be reconstructed and used for the same purposes, provided that:

(1) The reconstruction and/or restoration of the building or structure is commenced within one year from the date of occurrence of the damage and is carried to completion without undue delay; and

(2) The reconstructed building, structure or occupied area does not exceed the height, area and volume of the original structure and occupied use.

B. In the event that any nonconforming building, structure and/or use is destroyed or partially destroyed and the owner of such has determined reconstruction/restoration unfeasible, the owner will be responsible for the complete removal of the structure and debris, as well as the filling of any excavated areas.

Section 220-224. Discontinuance.

If a nonconforming use ceases operations for a continuous period of more than 12 months, and intent to abandon has been demonstrated by the Township, then such use and any subsequent use, structure or building shall conform to the regulations of this chapter.

Section 220-225. Nonconforming lots.

A. Any lot held in single and separate ownership at the effective date of this chapter which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered nonconforming. A building may be erected upon any vacant nonconforming lot, provided that a special exception is authorized by the Zoning Hearing Board, and further provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this chapter. Such development shall comply with the following provisions:

1. The proposed use is permitted within the district in which it is located.
2. The proposed building shall comply with all applicable district regulations, as well as area and yard requirements as set forth in Section 220-212 herein.

B. On a lot in a residential district held in single and separate ownership from adjacent land at the effective date of this chapter, with a lot width less than that required for the zoning district, only one dwelling unit may be erected, and side yards shall be provided in accordance with the following requirements:

1. On lots less than 50 feet but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.
2. On lots less than 27 feet but not less than 20 feet in width, one side yard of no less than five feet in width shall be provided. One side wall of the building shall be constructed abutting the lot line without openings but shall not be constructed as a party wall.
3. On lots less than 20 feet in width, a building may be constructed the full width of the lot. Side walls abutting the lot lines shall have no openings and shall not be constructed as party walls. For such dwellings constructed to a depth of more than two rooms, a court not less than six feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
4. On a lot, in any nonresidential district, held in single and separate ownership from adjacent land at the effective date of this chapter, with a lot width less than that required for the zoning district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under Subsection C(2) above for residential structures.

Section 220-226. Nonconforming signs.

Signs in existence at the effective date of this chapter or amendments thereto may be continued subject to the regulations contained in Article XXV herein.

ARTICLE XXII, Airport Hazard Zoning Provisions

Section 220-227. Intent.

In accordance with Act 164 of 1984, entitled "Pennsylvania Laws Relating to Aviation to Prevent the Creation or Establishment of Airport Hazards," the following provisions, as contained within the Model Airport Zoning Ordinance for Lower Allen Township, prepared by L. Robert Kimball and Associates, 1989, as well as all referenced material and mapping contained within the cited model ordinance, are adopted as part of this chapter. Copies of the Model Airport Zoning Ordinance for Lower Allen Township are available in the township offices.

Section 220-228. Definitions.

The following words and phrases, when used in this article, shall have the meaning given to each herein and shall supersede definitions as contained in Article II of this chapter, unless the context clearly indicates otherwise:

AIRCRAFT -- Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT -- Harrisburg International and Capital City Airports, and any area of land or water which is used or intended to be used for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

AIRPORT ELEVATIONS -- The highest point of an airport's usable landing area, measured in feet above sea level (Harrisburg International Airport: 310 feet; Capital City Airport: 347 feet).

AIRPORT HAZARD -- Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa.C.S.A. Section 5102.

AIRPORT HAZARD AREA -- Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this article and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

APPROACH SURFACE -- A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 220-229.A of this article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES -- These zones are set forth in Section 220-229.A this chapter.

CONICAL SURFACE -- A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

DEPARTMENT -- The Pennsylvania Department of Transportation.

FAA -- The Federal Aviation Administration of the United States Department of Transportation.

HEIGHT -- In determining the height limits in all zones set forth in this article and shown on the Zoning Map, the datum shall be the mean sea level elevation, unless otherwise specified.

HORIZONTAL SURFACE -- A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal surface zone.

LARGER THAN UTILITY RUNWAY -- A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

NONCONFORMING USE -- Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION -- Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this article.

PERSON -- An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity, and includes a trustee, a receiver, an assignee or similar representative.

PRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE -- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRIVATE AIRPORT -- An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa.C.S.A. Section 5102.

PUBLIC AIRPORT -- An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa.C.S.A. Section 5102.

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

STRUCTURE -- An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES -- These surfaces extend outward at ninety-degree angles to the runway

center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

TREE -- Any object of natural growth.

UTILITY RUNWAY -- A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY -- A runway intended solely for the operation of aircraft using visual approach procedures.

Section 220-229. Establishment of airport surface zones.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all lands lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Harrisburg International and Capital City Airports. Such zones are shown on the Harrisburg International and Capital City Airport Height Limitation and Zoning District Maps, prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated 1989, which, by reference, is made a part of this article. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Utility Runway Visual Approach Surface Zone: established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

B. Utility Runway Nonprecision Instrument Approach Surface Zone: established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

C. Runway Larger Than Utility Visual Approach Surface Zone: established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

D. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone: established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

E. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Nonprecision

Instrument Approach Surface Zone: established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

F. Precision Instrument Runway Approach Surface Zone: established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. (NOTE: Appropriate runway type and dimension for the width of the primary surface is set forth in Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace, Dimensional Standards Table, page 19, January, 1975.) The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

G. Transitional Surface Zone: established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.EN

H. Horizontal Surface Zone: established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed in accordance with the provisions contained within the Model Airport Zoning Ordinance to Limit the Height of Objects Around Airports, prepared by L. Robert Kimball and Associates for the Pennsylvania Department of Transportation, Bureau of Aviation, 1989. The Horizontal Surface Zone does not include the approach surface and transitional surface zones.

I. Conical Surface Zone: established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet.

Section 220-229.A. Airport surface zone height limitations.

Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Utility Runway Visual Approach Surface Zone: slopes 20 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

B. Utility Runway Nonprecision Instrument Approach Surface Zone: slopes 20 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

C. Runway Larger Than Utility Visual Approach Surface Zone: slopes 20 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

D. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone: slopes 34 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.

E. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Nonprecision Instrument Approach Surface Zone: slopes 34 feet upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the

extended runway center line.

F. Precision Instrument Runway Approach Surface Zone: slopes 50 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.

G. Transitional Surface Zone:

(1) Slopes seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevations as follows:

(a) Harrisburg International Airport: 310 feet above mean sea level.

(b) Capital City Airport: 347 feet above mean sea level.

(2) In addition to the foregoing, when an airport has a Precision Instrument Runway Approach Surface Zone, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the Precision Instrument Runway Approach Surface Zone projects beyond the Conical Surface Zone, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at ninety-degree angles to the extended runway center line.

H. Horizontal Surface Zone: established at 150 feet above the established airport elevation or at heights as follows:

(1) Harrisburg International Airport: 460 feet above mean sea level.

(2) Capital City Airport: 497 feet above mean sea level.

I. Conical Surface Zone: slopes 20 feet outward for each foot upward, beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation, herein defined and extending to a height of 350 feet above the established airport elevation, herein defined.

J. Excepted height limitations. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree in accordance with provisions contained within the Model Airport Zoning Ordinance to Limit the Height of Objects Around Airports, prepared by L. Robert Kimball and Associates for the Pennsylvania Department of Transportation, Bureau of Aviation, 1989.

Section 220-230. Airport zoning requirements.

A. Reasonableness. All airport zoning regulations adopted under this article shall be reasonable. None shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this article. In determining what regulations it may adopt, each municipality and, if existing, joint airport zoning board shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the

character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

B. Use restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter 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 interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

C. Nonconforming uses (for purposes of this article).

(1) Regulations not retroactive. The regulations prescribed by this chapter 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 chapter or otherwise interfere with the continuance of any 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 chapter and is diligently executed.

(2) Marking and lighting. Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the applicant.

Section 220-231. Permits and variances.

A. Future uses. Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with Subsection D herein.

(1) In the area lying within the limits of the Horizontal Surface Zone and Conical Surface Zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the

horizontal zones, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic feature, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this article, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

B. Existing uses. Before any nonconforming structure may be replaced, substantially altered or rebuilt or any tree may be allowed to grow higher or be replanted, a permit must be secured from the township, authorizing the replacement or change. No 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 chapter or any amendments thereto or than it is when the application for a permit is made.

C. Nonconforming uses abandoned or destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this article.

D. Variance. For purposes of this article, any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of Section 220-269C are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this chapter. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this chapter. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this chapter may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the applicable airport manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the applicable airport manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

E. Hazard marking and lighting. In granting any permits or variance under this section, the Board shall, if it deems the action advisable to effectuate the purpose of this article and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the township, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

Section 220-232. Enforcement; notice.

A. Local enforcement. It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variance shall be made to the Zoning Officer upon a form published for that purpose. Applications required by this article to be submitted to the Zoning Officer shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer.

B. Notice to Department of Transportation. Notwithstanding any other provision of law, a municipality or board which decides to grant a permit or variance under this article shall notify the Pennsylvania Department of Transportation, Bureau of Aviation, of its decision. This notice shall be in writing and shall be sent so as to reach the Department at least 10 days before the date upon which the decision is to be issued.

ARTICLE XXIII, Groundwater Nonuse Overlay District

Section 220-233. Purpose and intent; authority.

A. The purpose of this article is to protect the public health, safety and welfare through the prohibition of groundwater use for agricultural use or as a drinking water supply. The designation of the Nonuse Overlay District, as provided herein, and the regulation of activities within such Nonuse Overlay District will reduce the potential for public exposure to contaminated groundwater. The delineation of the Nonuse Overlay District and the development of the provisions of this article are based upon a professional study of the hydrogeologic features of the Township and the distribution of groundwater contamination within the Township and surrounding areas.

B. This article is enacted pursuant to the authority contained in the Constitution of the Commonwealth of Pennsylvania and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended,

which provisions authorize the Township to enact ordinances regulating development and land uses to ensure the public health and safety, provide a safe, reliable and adequate water supply, and preserve natural values and aquifers.

Section 220-234. Establishment and delineation of Groundwater Nonuse Protection Overlay District.

The Groundwater Nonuse Overlay District shall be defined as that area within the corporate boundaries of the Township as is set forth on the Zoning Map and incorporated herein by reference thereto. Specifically, the Nonuse Overlay District is defined as all lands zoned I-3

Industrial/Commercial at the time of adoption on October 27, 2003, or lying within 1000 feet of those lands so zoned.. Where the boundary of the Nonuse Overlay District divides any property, the entire property shall be considered to lie within the Nonuse Overlay District.

Section 220-235. Regulated groundwater uses.

Within the Nonuse Overlay District, land uses shall be regulated as follows:

- A. Groundwater may not be used as a drinking water source, or for agricultural use.
- B. Any property currently using groundwater as a drinking water source or for agricultural use must immediately connect to the existing community water supply.
- C. Following connection, the existing well must be abandoned as a drinking water source or for agricultural use in accordance with PA DEP well abandonment criteria and guidelines.
- D. Grandfathering of existing uses is prohibited. The use of all existing wells as drinking water sources or for agricultural uses must cease within 90 days after the effective date of this article.
- E. It shall be the responsibility of any person owning real property and/or owning or operating a business within the Township of Lower Allen Township to make a determination of the applicability of the Nonuse Overlay District as it pertains to the property and/or business under his/her ownership or operation, and his/her failure to do so shall not excuse any violations of said sections.

Section 220-236. Subdivision and land development plans.

All subdivision and land development plans to be located within the Nonuse Overlay District shall be reviewed by the Zoning Officer and the Township Planning Commission for compliance with the provisions of this article. It shall be the responsibility of the Zoning Officer and the Township Planning Commission to recommend approval, disapproval or approval with conditions and modifications of the proposed plan so as to assure compliance with the provisions of this article.

ARTICLE XXIV, Off-street Parking

Section 220-237. General parking regulations.

- A. Off-street parking facilities shall be provided to lessen on-street congestion. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- B. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than nine feet wide, when measured at right angles to the edge of the parking area, and 18 feet long. Parking spaces and the approaches thereto shall be stone, gravel or paved surfaces.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. A garage may be constructed under a yard, provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above such an underground garage shall be deemed to be part of the open space of the lot on which it is located.

D. Parking shall not be permitted in front yards of residential uses, except on paved driveways. Turnarounds shall be considered as part of a driveway.

