

TOWNSHIP OF WARMINSTER

Bucks County, Pennsylvania

**CHAPTER 27
ZONING
September 2009**

TABLE OF CONTENTS

		<u>Page</u>
PART 1	TITLE, PURPOSE AND INTERPRETATION	1
	§100. Title	
	§101. Short Title	
	§102. Purpose	
	§103. Interpretation	2
	§104. Severability	
	§105. Validity	
PART 2	DEFINITIONS	3
	§200. General	
	§201 Specific Definitions	
PART 3	CLASSIFICATION OF DISTRICTS	11
	§300 Establishment of Districts	
	§301 Classes of Districts	
	§302 Zoning Map	
	§303 Interpretation of District Boundaries	
PART 4	R-1 RESIDENTIAL-1 DISTRICT	13
	§400 General	
	§401 Permitted Uses	
	§402 Area and Dimensional Requirements	
	§403 Additional Regulation for Youth Services Use	14
PART 5	R-2 RESIDENTIAL-2 DISTRICT	15
	§500 General	
	§501 Permitted Uses	
	§502 Area and Dimensional Requirements	
	§503 Mixed Use Development Requirements	16
PART 6	R-3 RESIDENTIAL-3 DISTRICT	20
	§600 General	
	§601 Permitted Uses	
	§602 Area and Dimensional Requirements	
PART 7	R-4 RESIDENTIAL-4 DISTRICT	22
	§700 General	
	§701 Permitted Uses	
	§702 Area and Dimensional Requirements	
	§703 Buffer Yards	24
	§704 Utilities	
	§705 Height Regulations	

§706 Variation of Design
§707 Open Space

PART 8	CCRC-CONTINUING CARE RETIREMENT COMMUNITY DISTRICT	25
	§800 Definitions	
	§801 Use Regulations	26
	§802 Density, Area and Dimensional Regulations	
PART 9	CCRC-2 CONTINUING CARE RETIREMENT COMMUNITY-2 DISTRICT	29
	§900 Definitions	
	§901 Permitted Uses	30
	§902 Density, Area and Dimensional Requirements	
PART 10	AQC-AGE QUALIFIED COMMUNITY DISTRICT	32
	§1000 Permitted Uses	
	§1001 Area and Dimensional Requirements	
	§1002 Individual Lot Area and Bulk Requirements	33
	§1003 General Requirements	
PART 11	C-1 COMMERCIAL-1 DISTRICT	35
	§1100 Permitted Uses	
	§1101 Area and Dimensional Requirements	36
PART 12	C-2 COMMERCIAL-2 DISTRICT	37
	§1200 Permitted Uses	
	§1201 Area and Dimensional Requirements	38
PART 13	I INDUSTRIAL DISTRICT	39
	§1300 Permitted Uses	
	§1301 Area and Dimensional Requirements	40
PART 14	I-O INDUSTRIAL-OFFICE DISTRICT	41
	§1400 Permitted Uses	
	§1401 Area and Dimensional Requirements	42
PART 15	GOV GOVERNMENT/PUBLIC DISTRICT	43
	§1500 Permitted Uses	
	§1501 Area and Dimensional Requirements	
PART 16	USE REGULATIONS	45
	§1600 Applicability of Regulations	
	§1601 Uses by Right, Special Exception, Conditional Use, and Uses Not Permitted	
	§1602 Uses Subject to Other Regulations	59

A.	Agricultural Uses	46
1.	Agriculture	
2.	Lawn and Garden Center	60
B.	Residential Uses	46
3.	Single family detached dwelling	
4.	Two-family dwelling	
5.	Single family attached dwelling (Townhouse)	
6.	Multifamily dwelling	
7.	Mobile home park	
8.	Mixed use development	57
9.	Transit-oriented development (TOD)	
C.	Religious, Educational, Recreational and Institutional Uses	70
10.	Place of worship	
11.	Public or private school	
12.	Library or museum	
13.	Public recreational facility	
14.	Golf course	
15.	Private club or lodge	
16.	Community center	71
17.	Day care center	
18.	Adult day care	
19.	Hospital campus	
20.	Nursing home, personal care facility, assisted living facility, or convalescent home	74
21.	Youth services	75
22.	Cemetery	
23.	Outpatient surgical center	
D.	Office uses	75
24.	Medical or dental office/clinic	
25.	Business or professional office.	
26.	Methadone treatment facility	
E.	Retail and Consumer Service Uses	75
27.	Retail shop	
28.	Service business	
29.	Bank, savings and loan association	76
30.	Restaurant	
31.	Repair shop	
32.	Mortuary or funeral home	
33.	Hotel	
34.	Indoor commercial entertainment	
35.	Outdoor private recreation	77
36.	Adult business	