Section 220-238. Parking for the physically challenged.

A. All multifamily, commercial, public and industrial uses shall provide handicapped parking spaces for the physically challenged as follows:

Required	
Total Parking Spaces	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of the total number of spaces
Over 1,000	20, plus 1 additional space per each 100 spaces over 1,000

B. Design of accessible spaces shall be completed in accordance with the International Building Code Chapter 11, and ICC/ANSI A117.1-2003, American National Standard, Accessible and Usable Buildings and Facilities (as amended).

C. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

Section 220-239. Off-street parking facilities requirements.

Any of the following facilities erected or enlarged, any facility converted into one of the following facilities and any open area used shall be provided with not less than the minimum parking spaces and loading/unloading areas as set forth below, together with adequate access drives, driveways or other means of circulation and access to and from a street.

A. Specific parking space requirements.

Uses	Required Parking Spaces (GFA = Gross Floor Area)
Banks/financial institutions	1 per 300 square feet GFA
Bowling centers	5 for each bowling lane, in addition to requirements for eating establishments on site
Conference center	1 per sleeping room or suite, plus 1 per every 2 employees on the largest work shift, plus 1 per 2 persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory uses (i.e., restaurants and bars)
Convenience stores	1 per 150 square feet GFA
Campground	1 10-by-30-foot space per campsite
Swimming pools, roller/ice rinks, and other similar uses	1 per 100 square feet GFA of recreational surface, plus one for each 30 square feet of GFA used for spectator seating purposes, as applicable
Day-care facilities	1 per employee, plus 1 safe passenger off-street loading/unloading space per 5 children

Eating establishments	1 per 2 seats
Fast-food establishments	1 per 30 square feet GFA
Family-care and group-care facilities	1 per 4 residents, plus 1 per employee in the maximum working shift
Family day-care and group day-care facilities	1 per nonresident employee, plus 1 safe passenger off-street loading/unloading space per 4 nonresident children
Funeral homes/mortuaries	1 per 100 square feet GFA used for memorial services, viewing area, business office and products display
Furniture, carpet or appliance store	1 per 500 square feet GFA
Gasoline service station	1 per 3 gasoline pumps in addition to fueling and pump stacking area
Golf Course	4 per tee, plus 1 per employee
Golf Course (miniature)	2.5 per hole plus 1 per employee
Golf driving range	1.5 per tee, plus 1 per employee
Health or exercise facility	1 per 100 square feet of GFA
Home occupations	1 per nonresident employee, in addition to the requirement for

the dwelling unit; plus requirements determined by the Zoning Hearing Board in granting the Special Exception

Hospitals and medical facilities	1 per 4 beds, plus 1 per 2 employees of the maximum working shift, plus one per staff doctor
Outpatient medical centers	2 per patient room, plus 1 per employee of the maximum working shift
Hotels, motels, boarding homes and lodging/rooming houses, bed-and-breakfast establishments (excluding conference centers)	1 per sleeping room, plus 1 per 200 square feet GFA of public meeting area, plus 1 per every 2 employees on the largest work shift
Industrial uses	1 per 800 square feet of GFA
Junk yard	1 per employee, plus 1 per 5,000 square feet of lot area, excluding required buffer area
Laboratories, research and development	3.5 per 1,000 square feet of GFA
Laundries: Self-serve	1 per washing machines
Building supply establishment	1 per 500 square feet GFA, plus 1 per 1,000 square feet of indoor/outdoor storage area

Medical offices	1 per 250 square feet GFA
Nursery/greenhouse	1 per 1,000 square feet GFA, plus 1 per 2,000 square feet lot area, excluding buffer area
Nursing/personal health care facilities	1 per 3 beds, plus 1 per 2 employees in the maximum working shift, plus 1 per staff doctor
Office	
50,000 square feet GFA or less	1 per 200 square feet GFA
50,001 to 100,000 square feet GFA	1 per 225 square feet GFA
100,001 + square feet GFA	1 per 250 square feet GFA
Places of public or private assembly (churches, community centers, theaters or similar meeting and assembly uses)	1 per 3 seats or 1 per 100 square feet GFA where no seats are provided
Residential uses	
Single-family dwellings	2 per dwelling unit
Multi-family dwellings (including conversion apartments and excluding accessory apartments)	
Age-restricted dwellings	.5 per dwelling unit
Efficiency/studio	1 per dwelling unit
1-bedroom	1.5 per dwelling unit
2 bedrooms or more	2 per dwelling unit
Visitor parking	1 per 3 dwelling units

Staff parking	1 per employee on maximum shift
Retail sales establishments	
50,000 square feet GFA or less	1 per 200 square feet GFA
50,001 to 100,000 square feet GFA	1 per 250 square feet GFA
100,001 to 400,000 square feet GFA	1 per 300 square feet GFA
400,001 + square feet GFA	1 per 350 square feet GFA
Retail sales, outdoor	1 per 500 square feet of open sales/display area, plus 1 per employee during maximum shift
Produce stands	1 per 200 square feet of sales area
Storage facility	
Individual mini-storage	1 per 10 units, plus 1 per 200 square feet of office area, plus 2 per resident manager
Commercial	2 per unit
Schools	
Elementary	2 per classroom, but not less than 1 per teacher and staff member
Intermediate	1.5 per classroom, but not less than 1 per teacher and staff member
Secondary	1 per teacher and staff member and 1 per four students, based on design capacity
Stadiums, auditoriums, gymnasiums and similar	Additional spaces in accordance with Places of Assembly requirements

places of assembly

Shopping centers
(regional)

Under 400,000 square feet GFA	1 per 250 square feet GFA
400,000 to 500,999 square feet GFA	1 per 300 square feet GFA
600,000 + square feet GFA	1 per 350 square feet GFA

Shopping centers
(neighborhood)

1 per 250 square feet GFA for the first 1,000 square feet, plus 5 for each additional 1,000 square feet GFA, plus additional spaces, as required herein, for associated offices, theaters and eating establishments

Taverns, clubs, lodges
and similar uses

1 per bar seat, plus 1 per 20 square feet GFA of bar area, plus 1 per employee on maximum shift, plus Public Assembly requirements for meeting space

Utility facilities

1 per vehicle normally required to service such facility

Vehicular parts sales/
service garages
sales area

3 per bay, plus 1 for every 200 square feet of retail parts

Vehicular sales or
rental establishment

1 per 500 square feet of indoor GFA, plus 1 per 2,500 square feet of outdoor sales/rental area, plus 2 per service bay, plus 1 per

employee, but never fewer than 5 total spaces

Vehicular wash 2 per washing lane, in addition to stacking lanes

Veterinary facility 4 per doctor or allied professional trained person occupying the use, plus 1 per every additional employee

Warehouse or distribution center

Under 50,000 square feet GFA 1 per 5,000 square feet GFA, plus required spaces for any office or sales areas

50,001 square feet and over GFA 1 per 10,000 square feet GFA, plus required spaces for any office or sales areas

B. For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the applicant and approved by the township. The study shall include the following:

- (1) The type of use and estimated number of total trips generated during peak conditions (inbound and outbound).
- (2) The estimated parking duration per vehicle trip (turnover rate).
- (3) Based on the estimated number of trips generated and average parking duration per trip, the calculated number of spaces required.
- (4) The estimated number of employees; one space is to be provided for every two employees working the maximum shift.

Section 220-240. Drive-through service facility stacking distance requirements.

Stacking areas for drive-through facilities shall be in accordance with the following requirements. Such stacking areas shall not be located within the parking lot aisle or gas station pump area.

Use Required Stacking Area

Financial establishment	4 vehicle lengths per lane, drive-up teller, kiosk, or ATM
Car wash/self service	4 vehicle lengths per bay at entrance; 1 vehicle length per bay at exit
Car wash/automatic	4 vehicle lengths per bay at entrance; 2 vehicle lengths per bay at exit
Fast-food eating establishment	6 vehicle lengths behind menu board; 4 vehicle lengths behind first window
Retail service, such as photo processing, dry cleaner, pharmacy, coffee-to-go, etc.	2 vehicle lengths per window
Vehicular fueling pumps	2 vehicle lengths per pump
Gated parking lot entrance	1 vehicle length per gate
Gated unit or overhead door	1 vehicle length per door

Section 220-241. Reduction in parking spaces and stacking distance requirements.

The Zoning Hearing Board may authorize, by special exception, a reduction in the number and size of required off-street parking spaces and/or stacking distance requirements in cases where the applicant can justify the reduction and still provide adequate parking facilities and stacking distances to serve the proposed uses of the structure or land.

Section 220-242. Parking area location and design requirements.

A. Existing parking. Structures and uses existing on the effective date of this chapter shall not be

subject to the requirements of this article so long as the type or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

B. Changes in requirements. Whenever there is an alteration of a structure or change or extension of a use which increases the parking requirements according to the standards contained herein, the total parking required for the existing structure and use, as well as the alteration, change or extension, shall be provided in accordance with the requirements of that section.

C. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve. This shall include the utilization of required parking areas for the storage and sale of seasonal merchandise.

D. Continuing obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. Facilities shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

E. Drainage, surfacing and maintenance. Drainage, surfacing and maintenance of off-street parking areas, including driveways and access drives, shall be completed in accordance with the Lower Allen Township Stormwater Management Ordinance, as amended, and the Township Subdivision and Land Development Ordinance, as amended.

F. Shared parking. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. The number of spaces required in a common parking facility may be reduced below this total only as a special exception if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. A maintenance agreement for shared parking facilities shall be established between affected parties. Such agreement shall be binding on all future affected parties, heirs and assigns of the property.

G. Computation of spaces. Where the computation of required parking spaces results in a fractional number, any fraction shall be counted as one.

H. Internal access and circulation.

(1) Internal access and circulation to parking areas shall be designed so as not to obstruct the free flow of traffic. Pedestrian crosswalks leading from parking areas to main building entrances shall be provided and shall be appropriately marked.

(2) The geometric design of driveways, access drives and parking lots or areas shall allow access by emergency service vehicles.

I. Location of spaces.

(1) Single- and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served, unless provided for otherwise on an approved Subdivision or Land Development Plan.

(2) Parking spaces for multifamily dwellings and nonresidential uses shall be readily accessible to

the buildings served thereby. Such spaces shall be in the same zoning district as the principal building or open area and shall conform to the following regulations:

- (a) The required parking spaces shall be located within 600 feet of the principal building or open space in question, measured from the edge of structure or open space to the edge of the parking lot closest to the structure or open space.
- (b) If parking is to be provided on a lot other than the lot of the principal building or use, then the applicant for a use or building permit shall submit, with his/her application, an instrument duly executed and acknowledged which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the Office of the Recorder of Deeds.

J. Lighting of parking areas shall be required for all parking areas having more than 20 spaces. Such lighting may be provided through the use of light fixtures on either a pole or building and shall comply with performance standards as set forth in Article XV herein.

K. Screen planting and buffer yards shall be provided in accordance with Article XV herein.

L. Dimensional requirements.

(1) Minimum dimensions.

(a) The minimum dimensions of parking facilities to be provided shall be as follows:

Space Angle of Parking	Parking Space		Aisle Width	
	Width (feet)	Depth* (feet)	One-Way (feet)	Two-Way (feet)
90°	9	18	24	24
60°	9	20	18	20
45°	9	18	15	20
30°	9	16	12	20
Parallel	8	22	12	20

NOTES:

* Space depth is the perpendicular measurement from the curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

(b) All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls

of the parking area.

- (c) Parking areas shall be designed so that each motor vehicle may proceed to and from the respective parking space without requiring the moving of any other motor vehicle.
- (d) Parking aisles shall not exceed 300 feet in length without providing a circulatory access drive.
- (2) Setbacks for parking areas shall be provided as follows:
 - (a) All parking spaces and access drives shall be at least 10 feet from any multifamily dwelling or nonresidential building on the lot.
 - (b) All parking spaces, driveways and access drives shall be at least five feet from any lot line, except where buffer yards are required, in which case such parking spaces, driveways and access drives may not encroach on the buffer yard area.
 - (c) No parking area shall be located within a public right-of-way.
- (3) Separation.
 - (a) Except at entrance and exit drives, the parking area shall be physically separated from any public and/or private streets with a minimum six-foot-wide planting strip.
 - (b) All off-street parking spaces shall be marked so as to indicate their location, except for single-family and two-family residential uses.
- (4) Curb radius. No less than a five-foot radius of curvature shall be permitted for all curblines in all parking lots.

Section 220-243. Off-street loading and unloading requirements.

A. Required spaces.

- (1) For all nonresidential uses requiring delivery or pick up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

Gross Floor Area (square feet)	Required Number of Loading Spaces
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6,000 or less	1 loading/unloading space
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6,001 to 20,000	2 loading/unloading spaces
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Above 20,000	2 loading/unloading spaces, plus 1 additional space for each additional 50,000 square feet of gross floor area
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(2) Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds 50,000 square feet.

(3) All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

B. Design standards. Off-street loading facilities shall be designed in accordance with the following specifications:

(1) Each required space shall be not less than 12 feet in width, 45 feet in length and 14.5 feet in height, exclusive of driving and maneuvering space, and located entirely on the lot being served.

(2) There shall be separate means of access to a street or alley, as well as adequate maneuvering space.

(3) The maximum width of driveway openings, measured at the street lot line, shall be 40 feet; the minimum width shall be 20 feet.

(4) All off-street loading and unloading spaces, and access to those spaces, shall be graded, surfaced and drained in accordance with the provisions contained within applicable Township codes and ordinances.

Section 220-244. Motor vehicle access.

Motor vehicle access to lots shall be provided as follows:

A. Driveways. Driveways shall have the following characteristics:

(1) Driveways shall be located so as to provide sight distance at intersections with streets and shall not be located within any required clear sight triangle.

(2) Driveways which intersect other than a minor or local street shall provide adequate turnaround within the lot so egress to the street is in a forward direction.

(3) Only one driveway connection per 100 feet of lot frontage is permitted, with the exception of circular driveways for residential dwellings.

(4) The Board of Commissioners may limit the number of driveways providing access from a single property or development to collector or arterial streets. The Board may also require the use of shared driveways to provide ingress and egress to two residential units.

(5) Driveways shall not connect with a public street within 40 feet of the right-of-way lines of any intersecting streets, nor within five feet of a fire hydrant.

(6) Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.

(7) All driveways shall be set back at least five feet from any adjacent side or rear lot lines.

(a) A driveway may be located less than five feet from a property line if a written agreement exists between the affected property owners allowing a lesser distance. Such agreement shall be recorded in the Cumberland County Office of Recorder of Deeds, and shall be binding on all future property owners, heirs and assigns of both properties.

(8) Driveway location shall be delineated on all land development plans; however, subdivision and land development plans may delineate location or provide a notice of conformity to this chapter.

B. Access drives. Access drives shall conform to the following standards:

(1) The vertical alignments of access drives shall conform to the specifications for streets, in accordance with the township's Subdivision and Land Development Ordinance.

(2) No more than eight dwelling units/lots shall be accessed by one access drive or a connected network of access drives.

(3) The horizontal alignments of access drives shall be measured along the center line. Horizontal curves shall be used at all angle changes in excess of two degrees. All curves shall be tangential arcs. The minimum horizontal curve radius shall be 75 feet.

(4) All access drive intersections shall be:

(a) Subject to approval of the Pennsylvania Department of Transportation when intersecting a state road.

(b) Subject to the approval of the Township Board of Commissioners when intersecting a township road.

(c) Set back a minimum of 100 feet from the intersection of any other access drive located upon the same lot (measured from the edge of the cartway).

(d) Set back a minimum of 10 feet from any side and/or rear property lines; however, this setback shall not be required along one property line when a shared access drive or parking is shared by adjoining uses and satisfactory agreements are in place.

(e) Designed with right angle intersections whenever possible. No access drive intersection shall utilize an angle less than 75°, unless turning movement restrictions are imposed.

(f) Rounded by a tangential arc with a minimum radius of 20 feet. The Township may require a fifty-five-foot radius where truck traffic is anticipated.

(g) Provided with a clear sight triangle and sight distance in accordance with the provisions contained within the township's Subdivision and Land Development Ordinance.

(5) Access drives or a connect network of access drives shall not exceed 1,000 feet in total length, measured from the center line intersection of a street. Access drives exceeding this length shall be considered a private or public street.

(6) The terminus of access drives shall incorporate a paved turnaround with a minimum diameter of 100 feet.

(7) Where vehicular parking is prohibited along access drives, the prohibition must be noted on the plan and properly signed along the cartway.

(8) The cartway of all access drives shall be constructed according to the local street standards in accordance with the township's Subdivision and Land Development Ordinance. Additionally, all work procedures shall conform to the latest edition of the Pennsylvania Department of Transportation Manual 408.

(9) The following table specifies various access drive width requirements:

Required

Function	Cartway Width (feet)
2 lanes of traffic with on-street parking	36
2 lanes of traffic without on-street parking	24
1 lane of traffic with 1 lane of on-street parking	20
1 lane of traffic without on-street parking	12

NOTES:

- 1 Access drives that serve less than four residential units may have a cartway width of 18 feet.
- 2 Off-street parking lots must be provided in accordance with this chapter.
- 3 The one-way direction of traffic must be identified along the cartway.

ARTICLE XXV, Signs

Section 220-245. Purpose.

The intent of this article is to strike a reasonable balance between the need or desire to display public information on signs with the need or desire to minimize visual conflicts that can occur when placement of signs is not adequately controlled. Appropriate design, placement and maintenance of signage can complement the visual appeal of the community and facilitate safe and efficient travel within the township. Absence of appropriate standards can allow development of signage that distracts or competes excessively for visual attention or that detracts from the desirable appearance of the community.

Section 220-246. Definitions.

A. In addition to the words and terms included in the Definitions Section, pictorial descriptions of certain sign types defined in this section are provided by Exhibits XXV-1 through XXV-2.

Section 220-247. General regulations.

A. No sign shall be placed, erected, altered, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer. A construction permit shall also be required unless the sign proposal satisfies exemption criteria listed in the Building Code of Lower Allen Township. Signs listed in Section 220-251 herein are exempt from zoning permit requirements, provided that the use of such signs is in accordance with other provisions of this article. Applications shall be submitted on forms provided by the township, shall indicate consent of the owner of the premises upon which the sign is to be located and shall be accompanied by supporting information that is sufficient to determine compliance with this article and any other relevant ordinances. Examples of supporting data that may be required include a scale drawing with relevant dimensions noted to illustrate the proposed height, area, size and sign copy; a plot plan of the property on which the sign will be located to illustrate the position of proposed signs relative to buildings, structures, lot lines and rights-of-way; illumination method and materials; and support systems, structural loads, stresses and anchoring details. Compliance with performance criteria may require certification by a registered design professional.

B. Signs and sign components may be removed for repair and maintenance, provided that they are restored to the same height, size, area and location authorized by permit. Repair and maintenance activities that do not affect the height, size, area or location of a sign do not require a zoning permit; however, if these activities affect structural or electrical components of the sign, a construction permit may be necessary.

C. No sign may be erected or maintained that may be confused with any authorized traffic control device.

D. Animated signs are not permitted in any district.

E. Changeable message signs are permitted in all zoning districts, subject to limitations contained in Section 220-252D herein.

F. Every sign permitted by this article shall be kept in good condition and repair. When the Code Official determines that a sign is unsafe, unsecured, is a menace to the public or has been installed, erected or maintained in violation of any provision of this chapter, written notice shall be given to the owner of the sign, in accordance with Section 220-268 herein. Said notice shall set forth a reasonable time period in which violation(s) shall be corrected. Immediate action may be required in the case of imminent danger to the public.

G. Any off-premise directional sign associated with a use that is no longer active, and any on-premise sign copy that no longer relates to a use conducted at the property on which it is located, except memorial signs, shall be covered or removed by the sign owner or property owner within 30 days after receipt of written notice from the Code Official, in accordance with Section 220-268 herein. Any obsolete sign structure that is not reused for a new sign within one year of such notice shall be deemed abandoned. Any abandoned sign and structure, and any temporary sign that is displayed beyond the permitted time limit, shall be removed by the sign owner or property owner within 30 days of receipt of written notice from the Code Official, in accordance with Section 220-268 herein. Upon

failure to comply with a notice regarding an obsolete or abandoned sign, or a temporary sign that remains in place after expiration of the display time period, the Code Official is hereby authorized to cause removal or covering of obsolete sign copy, or removal of temporary and abandoned signs. Any expense incident thereto shall be assessed to the property. When an obsolete or abandoned wall sign is removed, the wall of the building or structure on which it was attached shall be restored to resemble the appearance of the wall surrounding the sign location.

Section 220-248. Sign standards.

A. Placement standards.

- (1) No sign shall be installed in a public right-of-way unless installation is authorized by the authority having jurisdiction. Permitted sign types are limited to traffic control devices, signs displayed on public transportation passenger shelters, temporary street banners advertising special events for civic or charitable nonprofit organizations and building identification signs displayed on mailboxes.
- (2) No sign shall be affixed to a natural object such as a tree, shrub or rock, or to a utility structure or utility pole, with the following exceptions: Regulatory notice signs, such as those used to regulate hunting and trespassing, may be attached to a tree. A street banner may be attached to a utility structure or utility pole, or a tree, provided that permission is granted from the owner of the utility structure, utility pole or tree.
- (3) No sign may be mounted on a roof; however, signs may be mounted on roof-like architectural projections of walls, such as pent eaves and mansards, provided that the sign does not project above the highest part of the wall. Roof signs are pictorially described on Exhibits XXV-1 and XXV-2.
- (4) No sign or sign structure shall be erected at any street intersection in such a manner as to obstruct free and clear vision, nor at any location where it may interfere with or obstruct any traffic control device.
- (5) A vertical clearance height of at least eight feet shall be provided between the surface of a public walkway and any sign that projects over the walkway.
- (6) No freestanding sign, together with any supporting framework, shall extend to a height above the maximum building height allowed within the respective district.

B. Safety standards. No sign may be erected and maintained which:

- (1) Is structurally unsafe in accordance with the Pa. Uniform Construction Code as modified by Chapter 70 of the Code of Lower Allen Township, as amended.
- (2) Constitutes a hazard to public safety and health by reason of dilapidation, abandonment or inadequate maintenance.
- (3) Obstructs free entrance or exit from a required door, window or fire escape.
- (4) Obstructs light or air, or interferes with proper functioning of a building.

C. Illumination standards.

- (1) Signs may be internally or externally illuminated. Externally illuminated signs shall only be illuminated with steady, stationary, shielded light sources directed solely onto the signs.

- (2) Illuminated signs shall not be permitted to produce glare in violation of performance standards for outdoor lighting contained in Article XIX herein.
- (3) Strings of bulbs are not permitted, except as part of a holiday celebration.
- (4) All electrical components of any sign shall comply with the electrical code referenced in the Pa. Uniform Construction Code as modified by Chapter 70 of the Code of Lower Allen Township, as amended.

Section 220-249. Nonconforming signs.

A. Any sign lawfully existing at the effective date of this chapter that does not conform to the requirements of this chapter shall be considered nonconforming, and the nonconforming use, location, area, height and/or size may be continued until such time as replacement or rebuilding becomes necessary. Replacement of copy or panels upon which copy is displayed does not constitute replacement or rebuilding of the sign, provided that the structure supporting the copy or copy panels is not rebuilt or replaced, and the new copy or copy panels are not larger in any dimension than those being replaced.

B. When a nonconforming sign is replaced or rebuilt, the following limitations shall apply:

- (1) A nonconforming sign damaged by fire, explosion, windstorm or other sudden natural or criminal act may be reconstructed or restored, provided that the reconstruction or restoration does not conflict with any regulation of the Commonwealth of Pennsylvania and the degree of nonconformity of the original sign is not increased.
- (2) When the land upon which a nonconforming sign is located is taken for public purposes through eminent domain proceedings, the nonconforming sign may be relocated or replaced elsewhere on the residual property, provided that the degree of nonconformity of the original sign is not increased.
- (3) All other nonconforming signs may only be replaced with or rebuilt as conforming signs, in accordance with all applicable provisions of this chapter.

Section 220-250. Determination of sign area and height.

A. The area of a sign shall be the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or V-shaped sign shall be the area of the largest single face. Any portion of the sign face that displays a street address for the building to which the sign is associated shall not be included in the area calculation.

- (1) In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- (2) In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except interrupted by a reveal, border or contrasting surface or color.