37.	Veterinary office	94
38.	Motor vehicle fueling station	
39.	Car wash	95
40.	Motor vehicle sales	96
41.	Motor vehicle repair garage	
42.	Trade or professional school	97
43.	Kennel	
44.	Large retail store	
45.	Bed and breakfast	98
46.	Banquet/catering facility	99
47.	Shopping center	
48.	Limited personal service	101
49.	Equipment rental or motor vehicle leasing	
F.	Utilities, Communications and Transportation Uses	101
50.	Emergency services	
51.	Municipal uses	
52.	Railway/transportation station	
53.	Public or private parking garage	102
54.	Cellular telecommunications facility	
55.	Utility operating facility	107
G.	Industrial Uses	107
56.	Light manufacturing	
57.	Research and development facility	
58.	Wholesale business and storage	
59.	Crematorium	
60.	Printing, publishing, binding	
61.	Contractor offices and shops	
62.	Plumbing shop	
63.	Carpentry shop	
64.	Truck terminal	108
65.	Quarry	
66.	Solid waste facility	111
67.	Standard self-storage facility	112
68.	Indoor self-storage facility	113
69.	Fuel storage and distribution	
H.	Accessory Uses	113
70.	No-impact home-based business	
71.	Accessory office	114
72.	Residential accessory building or structure	115
73.	Family day care	116
74.	Non-residential accessory building or structure	117
75.	Motor vehicle fuel pumps	
76.	Heliport	

	77. Non-residential wind energy system	118
	78. Residential wind energy system	119
	79. Accessory in-law dwellings	
	80. Accessory drive-through facility	120
PART 17	FLOODPLAIN CONSERVATION DISTRICT	122
	§1700 Declaration of Legislative Intent	
	§1701 Definition of Floodplain Conservation District	123
	§1702 Overlay Concept	124
	§1703 Dispute of Floodplain Boundaries	
	§1704 Uses Permitted in a Floodplain Conservation District	
	§1705 Uses Not Permitted	126
	§1706 Uses Permitted by Special Exception	127
	§1707 Additional Requirements in the Floodplain Conservation District	128
	§1708 Special Exceptions and Variances	130
	§1709 Notice to Purchasers	131
	§1710 Board of Supervisors Review	
	§1711 Changes in the Floodplain Conservation District	
	§1712 Municipal Liability	132
PART 18	HISTORIC OVERLAY	
	§1800 Historic Hartsville and Johnsville Overlay	133
PART 19	OFF-PREMISES ADVERTISING SIGN OVERLAY	135
	§1900 Purpose and Intent	
	§1901 Use Regulations	
	§1902 Additional Regulations	137
PART 20	GENERAL REQUIREMENTS APPLICABLE TO ALL USES AND DISTRICTS	138
	§2000 Compliance	
	§2001 Noise	
	§2002 Smoke	
	§2003 Dust, Fumes, Vapors and Gases	
	§2004 Heat	
	§2005 Vibrations	
	§2006 Buffer Yards	
	§2007 Storage and Waste Disposal	139
	§2008 District Regulations	140
	§2009 Lot Area	
	§2010 Minimum Lot Width	
	§2011 Exceptions to Minimum Lot Areas and Lot Widths	
	§2012 Traffic Visibility at Curves	
	§2013 Spacing of Nonresidential Buildings on Same Lot	141
	§2014 Front Yard Regulations	