(3) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

(4) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

(5) Sign area computation methodology is pictorially described on Exhibits XXV-3 and XXV-4

B. Height.

(1) The height of any building sign is limited to the actual height of the building. The height limit for a freestanding sign shall be established in the specific regulations for the district in which it is located, but in no case may it be greater than the maximum permitted building height of the respective district.

(2) The height limit of any freestanding sign shall be measured relative to the surface elevation of the road from which the freestanding sign is intended to be viewed. If the centerline elevation of the road cartway has a higher elevation than the ground elevation at the proposed sign location, when measured along a line connecting these two points and running perpendicular to the intersecting lot line, the sign height limit may be increased by the resulting difference in elevation. If this same measurement methodology indicates that the ground at the proposed sign location has a higher elevation than the centerline elevation of the roadway from which the sign is intended to be viewed, then the sign height limit prescribed by the appropriate section within this article may not be adjusted, and any lot elevation increase achieved by mounding the proposed sign location shall be subtracted from the maximum allowable sign height. When a proposed sign will be readable from multiple roads, the greatest sign height resulting from application of this section shall be permitted.

Section 220-251. Exceptions to permit requirements.

The following signs shall be exempt from zoning permit requirements, but must conform to all other requirements of this article. Construction permits may be necessary.

A. Signs erected or posted and maintained for public safety and welfare, pursuant to any governmental function, law or other regulation, and any sign related to an emergency.

B. On-premise directional signs that are placed at driveways solely to indicate the location of ingress and egress at public streets. Such signs may not exceed four square feet per face or extend higher than 3.5 feet above ground level. Such signs shall not contain any advertising, but up to 25% of the sign area may contain the business name and/or logo.

C. Incidental signs, in accordance with Section 220-252K.

D. Memorial signs in accordance with Section 220-252B.

E. Election campaign signs, real estate and on-premise residential sales signs, in accordance with temporary sign provisions of Section 220-254.

- F. Regulatory signs, in accordance with Section 220-252L.
- G. A bulletin board or similar sign not exceeding 40 square feet per sign face, with a limit of two sign faces, in connection with any church, neighborhood or civic association, museum, library, school or similar public or semipublic nature, provided that the top of the sign shall be not more than eight feet above ground level, and provided that it complies with all other provisions of this article.
- H. Holiday decorations displayed for recognized holidays, except as they may interfere with traffic safety or in any other way become a safety hazard.
- I. Flags of any political or noncommercial entity.
- J. Sign, or portions thereof, devoted solely to display of building address numbers.
- K. Any on-premise event, identification or marketing sign that is not primarily intended for viewing from a public street, or adjacent property, and the copy of which is not readily discernible from an adjacent property or the public street that abuts the property on which the sign is located.
- L. Off-premises signs located at athletic facilities, typically utilized for fund raising purposes, that are attached to fences, scoreboards and other structures, provided that they are primarily oriented for viewing by participants and spectators.

Section 220-252. Regulations by sign type.

- A. Freestanding signs. Any freestanding sign, unless permitted in a public street right-of-way, is limited to a height of 3.5 feet when located less than 10 feet from a public street right-of-way. Specific zoning district height limits (Section 220-253) apply when such signs are placed at least 10 feet from a public street right-of-way. No freestanding sign may be located within five feet of a side or rear property line, nor in such a manner that it interferes with a traffic control device or a driver's view of approaching, merging or intersecting traffic.
- B. Memorial signs. Freestanding memorial signs are limited to 10 square feet per face, with a maximum of two faces. When affixed to the surface of a building, they shall either be cut into exterior masonry facing, or constructed of durable, noncombustible material and fastened to the exterior surface of the building. Memorial signs affixed to building surfaces are limited to 10 square feet and one such sign per street frontage.
- C. Portable signs are only permitted as temporary signs and shall comply with temporary sign placement provisions contained in Section 220-254 herein.
- D. Changeable message signs. Nonresidential uses in all residential zoning districts may install changeable message signs in accordance with other provisions of this article, provided that activation of message change is by manual means. Changeable message signs may be either electrically or manually activated in commercial and industrial districts. Electrical activation may include projection or rotation of sign copy, or electronically programmed message changes. Scrolling message changes are permitted, but flashing and animated signs, as defined herein, are prohibited.
- E. Building signs. Such signs may not project horizontally beyond or vertically above the face of the building upon which they are displayed. Panels, cabinets and individual copy elements may not extend perpendicularly from the building face more than 15 inches, unless classified as, and subject to limitations, for projecting signs contained in Section 220-252F herein.

F. Projecting signs. Signs attached to buildings and having copy elements displayed perpendicularly to the building face may project more than 15 inches from the building face, provided that:

- (1) Vertical clearance of at least eight feet shall be provided below all parts of a projecting sign.
- (2) Horizontal projection shall not extend past a vertical plane established by the location of any minimum building setback line, except as specifically allowed in a Traditional Neighborhood Development or Neighborhood Redevelopment.
- (3) Sign area is limited to the maximum area for a freestanding sign in the district in which the projecting sign is located.
- (4) Method of structural attachment is subject to construction code compliance if the sign area exceeds 2.5 square feet.

G. Temporary signs: refer to Section 220-254 herein.

H. Outdoor advertising signs. Signs classified as billboards are only permitted in C-2 General Commercial, I-1 General Industrial, I-3 Industrial/Commercial and C-4 Regional Commercial Zoning Districts, subject to the following limitations:

- (1) Such signs shall be located at least 100 feet from any residence or residential zoning district; at least 10 feet from any property or street right-of-way line; and at least 1,000 feet from any other billboard.
- (2) The number of faces is limited to two in the C-2, C-4 and I-3 districts and to four faces in the I-1 district.
- (3) Sign area is limited to 300 square feet per face in the C-2, C-4 and I-3 Districts; and to 672 square feet per face in the I-1 District. Temporary embellishments may be added to billboards in the I-1 district, provided that they do not increase sign area beyond 750 square feet per face.
- (4) The maximum height of any billboard, measured in accordance with Section 220-250 herein, shall be 25 feet.

I. Window signs. Such signs that are designed so they can be legibly viewed from an adjacent property or public street right-of-way shall be classified as building signs, and the area of these window signs shall be included in the total window sign area permitted on the property. Incidental and regulatory signs are exempt from this requirement. No more than 30% of the area of a window may be covered with window signs that are classified as building signs.

J. Development identification signs. Freestanding signs that identify shopping centers or groups of related buildings, such as residential subdivisions, institutional campuses, industrial and business parks and office and apartment complexes, may be installed in addition to any identification signs that may be permitted for individual buildings or uses, provided that the following limitations are met:

- (1) The land area of nonresidential developments must be at least 10 acres.
- (2) Unless otherwise permitted in a public street right-of-way, all development identification signs shall be located at least 10 feet from said right-of-way.
- (3) The height limitation for such signs is six feet when located in a residential district; otherwise, this limitation shall be the maximum height of a freestanding sign in the district in which the sign is located.

- (4) External illumination is the only type of illumination permitted in a residential district.
- (5) The area of such signs is limited to 40 square feet per face, with a maximum of two faces per sign, in any zoning district, with the following exception: Development identification signs for shopping centers in a C-2 District shall comply with Section 220-253D(6).
- (6) Where primary access to a development is provided by a boulevard, an off-premise development identification sign may be located in the boulevard island, provided that the sign location and construction is approved by the Township Engineer, the island is not maintained by the township and the entity responsible for island maintenance agrees in writing to maintain, repair and replace the sign and indemnify the township against any claims or actions resulting from damage caused by or to the sign.
- K. Incidental signs. These signs are limited to two faces per sign. The sign area per face shall be limited to four square feet in residential districts, and six square feet in all other districts.
- L. Regulatory signs. These signs are limited to two faces per sign. The sign area per face shall be limited to four square feet in residential districts and six square feet in all other districts, except where a larger size is mandated by regulations promulgated under authority of state or federal statutes or by judicial order.
- M. Off-premise directional signs. These signs must be freestanding signs. They are intended to guide motorists to residential developments and nonresidential destinations that do not have readily apparent access or visibility from a public street. The following limitations apply to off-premise directional signs.
- (1) Sign copy is limited to name and/or logo of premises and distance and/or directional information. Copy may not be illuminated in residential districts.
- (2) These signs must be located on private property, with written consent of the property owner. They must be located at street intersections that are within one mile of the destination. No more than two signs may be erected per use.
- (3) In all residential zoning districts, these signs are limited to 3.5 feet in height and 6.0 square feet per face, with a limit of two faces per sign, and two signs per property.
- (4) In all other zoning districts, these signs have the same limits as residential districts if located within 10 feet of the street right-of-way. If located 10 or more feet from the street right-of-way, limits for these signs are a height of eight feet, 10.0 square feet per face with a limit of two faces per sign and four signs per property. These signs must be a minimum of five feet from side and rear property lines.
- (5) Tourist-Oriented Destination (TOD) Signs and Travel Logo Signs erected in public rights-of-way by the authorities having jurisdiction over them are exempt from these regulations.

Section 220-253. Regulations by zoning district.

A. The purpose of these regulations is to allow signs that are customary and reasonable for the variety of dwelling unit types permitted in these districts, and to allow signs for permitted nonresidential uses that sufficiently identify these uses in a manner that is compatible with predominant residential uses. Signs in R-1 Single-Family Residential Districts, R-2 Single-Family Rural Residential Districts and R-3 Multifamily Residential Districts shall be subject to the following limitations:

(1) Identification signs for residential uses are limited to street address, owner/occupant name, customarily incidental welcome messages and lawfully existing home occupations. Freestanding signs may not be located in a public street right-of-way, unless limited to one square foot per face and located on a mailbox that is installed in accordance with United States Postal Service guidelines. These signs may be illuminated in accordance with Section 220-248C.

(2) All uses in these residential districts may display temporary signs in accordance with Section 220-254 herein.

(3) Development identification signs may be installed in accordance with Section 220-252J herein.

(4) All uses may display incidental and regulatory signs in accordance with Section 220-252K and 220-252L, respectively.

B. The purpose of these regulations is to provide adequate signage for the mix of residential and commercial uses that are permitted to coexist in this mixed-use neighborhood district. Limited commercial uses are provided with adequate opportunities for identification that also minimize the impact upon adjacent residential uses. Signs in MUN Mixed Use Neighborhood Districts shall be subject to the following limitations:

(1) Signs for all residential uses shall be in accordance with Section 220-253A herein.

(2) All uses in this district may display temporary signs in accordance with Section 220-254 herein.

(3) Development identification signs may be installed in accordance with Section 220-252J herein.

(4) All uses may display incidental and regulatory signs in accordance with Section 220-252K and 220-252L, respectively.

C. The purpose of these regulations is to provide adequate signage for permitted commercial uses, while minimizing the impact upon adjacent residential districts. Signs in C-1 Neighborhood Commercial Districts shall be subject to the following limitations:

(1) Signs for permitted residential uses shall be in accordance with Section 220-253A herein.

(2) All uses in this district may display temporary signs in accordance with Section 220-254 herein.

(3) Development identification signs may be installed in accordance with Section 220-252J herein.

(4) All uses may display incidental and regulatory signs in accordance with Section 220-252K and 220-252L, respectively.

D. The goal of these regulations is to provide legible signage for auto-oriented commercial facilities that attract regional retail business, while moderating visual competition. Signs within the C-2 General Commercial and C-4 Regional Commercial Districts shall comply with the following provisions. Signs in C-2 General Commercial and C-4 Regional Commercial Districts shall be subject to the following conditions:

(1) Permitted residential uses may display signs in accordance with Section 220-253A herein.

(2) All uses may display temporary signs in accordance with Section 220-254 herein.

(3) Development identification signs may be installed in accordance with Section 220-252J.

(4) All uses may display incidental and regulatory signs in accordance with Section 220-252K and

220-252L, respectively.

(5) Freestanding signs used for events, marketing or identification.

(a) Number: limit is one such sign per street frontage of a lot. If multiple commercial uses exist on the lot, they must share a common freestanding sign, except in cases where multiple signs are permitted due to multiple street frontages, and the number of permitted freestanding signs equals or exceeds the number of uses.

(6) Building signs used for events, marketing and identification.

(a) Number. The number of such attached signs is not limited; however, the signs may only be attached to the building or its appurtenances on building elevations that front a street, parking area or adjacent properties used for commercial purposes.

(d) Supplemental sign area. Any portion of the total available building sign area not utilized for permanently affixed building signs may be utilized for placement of temporarily affixed signs without being subjected to time limitations otherwise placed upon display of temporary signs, in accordance with provisions for temporary commercial signs contained in Section 220-254B(6).

(7) Event, marketing and identification signs may be illuminated in accordance with Section 220-248C.

E. The purpose of these regulations is to provide adequate signage for permitted nonresidential uses that do not require as much sign area as uses in the C-2 General Commercial and C-4 Regional Commercial Districts because the uses permitted in these districts do not generally attract regional retail business. Signs in C-3 Planned Business Center Districts, I-1 General Industrial Districts, I-2 Mineral Recovery Districts, and I-3 Industrial/Commercial Districts shall be installed in accordance with the following limitations:

(1) Permitted residential uses may install signs in accordance with Section 220-253A herein.

(2) All uses may display temporary signs in accordance with Section 220-254 herein.

(3) Development identification signs may be installed in accordance with Section 220-252J herein.

(4) All uses may display incidental and regulatory signs in accordance with Section 220-252K and 220-252L, respectively.

(5) Signs for permitted nonresidential uses shall be permitted in accordance with Section 220-253C herein.

(6) Event, marketing and identification signs may be illuminated in accordance with Section 220-248C.

Section 220-254. Temporary sign regulations.

Temporary signs provide an alternative or supplement to permanent signs for communicating information to the public. Their messages are generally applicable for a limited time, and the signs are not permanently fastened to the ground or a structure.

A. General regulations for temporary signs.

- (1) Placement, public rights-of-way. The only temporary signs permitted in a public right-of way are those classified as traffic control devices or emergency signs. They may only be installed by, or at the direction of, the authority having jurisdiction over the right-of-way.
- (2) Placement, private property. All other temporary signs must be located on private property. In the case of off-premise temporary signs, written permission of the private property owner must be obtained, and the signs must bear the name, address and telephone number of the person responsible for placement of the sign.
 - (a) Temporary signs may be freestanding or attached to permanent buildings or structures.
 - (b) All temporary signs must be located at least 5.0 feet from any adjacent property line.
- (3) Permits. A zoning permit shall be obtained prior to displaying any temporary sign except political, real estate and on-premise residential sale signs.
- (4) Illumination. The only temporary signs that may be illuminated are on-premise commercial signs and community event signs that are located on properties used for nonresidential purposes. Illumination must be in accordance with Section 220-248C.
- (5) Durability and wind resistance. Temporary signs need not be constructed of permanent materials, but they must be constructed so that the sign and its message remain intact for the duration of the display period. The placement of a temporary sign must include a method of attachment to a structure or the ground that provides sufficient resistance to uplifting, overturning or transporting of the sign by wind forces. Freestanding temporary signs must either be fastened to a support structure that is embedded into the ground or displayed on a portable structure that is anchored to the ground.
- (6) Height limits. Attached temporary signs may not exceed the height of the building upon which they are fastened and may not be installed as projecting signs. Freestanding temporary signs are limited to 3.5 feet in height when installed within 10.0 feet of the dedicated public right-of-way line. When installed greater than or equal to 10.0 feet from the dedicated public right-of-way line, they may be up to 6.0 feet in height if located on a property used for residential purposes, and up to 10.0 feet in height if located on a property used for nonresidential purposes.
- (7) Off-premise outdoor advertising. These temporary sign regulations are not intended to preclude or limit the legitimate use of off-premise outdoor advertising signs, commonly referred to as "billboards." Temporary signs displayed on a public transportation shelter located in a public right-of-way shall be regulated in a manner prescribed by the authority having jurisdiction over the right-of-way.

B. Specific regulations for temporary signs.

- (1) Residential sales. This type of temporary sign is intended for use with garage sales, yard sales, auctions and similar events. These temporary signs may be displayed not more than 10 days before the event and must be removed not more than one day after the event.
- (2) Commercial signs. This type of temporary sign provides an opportunity for businesses to replace or supplement permanent signs on a short-term basis. They also provide an opportunity for businesses to display public information regarding special events, new products and services, changes in ownership or management, employment opportunities and similar messages. Temporary commercial signs shall be on-premise signs and must be placed and maintained in accordance with the general regulations for temporary signs. Home occupations are excluded from using this type of sign.

(a) Freestanding temporary commercial sign limitations.

[1] When a temporary freestanding sign is used as a short-term substitute for a permanent freestanding sign that is removed for replacement or repair, the temporary freestanding sign area may exceed the zoning district area limitation, provided that the temporary sign area is not greater than the area of the permanent sign.

(b) Temporary commercial building sign limitations.

[1] When a temporary building sign is used as a short-term substitute for a permanent building sign that is removed for replacement or repair, the area of such temporary sign may not exceed the area of the permanent building sign.

ZONING ORDINANCE SIGN TABLE – BY ZONING DISTRICT

Zoning District	Maximum Height:	Maximum Area: Square Feet (SF)	Number of Signs
Permitted Residential Uses in all Districts	6 feet	6 per face	One per use
Permitted Non-Residential Uses in the R-1, R-2, R-3 and MUN Districts	Building Sign: Highest point on the wall	40 per face	One per building
	Freestanding Sign: 6 feet, except 10 feet in MUN District	40 per face	One per lot
Permitted Non-Residential Uses in C-1, C-3, I-1, I-2 and I-3 Districts	Building Sign: Highest point on the wall	1.5 per linear foot of building wall (1)	No limit
	Freestanding Sign: 20 feet	40 per face	One per street frontage
Permitted Non-Residential Uses in the C-2 District	Building Sign: Highest point on the wall	1.5 per linear foot of building wall (1)(2)	No limit
	Freestanding Sign: 20 feet (3)(4)	40 per face (5)(6)(7)	One per street frontage
Permitted Non-Residential Uses in the C-4 District	Building Sign: Highest point on the wall	1.5 per linear foot of building wall (1)(2)	No limit
	Freestanding Sign: 20 feet (3)	40 per face (5)(9)	One per street frontage

(1) Area may be increased by 25% if located a minimum of 100 feet beyond the 30 foot minimum yard setback from the right-of-way line.

- (2) Maximum area of 32 SF is permitted for uses with less than 21.3 lineal feet of building wall.
- (3) Height may be increased by 10 feet if located along a limited access highway right-of-way.
- (4) Height may be increased by 5 feet if located a minimum of 20 feet beyond the 30 foot minimum yard setback from the right-of-way line.
- (5) Area may be increased by 40 SF per face if located along a limited access highway right-of-way.
- (6) Area may be increased by 20 SF per face if located a minimum of 20 feet beyond the 30 foot minimum yard setback from the right-of-way line.
- (7) Multiple non-residential uses must share a freestanding sign. An additional 10 SF per face is permitted for each use, up to a maximum of 30 additional SF per face.
- (8) One additional freestanding sign may be erected to identify a shopping center.
- (9) Each freestanding sign face may be increased in area one square foot for each 6,000 square feet of gross floor area over 240,000.

ZONING ORDINANCE SIGN TABLE- BY SIGN TYPE

Sign Type	Maximum Height:	Maximum Area: Square Feet (SF)	Number of Signs
Freestanding	3.5 feet, if < 10 feet from R.O.W. Line Specific Zoning District limits apply if > 10 feet from R.O.W. line		
Memorial	Freestanding Sign: Building Sign:	10 per face 10 per face	One per street frontage
Building (7)	May not project horizontally beyond or vertically above the face of the building.	Limited to maximum for Freestanding Sign in the District.	
Outdoor Advertising (Billboards)	25 feet	300 per face in C-2, C-4 and I-3 Districts (3) 672 per face in the I-1 District (3)	Four faces per sign permitted in the I-1 District
Development Identification	6 feet in Residential Districts In Non-Residential Districts, limited to maximum for Freestanding Sign in the District.	40 per face 40 per face (4)	(8)

Sign Type	Maximum Height:	Maximum Area: Square Feet (SF)	Number of Signs
Incidental	4 per face in Residential Districts		
	6 per face in Non-Residential Districts		
Regulatory	4 per face in Residential Districts		
	6 per face in Non-Residential Districts (5)		
Off-Premise Directional (6)	Residential Districts: 3.5 feet	6 per face	Two per use and two per property
	Non-Residential Districts: 3.5 feet, if located < 10 feet from R.O.W. Line	6 per face	Two per use and two per property
	Non-residential Districts: 8 feet, if located 10 feet or more from R.O.W. Line (11)	10 per face	Four per property (10)

- (1) All signs limited to a maximum of two faces per sign, unless otherwise specifically stated.
- (2) Permitted as Temporary Signs only, in accordance with Temporary Sign regulations.
- (3) Temporary embellishments may be added in the I-1 District, provided the maximum sign area does not exceed 750 square feet.
- (4) Shopping Centers in the C-2 and C-4 Districts shall comply with limits on Freestanding Signs in those Districts.
- (5) Except where a larger size is mandated by regulations promulgated under authority of state or federal statutes or by judicial order.
- (6) Tourist-Oriented Destination Signs (TODS) erected in the public rights-of-way by authorities having jurisdiction over them are exempt from these regulations.
- (7) Panels, cabinets and individual sign copy elements may not extend perpendicularly from the building face more than 15 inches, unless classified as and subject to limitations for projecting signs.
- (8) Maximum of one at each location where a public street provides access to the development. Such signs may be off-premise signs when the qualified development does not abut the street(s) that provide(s) access to the development.
- (9) All signs must be set back a minimum of five feet from any property line, unless otherwise specifically stated.
- (10) If more than one sign, all signs must be on the same single structure.
- (11) If a single structure contains more than one sign, the maximum height may be increased two feet for each additional sign greater than one.

ZONING ORDINANCE – TEMPORARY SIGN TABLE

Zoning Districts	Sign Type	Maximum Area: Square Feet (SF)	Duration Limits
All	<u>Real Estate:</u> Residential Non-Residential, apartment and residential building complex	6 per face 32 per face	Removed within 10 days of sale, lease or rental
All	Election Campaign (1)	6 per face	30 days before to 5 days after election
All	<u>Construction/Development</u> Residential Non-Residential, apartment and residential building complex Off-Premise (2) Non-Residential, apartment and residential building complex	12 per face 32 per face 4 per face	30 days before start to 10 days after completion
All	<u>Community Event</u> On-Premise Off-Premise (3) Street Banner (4)	32 per face 16 per face 100 per face	30 days before to 3 days after event
All	<u>Residential Sales</u> On-Premise Off-Premise	16 per face 4 per face	10 days before to 1 day after event
R-1, R-2, R-3 and MUN	Commercial Freestanding (6)	16 per face	30 days per single event; maximum 60 days in any one calendar year
C-1, C-2, C-3, C-4, I-1, I-2, I-3	Commercial Freestanding (6)	32 per face	30 days per single event; maximum 60 days in any one calendar year
R-1, R-2, R-3 and	Building	32 per face (7)	30 days per single event; maximum 60 days in any one calendar year

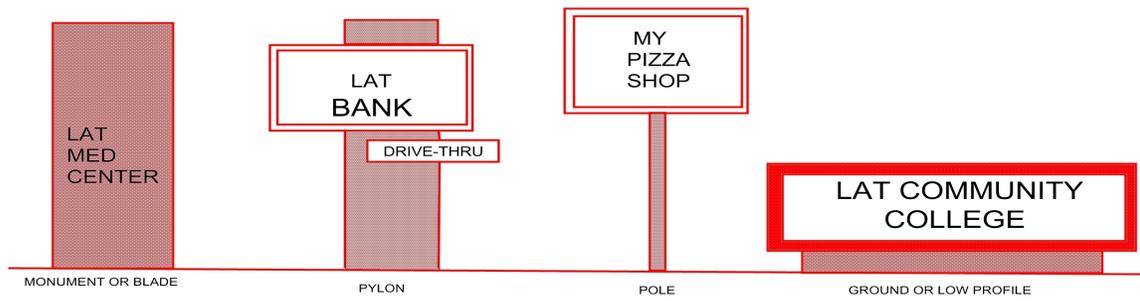
Zoning Districts	Sign Type	Maximum Area: Square Feet (SF)	Duration Limits
MUN			

Zoning Districts	Sign Type	Maximum Area: Square Feet (SF)	Duration Limits
C-1, C-3, C-4, I-1, I-2, I-3	Building	(8)	30 days per single event; maximum 60 days in any one calendar year
C-2, C-4	Building	32 per face(7)(8)(9)	No time limit

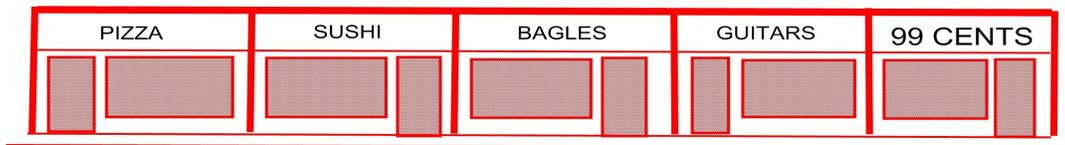
- (1) No limit on number of signs.
- (2) Limit of two off-premise directional signs.
- (3) Limit of four off-premise signs.
- (4) Limit of two street banner signs.
- (5) Limit of two off-premise directional signs.
- (6) Limit of 1 sign per lot, except:
 1. Shopping centers with three to twenty tenants may have two temporary signs.
 2. Shopping centers with more than twenty tenants may have three temporary signs.
- (7) In lieu of, but not in addition to, freestanding temporary sign.
- (8) Available building sign area minus area used for permanent building signs. If less than 32 square feet available, minimum 32 square feet permitted.
- (9) Each tenant in a shopping center is limited to the available building sign area for the individual tenant, minus any such area already allocated to that tenant for a permanent building sign.

All Temporary Signs:

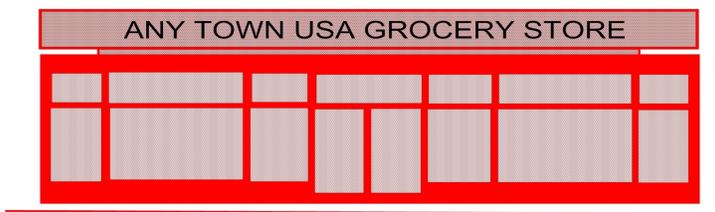
1. One sign permitted per street frontage.
2. Maximum two faces per sign.
3. Minimum five feet from property line.



COMMON FREE-STANDING SIGN TYPES



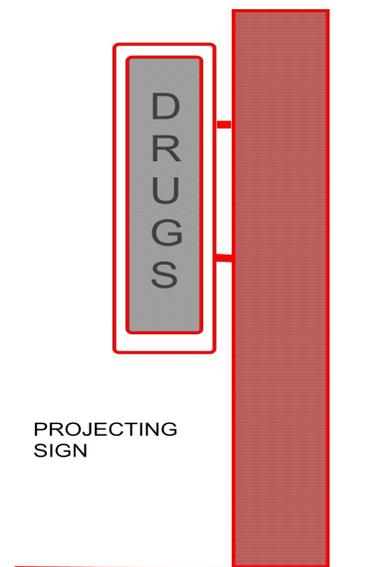
WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN



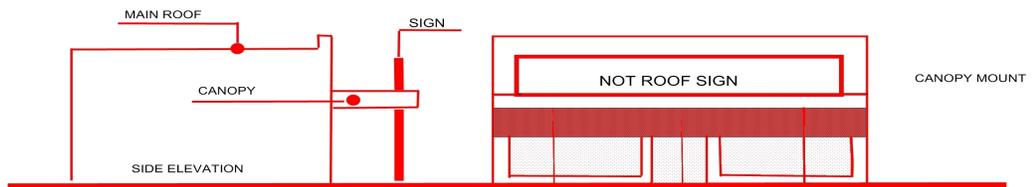
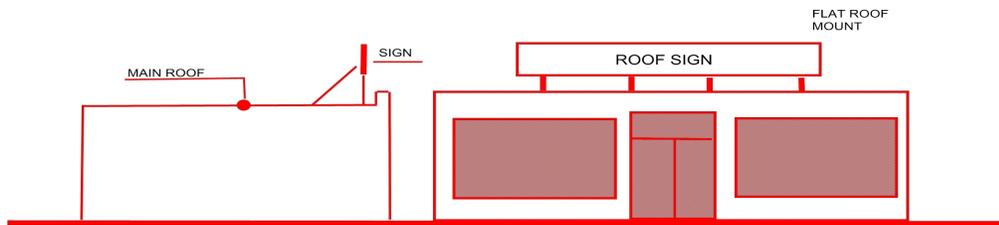
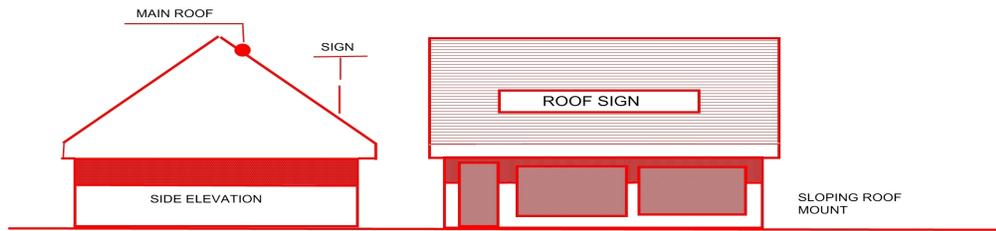
CANOPY SIGN
ON FREE-STANDING CANOPY



PROJECTING SIGN

Exhibit XXV-1

Roof Signs



Fascic Signs on Roof-Like Projections

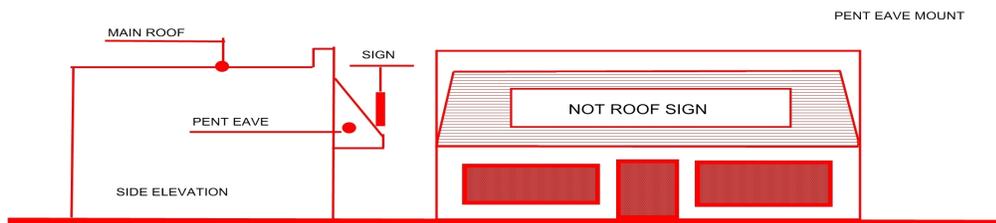
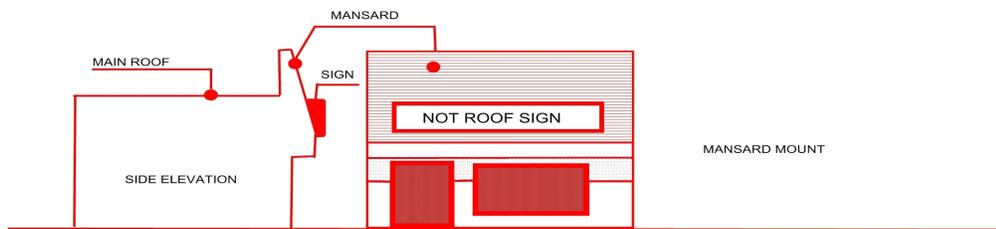
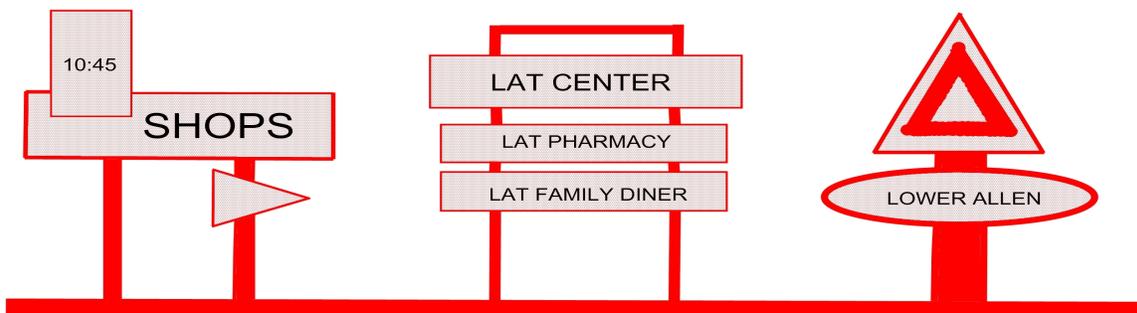
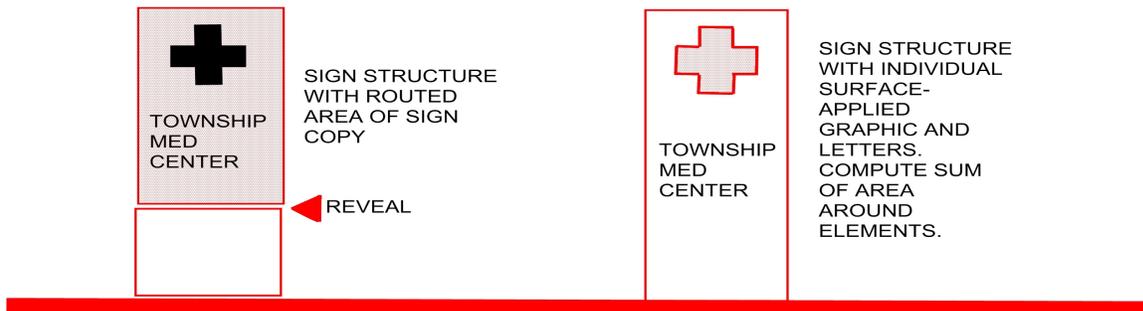


Exhibit XXV-2



SIGN STRUCTURES



NOTES: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

Exhibit XXV-3

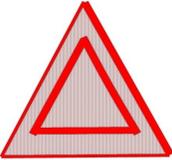
Lower Allen Township Credit Union
Drive-In Branch

COMPUTE AREA AROUND
COPY ELEMENTS ONLY

COMPUTE AREA
INSIDE DEFINED
BORDER OR
INSIDE
CONTRASTING
COLOR AREA



Lower Allen Township Credit Union
Drive-In Branch



Pizza Shop

COMPUTE SUM OF
AREAS OF INDIVIDUAL
ELEMENTS ON WALL
OR STRUCTURE

Parking Area in Back

Lisburn Community Fire Company

In computing area for upper-case and lower-case
lettering, include ascenders or desender, but not BOTH.
Calculate super ascenders separately as indicated.

NOTES: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements, or logos placed on building walls or structures.

ARTICLE XXVI, Amendments

Section 220-255 Procedure.

The Township Board of Commissioners may, from time to time, amend, supplement or repeal any of the regulations and provisions of this chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those prepared by the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is substantially changed or is revised to include land previously not affected by it, the Township Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the chapter amendment by the Township Board of Commissioners, the Township Planning Commission shall submit the proposed chapter amendments to the Cumberland County Planning Commission for recommendations. Amendment procedures shall be in compliance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 220-256. Procedure for curative amendments.

The procedure for curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.

Section 220-257. Publication, advertisement and availability of ordinance.

A. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section and shall include the time and place of the meeting at which passage will be considered and a reference to a place within the township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township Board of Commissioners shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the township not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (1) A copy thereof shall be supplied to a newspaper of general circulation in the township at the time the public notice is published.
- (2) An attested copy of the proposed ordinance or amendment shall be filed in the Cumberland County Law Library or other county office designated by the County Commissioners, who may impose

a fee no greater than that necessary to cover the actual costs of storing said ordinances or amendments.

B. In the event that substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Township Board of Commissioners shall, at least 10 days prior to enactment, readvertise in one newspaper of general circulation in the township a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.

Section 220-258. Zoning Map amendment application requirements.

The Township Board of Commissioners shall have the power to enact, by resolution, Zoning Map change application requirements for those requesting a Zoning Map change of a land area in the township from one zoning classification to another zoning classification.

Section 220-259. Enactment of zoning ordinance amendments.

A. For the preparation of amendments to this chapter, the procedures set forth in Section 607 of the Pennsylvania Municipalities Planning Code, as amended, for the preparation of a proposed zoning ordinance shall be optional.

B. Before voting on enactment of an amendment, the Board of Commissioners shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the township at points deemed sufficient by the township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

ARTICLE XXVII, Administration and Enforcement

Section 220-260. Appointment and powers of Zoning Officer.

For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the township, shall be appointed. The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.

Section 220-261. Enforcement.

It shall be the duty of the Zoning Officer, who is hereby given the power and authority, to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Board of Commissioners may require. Permits for construction and uses which are a special exception or a variance to requirements of this chapter shall be issued only upon approval by the Zoning Hearing Board. Permits for construction and uses which are a conditional use are issued only upon approval of the Board of Commissioners.

Section 220-262. Permits.

A. Requirements of permits. A zoning permit shall be required prior to the erection, construction, reconstruction, addition, conversion, alteration or use of any building, structure or portion thereof prior to the use or change in use of a building, structure or land and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection, construction, reconstruction, addition, conversion, alteration or use of any building or for a change in land use until a zoning permit has been duly issued therefore. No such zoning permit shall be required in case of normal maintenance activities or minor repairs. Applicants are hereby notified that a building permit may also be required.

B. Application for permits. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings and structures existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other codes and ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of permits.

(1) No permit shall be issued until the Zoning Officer has certified that the proposed building or structure, addition or alteration complies with all the provisions of this chapter, as well as the provisions of all other applicable codes and ordinances.

(2) Applicants are hereby notified that other codes and ordinances enforced by the Codes Official may be applicable.

(3) A permit issued hereunder shall become void 12 months after issuance date if construction or use is not commenced, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

(4) Temporary permits. A temporary permit may be authorized by the Zoning Officer for a structure or use which is deemed necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the permit without cost to the township. Such permits shall be issued for a specified period of time not to exceed 180 days and may be renewed no more than twice.

D. Revoking of permits. The Zoning Officer may revoke a permit or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or if it found that the work performed or the use to which the property is put is not in conformance with the application, approved plans or provisions of all pertinent laws.

Section 220-263. Inspection by the Zoning Officer.

It shall be the duty of the Zoning Officer or his duly appointed representative to make the following minimum number of inspections of property for which a permit has been issued. Such inspections shall be in addition to any required to determine compliance with the Lower Allen Township Building Code.

A. Beginning of construction. A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such construction shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. Throughout construction. Before issuing any permit, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, relocation, conversion and/or use. Thereafter, he may make such inspections during the completion of work for which a permit has been issued.

C. Final inspection. Upon completion of work and before issuing a certificate of use and occupancy, a final inspection shall be made. All violations of the approved plans or permit shall be noted, the holder of the permit shall be notified of the discrepancies and all discrepancies shall be corrected before a certificate of use and occupancy is issued.

Section 220-264. Fees.

A. The Township Board of Commissioners shall establish, by resolution, a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of use and occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Officer and may be amended only by the Township Board of Commissioners.

B. Such nonrefundable fees shall be payable to the township, and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall

be taken on any applications or appeal.

Section 220-265. Certificate of use and occupancy.

A. A certificate of use and occupancy shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel or use of land complies with the provisions of this chapter.

B. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a certificate of use and occupancy shall have been issued by the Zoning Officer.

C. A Certificate of Use and Occupancy to establish a use on vacant land, for a change to an existing land use, for an alteration to or a change in use of an existing building, or for the use, in whole or part, of a new building, shall be applied for coincident with the application for a zoning permit. The certificate of use and occupancy shall be issued by the Zoning Officer for the use listed on the zoning permit application within 5 business days following receipt of a final inspection report that verifies compliance with the Zoning Ordinance. When the proposed use also requires a building permit, and a combined Certificate of Use and Occupancy is being used by the Zoning Officer and Building Code Official, the time limit to issue the zoning approval for use and occupancy shall not commence until the Building Code Official has received a final inspection report signifying that construction work has been completed in compliance with the Pennsylvania Uniform Construction Code.

D. A certificate of use and occupancy for changing or extending a nonconforming use existing at the time of the passage of this chapter or of an amendment thereto shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.

E. A record of all certificates of use and occupancy shall be kept on file in the office of the Zoning Officer.

F. A temporary certificate of use and occupancy may be authorized by the Zoning Officer for a structure or use. Such temporary certificate of use and occupancy shall be issued for a specified period of time not to exceed 180 days and may be renewed no more than twice.

Section 220-265.A. Certificate of nonconformance.

A certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property, upon request, which, at the time of the effective date of this chapter, is identified by the owner as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the township as follows:

A. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.

B. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.

C. The certificate shall be for the purposes of ensuring the owner the right to continue a nonconforming use in accordance with the regulations of this chapter.

Section 220-266. Special exceptions and variances.

Applications for any special exception permitted by this chapter or variances shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board may refer the matter to the Planning Commission for report thereon as to its effect on the community goals and objectives of Lower Allen Township, pursuant to Section 220-4 herein.

Section 220-266.A. Conditional Uses

A. Applications for any conditional use permitted by this chapter shall be made to the Zoning Officer, who shall refer the application to the Planning Commission. The Planning Commission shall review the application and submit its recommendation to the Board of Commissioners for approval or denial.

B. In addition to the information required on the permit application, the conditional use application must show:

1. Names and addresses of adjacent property owners, including properties directly across a street or public right-of-way from the subject property.
2. A surveyed, scaled site plan with sufficient detail and accuracy to demonstrate compliance with applicable provisions of this chapter.
3. A written description of the proposed use in sufficient detail to demonstrate compliance with this chapter.

C. Each applicant for a conditional use must demonstrate with appropriate evidence the following:

1. That the proposed use is consistent with the purpose and intent of the Zoning Ordinance and is listed as a conditional use in the zoning district in which it is proposed.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
3. That the conditional use will not be injurious to the use or enjoyment of other properties for permitted purposes.
4. That establishment of the conditional use will not impede the normal and orderly development and improvement of other properties for uses permitted in the zoning district.
5. That the conditional use is consistent with the goals and objectives of the Township's Comprehensive Plan, as amended.
6. That adequate utilities, infrastructure and other public services are available or will be provided.
7. That adequate measures have been or will be taken to provide ingress and egress, to minimize traffic congestion and to facilitate the movement of vehicles and pedestrians.

Section 220-267. Appeals and applications.

An appeal or application for an amendment, special exception, or variance from the terms of this chapter shall be filed with the Zoning Officer and shall contain:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposal.

- C. A brief description and location of the real estate to be affected by such proposal.
- D. A statement of the present zoning classification of the real estate in question and an accurate description of the present improvements and the alterations intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected and proposed to be erected thereon.
- E. A statement of the section of this chapter under which the appeal or application requested may be allowed and reasons why it should be granted or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- F. Any other pertinent data required by the Zoning Hearing Board, Township Board of Commissioners and/or Zoning Officer, as appropriate to their individual authorities set forth in this article.

Section 220-268. Violations and penalties.

The erection, construction, reconstruction, excavation, alteration, conversion, maintenance or use of any structure, building, sign, land or landscaping or the change of use, area of use, percentage of use or displacement of use of any structure, building, sign, land or required landscaping/screen planting without first obtaining a zoning permit; the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this chapter; the use of property for a use different from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of occupancy for such new or different use; the failure to comply with any other provisions of this chapter; and the violation of any condition imposed upon the grant of a special exception or variance by the Zoning Hearing Board or by a court, conditional use by the Board of Commissioners or accord of competent jurisdiction if such special exception, variance or conditional use is granted by such court are hereby declared to be violations of this chapter.

A. Notice of violation.

- (1) When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the owner, agent or occupant or contractor, such violation shall be discontinued immediately.
- (2) All appeals from determinations by the Zoning Officer under this section shall be made to the Zoning Hearing Board within 30 days of the date of the determination.

B. Causes of action. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, excavated, reconstructed, altered, converted, maintained or used in violation of this chapter, the Township Board of Commissioners or, with the approval of the Township Board of Commissioners, an officer of the township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or landscaping of land or to prevent, in or about such premises, any act,

conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Commissioners. No such action may be maintained until such notice has been given.

C. Enforcement remedies.

- (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township, pay a judgment of not more than \$500, plus all court costs, including reasonable 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 person, partnership or corporation violating this chapter 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 fifth day following the date of the determination of a violation by the District Justice, and, thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation shall be paid over to Lower Allen Township.
- (2) The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section 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.

Section 220-269. Zoning Hearing Board.

The Zoning Hearing Board shall have three members appointed by the Township Board of Commissioners, and have such powers and authority as set forth in the Pennsylvania Municipalities Planning Code (Act 247), as amended. The duly established Zoning Hearing Board shall have the following functions:

- A. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code (Act 247), as amended. Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by the adopted Rules of the Zoning Hearing Board. The Township Board of Commissioners may establish reasonable fees, based on costs, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.
- B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the Pennsylvania Municipalities Planning Code:
 - (1) Substantive challenges to the validity of any land use ordinance, except those brought before

the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Code.

- (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 30 days after 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 the Township Engineer or Zoning Officer with reference to the administration of any floodplain ordinance or such provisions within a land use ordinance.
- (5) Applications for variances from the terms of this chapter and/or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- (6) Applications for special exceptions under this chapter or the floodplain ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code.
- (7) Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this chapter.
- (8) Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the code.
- (9) Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or Article VII of the Pennsylvania Municipalities Planning Code.

C. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application and may require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that 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 this chapter in the district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefor 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 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 represent the least modification possible of the regulation in issue. In granting any variance, the Zoning

Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

D. Special exceptions. In this chapter, special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this chapter. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and prescribe the application form to be used. The Board may grant approval of a special exception, provided that the applicant complies with the following standards and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood. The burden of proof shall rest with the applicant.

- (1) The applicant shall establish, by credible evidence, compliance with all conditions on the special exception contained within this chapter which give the applicant the right to seek the special exception.
- (2) The applicant shall establish, by credible evidence, that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic and parking demands generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including, but not limited to police protection, fire protection, utilities, and parks and recreational facilities.
- (3) The applicant shall establish, by credible evidence, that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.
- (4) The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
- (5) For uses, structures or any development within the overlay Floodway (FW) and Flood-Fringe (FF) Districts, the applicant shall present evidence of the effect of the use, structure or development on flood levels, flood frequencies and velocities; the susceptibility of the use, structure or development to flood damage; the availability of emergency access to the use, structure or development in times of flood; the necessity of the use, structure or development to be located near the floodplain; and the compliance with the requirement that the use, structure or development will not be located in the floodplain if the use, structure or development increases the base flood elevation.
- (6) The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places or any other registry of historic structures.
- (7) The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.
- (8) The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Pennsylvania Municipalities Planning Code, as amended, and this chapter, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.
- (9) Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within 12 months from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal or fails to complete any

erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within one year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one year.

(10) Any site plan or plot plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted site plan or plot plan. Should a change in the site plan or plot plan be required as a part of the approval of the use, the applicant shall revise the site plan or plot plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved site plan or the amended site plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the granting of another special exception to authorize such change.

(11) The Zoning Hearing Board's decision to grant a permit for a special exception use shall be made only after public notice and public hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.

(12) If the Zoning Hearing Board requests a report from the Planning Commission pursuant to Section 220-266, then no application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Township of Lower Allen, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces and other pertinent features of the proposal.

(13) The Planning Commission shall have 30 days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within 30 days, such application may be deemed to have been recommended approval by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this chapter. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgment, the request will not be detrimental to the health, safety and general welfare of the Township of Lower Allen.

(14) A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

E. Parties appellant before the Zoning Hearing Board. Appeals raising the substantive validity of any land use ordinance, except those to be brought before the Township Board of Commissioners, pursuant to the Pennsylvania Municipalities Planning Code, as amended, procedural questions or alleged defects in the process or enactment or adoption of land use ordinance; 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; from a determination by the Township Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; or from the determination of the Zoning Officer or Township Engineer in the reference to sedimentation and erosion control and stormwater management, insofar as

the same relate to the development not involving subdivision and development or planned residential development, 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 and for special exception may be filed with the Zoning Hearing Board by any landowner or tenant with the permission of such landowner.

F. Time limitations.

(1) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the township if such proceeding is designed to secure reversal or limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.

(2) No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Zoning Hearing Board later than 30 days from the time such ordinance, map or amendment takes effect, unless the person raising such issues alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

(3) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

G. Stay of proceedings.

(1) Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

(2) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

(3) The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

(4) If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondents to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

Section 220-270. Interpretation; construal of provisions.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. They are not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this chapter shall control.

Table of Zoning Map Amendments

ARTICLE XXVIII FLOOD PLAIN DISTRICTS

Section 272. Purpose.

The purpose of this article 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 of:

- a) 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.
- b) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
- c) Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
- d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Section 273. Applicability.

This article shall apply to all lands within the jurisdiction of the township and shown on the Township Zoning Map as being located within the boundaries of the Floodway (FW), Flood-Fringe (FF) and General Floodplain Conservation (FA) Districts.

Section 274. 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 article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

Section 275. Warning and disclaimer of liability.

The degree of flood protection sought by the provisions of this article 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 article does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.

This article shall not create liability on the part of the township or any office or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Section 276. Establishment of floodplain districts.

The following floodplain districts are hereby created, each differing with respect to the intensity and nature of their flooding problems:

- (a) The identified floodplain area shall be any areas of Lower Allen Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in Flood Insurance Study (FIS) dated March 16, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.
- (b) Floodplain districts.
 - (1) The Floodway District (FW) is delineated for purposes of this article using the criteria that a certain area within the floodplain 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 district is shown on the Township Zoning Map. The areas included in this district are specifically defined in Table One of the above referenced Flood Insurance Study and shown on the accompanying Flood

Boundary and Floodway Map.

- (2) The Flood-Fringe District (FF) is that area of the one-hundred-year floodplain not included in the Floodway District (FW). The basis for the outermost boundary of this district shall be the one-hundred-year-flood elevations contained in the flood profiles of the above referenced Flood Insurance Study.
 - (3) The General Floodplain Conservation District (FA) is the floodplain area for which no specific flood profiles have been provided. It is designated as Zone A on the maps accompanying the above-referenced Flood Insurance Study. Where the specific one-hundred-year-flood elevation cannot be determined for this area using other sources of data such as the United States Army Corps of Engineers Floodplain Information Reports, United States Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with the hydrologic and hydraulic engineering technique. This elevation information shall be subject to review by the municipality and other agency that it shall designate, such as the Corps of Engineers, the Department of Environmental Protection, the River Basin Commission, etc. Flood elevations for Cedar Run for the one-hundred-year flood have been provided by and shall be obtained from the Township Engineer where not inconsistent with the maps accompanying the above-referenced Flood Insurance Study.
 - (4) FE (Special Floodplain Area) – the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
- (c) Overlay concept.
- (1) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official Ordinance Map, and as such the provisions for these three districts shall serve as a supplement to the underlying district provisions. All such districts shall be designated on the Township Zoning Map by the Township Engineer.
 - (2) Where there is any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district the more restrictive provisions shall apply.
 - (3) In the event that any portion of the floodplain districts be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying zoning applicable to such land or use shall be deemed to be the district in which it is located without consideration of this article.
- (d) Zoning Map. The boundaries of the floodplain districts are established as shown on the Zoning Map of the township which is declared to be a part of this article and which shall be kept on file at the Township Municipal Building.
- (e) District boundary changes. The delineation of any of the floodplain districts may be revised by the Board of Commissioners where natural or man-made changes have occurred or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, Susquehanna River Basin Commission or other qualified agency or individual. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- (f) Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the Township Engineer. Should a dispute arise concerning the boundaries of the districts, the Zoning Hearing Board shall make the necessary determination with the recommendations of the Township Engineer. 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.

Section 277. District provisions.

(a) All uses, activities and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this article and with all other applicable provisions of the Code of the Township of Lower Allen. For purposes of this section, the word "development" shall also mean "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, installation of drainage facilities or drilling operations."

(b) Under no circumstances shall any use, activity or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

(c) Prior to any proposed alteration or relocation of any stream of any watercourse, stream, etc., within the township, a permit shall be obtained from the Department of Environmental Protection. Further, notification of the proposal shall be given to all affected adjacent municipalities and state coordinating offices. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development (DCED).

(d) Floodway District (FW). In the Floodway District (FW), no use, activity or development shall be permitted, except where the effect of such on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities as required above.

(1) Permitted uses. In the Floodway District (FW), the following uses, activities or developments are permitted, provided that they are in compliance with the provisions of the underlying district, are not prohibited by any other article and provided that they do not require structures, fill or storage of materials and equipment:

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

B. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat-launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.

C. Accessory residential uses, such as yard areas, gardens, play areas and pervious parking areas.

D. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, etc.

(2) Uses permitted by special exception. The following uses, activities and development may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other article:

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

B. The extraction of sand, gravel and other materials.

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

D. Other similar uses and activities, provided that they cause no increase in flood heights or velocities. All uses, activities and developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable articles.

(e) Flood-Fringe District (FF). In the Flood-Fringe District (FF) uses, activities or development shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities or development shall be undertaken in strict compliance with the elevation or floodproofing and related provisions contained in this article and all other articles.

(f) General Floodplain Conservation District (FA).

(1) In the General Floodplain Conservation District (FA) uses, activities or development shall be permitted in accordance with regulations of the underlying district, provided that all such uses, activities or development shall be permitted only if the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one-hundred-year flood more than one foot at any point and shall be in strict compliance with the elevation or floodproofing and related provisions contained in this article and other applicable articles. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

(2) In the floodway portion of the district, only those uses, activities or development provided for in the Floodway District (FW) shall be permitted in the floodway portion of this district, subject to the limitations set forth herein.

(g) Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

Section 278. Existing structures.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions may be continued subject to the following conditions:

(a) Existing structures or uses located in the Floodway District (FW) shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.

(b) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure or use located in the floodplain districts, the cost of which is less than 50% of its market value, shall be elevated or floodproofed to the greatest extent possible, regardless of its location in the floodplain districts.

(c) The modification, alteration, repair, reconstruction or improvement of any kind to a structure or use, regardless of location in the floodplain districts, the cost of which is 50% or more of its market value, shall be defined as a substantial improvement and shall be undertaken only in full compliance

with the provisions of this and any other applicable ordinance.

- (d) Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue.
- (e) No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

Section 279. Administration.

- (a) **Zoning Officer.** The Zoning Officer shall administer and enforce this article. If he/she finds a violation of the provisions of this article, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- (b) **Zoning permit.**
 - (1) **Zoning permit required.** A zoning permit shall be required for any use, activity or development, as defined in Section 220-277, exterior structural addition or any substantial improvement or alteration of any building or structure or portion thereof prior to the use or change of use of a building, structure or land or prior to the change or extension of a nonconforming use in the floodplain districts.
 - (2) **Application for zoning permits.** Application for a zoning permit shall be made, in duplicate, to the Zoning Officer, on forms furnished by him, and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill, storage of materials and the location of the foregoing in relation to the adjoining river, stream or watercourse, the underlying district, the floodplain district and base flood elevation data; all necessary permits from those governmental agencies from which approval is required by federal or state law.
 - (3) **Certificate of zoning compliance for new, altered or nonconforming uses.**
 - A. No person shall use, develop or occupy or permit the use, development or occupancy of any building or land or both or part thereof hereafter erected, substantially improved or altered, structurally altered, enlarged or changed in its use until a certificate of zoning compliance has been issued therefor by the Zoning Officer, stating that the use, activity or development conforms to the requirements of this article.
 - B. No nonconforming structure or use shall be used after substantial improvement until a certificate of zoning compliance shall state specifically the particulars, if any, in which the nonconforming structure or use differs from the provisions of this article.
 - (4) **Construction and use to be as provided in applications, plans, permits and certificates of zoning compliance.** Zoning permits, special exception uses and certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this article and punishable as provided by this article. The applicant shall be required to submit a certification by the Township Engineer that the use, activity, development, building floor elevations, floodproofing or other flood protection measures are in compliance with the provisions of this article.

Section 280. Special exceptions and variances.

(a) Application. Application for a variance or for any use listed in this article as requiring a special exception may be allowed only upon application to the Zoning Officer, on forms furnished by him, and issuance of a special exception by the Zoning Hearing Board. Upon receipt of the application, the Zoning Officer shall forthwith submit it to the Board. The provisions of Article XXVII shall govern, except as otherwise provided in this article.

(b) Procedure to be followed by Zoning Hearing Board in passing upon application for special exception or variance.

(1) Upon receiving an application for a variance or by special permit involving a use, activity or development in the floodplain districts, the Board shall, prior to rendering a decision thereon, require the applicant to furnish such of the following information as is deemed necessary by the Board for determining the suitability of the particular site for the proposed use, activity or development:

A. Plans in triplicate, drawn to scale, showing the nature, location, dimensions and elevation of the lot, existing floodproofing measures and the relationship of the above to the location of the floodway and one-hundred-year flood.

B. A typical valley cross section showing the channel of the stream or watercourse, dimensions and elevation of floodway and one-hundred-year flood areas and adjoining each side of the channel and cross-sectional areas to be occupied by the proposed use, activity or development.

C. A plan (surface view) showing elevations or contours of the ground: pertinent structural, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevation of all proposed and existing structures on the site; location and elevation of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.

D. A profile showing the slope of the bottom of the channel or flow line of the stream or watercourse.

E. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitary facilities.

(2) The Board may, on its own initiative, retain the services of a registered professional engineer for evaluation purposes, and, if necessary, the Board shall transmit to such engineer one copy of the information described herein for the purpose of obtaining his evaluation of the proposed project with regard to potential flood damage to the use, the magnitude of related floodplain encroachment and other relevant matters.

(3) Based upon the technical evaluation by the designated engineer, the Board shall determine the specific flood hazard at the site of the proposed use or development for which a variance or special exception is being applied and shall evaluate the suitability of the proposed use in relation to the flood hazard.

(c) Factors to be considered.

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(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 floodplain management program for the area.
 - (10) The safety of access to the property in times of flood of ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at this site.
 - (12) Such other factors which are relevant to the purposes of this article.
- (d) Variances can be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places where appropriate.
 - (e) Variances shall not be given in the floodway that result in any increase in flood levels during the one-hundred-year flood.
 - (f) Variances may be given for new construction and substantial improvements on lots 1/2 acre or less in size, surrounded by lots with existing structures constructed below the one-hundred-year-flood level.
 - (g) Where variances are given for an activity described in Subsection (f) herein, written notification signed by the Zoning Officer shall be given to the applicant, indicating that:
 - (1) Increased insurance premiums will result.
 - (2) Construction occurring below the one-hundred-year-flood level will increase risks to life and property.
 - (h) Conditions attached to special exceptions or variances. Upon consideration of the factors listed above and the purpose of this article, the Board may attach such conditions to the granting of special exceptions or variances as it deems necessary to further the purposes of this article. Among such conditions, without limitation because of specific enumeration, may be included:
 - (1) Modifications of waste disposal and water supply facilities.
 - (2) Limitations on periods of use and operation.
 - (3) Imposition of operational controls, sureties and deed restrictions.
 - (4) Requirements for construction of channel modifications, dikes, levees and other protective measures.
 - (i) No variance shall be granted for any construction, development, use or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred

(100) year flood elevation more than one (1) foot at any point.

Section 281. Development which may endanger human life.

(a) The provisions of this section shall be applicable in addition to any other applicable provisions of this chapter or any other ordinance, code or regulation.

(b) In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by said Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises shall not be permitted in any Floodplain District:

- (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, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulfur and sulfur products.
- (17) Pesticides (including insecticides, fungicides and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

Section 282. Activities prohibited.

(a) The provisions of this section shall be applicable in addition to any other applicable provisions

of this chapter or any other ordinance, code or regulation.

(b) In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the said Act, the following obstructions and activities are not permitted in any Floodplain District:

- (1) Hospitals, public or private.
- (2) Nursing homes, public or private.
- (3) Jails.
- (4) New mobile home parks and mobile home subdivisions and substantial improvements to existing mobile home parks.

Section 283. Elevation certificates.

(a) Township Engineer. The Township Engineer is hereby designated as the Local Community Permit Officer for the purposes of completing the elevation certificate as recommended by the Federal Emergency Management Agency, National Flood Insurance Program. Any building owner, insurance agent or mortgage lender requiring an elevation certificate shall submit the same to the Township Engineer. The applicant shall provide the following information:

- A. Complete name and complete mailing address of the owner of the building being certified.
- B. Proper location or legal description of the building being certified.

Upon receipt of the elevation certificate, the Township Engineer, as the designated Local Community Permit Officer, shall complete Section I, Eligibility Certification, and Section II, Elevation Certification. The owner or applicant, as applicable, shall be required to have Section III, Floodproofing Certification, completed.

(b) Costs. When an owner or applicant submits an elevation certificate to the township for completion, the applicant shall also submit payment for the application completion fee. Said fee shall be established by resolution of the Board of Commissioners.