	§2015 Side Yard Requirements	142
	§2016 Rear Yard Requirements	
	§2017 Maximum Height of Buildings	
	§2018 Fences	
	§2019 Special Setbacks	143
	§2020 Lighting	
	§2021 Bus Shelters	144
	§2022 Maximum Impervious Area	
PART 21	OPEN SPACE AND ENVIRONMENTAL PROTECTION STANDARDS	145
	§2100 Purpose	
	§2101 Definitions	
	§2102 Open Space Requirements	
	§2103 Environmental Standards	148
	§2104 Required Protection	152
	§2105 Fee In Lieu of Open Space	
PART 22	OFF-STREET PARKING AND LOADING	154
	§2200 Off-Street Parking Space Requirements	
	§2201 Modification of Parking Requirements	157
	§2202 General Regulations Applying to Required Off-Street Parking Facilities	
	§2203 Off-Street Loading	158
PART 23	SIGN REGULATIONS	160
	§2300 Scope and Applicability	
	§2301 Sign Definitions and Regulations	
	§2302 Location, Use and Size Regulations	162
	§2303 Temporary Signs	165
	§2304 General Sign Regulations	166
	§2305 Inspection	168
PART 24	NONCONFORMITIES	169
	§2400 Continuation	
	§2401 Alteration or Extension	
	§2402 Restoration	
	§2403 Abandonment	170
	§2404 Changes	
	§2405 Displacement	
	§2406 District Changes	
	§2407 Nonconforming Uses Permit Required	
PART 25	ADMINISTRATION	171
	§2500 Zoning Officer; Duties and Powers	
	§2501 Enforcement Notices	172

	§2502 Zoning Permits Required	
	§2503 Application Requirements for Zoning Permits	173
	§2504 Fees	174
	§2505 Life of a Permit	
	§2506 Conditional Uses	
PART 26	ZONING HEARING BOARD	176
	§2600 Zoning Hearing Board	
	§2601 Hearings	
	§2602 Jurisdiction	178
	§2603 Powers and Duties; Interpretation	180
	§2604 Powers and Duties; Variances	
	§2605 Powers and Duties; Special Exceptions	181
	§2606 Expiration of Special Exception and Variances and Refiling of Application for a Special Exception or Variance	182
	§2607 Powers and Duties; Challenge to the Validity of Part or Map	
	§2608 Parties Appellant Before the Board	183
	§2609 Time Limitations	
	§2610 Stay of Proceedings	184
	§2611 Fees	
PART 27	ENFORCEMENT	185
	§2700 Enforcement Notice	
	§2701 Causes of Action	
	§2702 Enforcement Remedies	186
PART 28	APPEALS AND AMENDMENTS	187
	§2800 Enactment of Zoning Part Amendments	
	§2801 Procedure for Landowner Curative Amendments	
	§2802 Procedure for Township Curative Amendments	188

Part 1
Title, Purpose and Interpretation

§100. Title. An ordinance regulating and restricting the height, number of stories, and size of buildings and other structures; their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures; the percentage of lot that may be occupied, the size of yards, courts, and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose; and the establishment and maintenance of building lines and setback building lines upon any or all public roads or highways of the Township of Warminster. (Ord. 161, 12/19/1967, §100)

§101. Short Title. This Part shall be known as and may be cited as the "Warminster Township Zoning Ordinance." (Ord. 161, 12/19/1967, §101)

§102. Purpose. The purposes of this Chapter are the promotion of the public health, safety, morals or the general welfare and:

1. To promote, protect, and facilitate the public health, safety, and general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use; as well as preservation of the natural, scenic and historic values of the environment and preservation of forests, wetlands, aquifers and floodplains.
2. To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
3. To provide standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
4. To provide methods to implement Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment and to protect natural resources which are a part of the ecological system to which we are all bound, and therefore are the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.
5. To provide for the use of land for commerce, industry, institutions, and residential housing of various dwelling types and reasonable overall community growth.
6. To regulate the growth of the Township;

7. To lessen the danger and congestion of traffic on the roads and highways;
8. To protect the township's historic buildings and historic resources.
9. To give effect to policies and proposals of the Comprehensive Plan of Warminster Township of current adoption.
 - A. To protect the natural environments.
 - B. To provide a variety of housing opportunities.
 - C. To help maintain the tax base.
 - D. To provide and maintain efficient public services and facilities.
 - E. To maintain and enhance the transportation system.
 - F. To maintain and enhance the character of township neighborhoods.
 - G. To enhance the historic integrity of villages and protect historic resources.
10. To encourage practices that save energy, reduce harmful environmental impacts, reduce reliance on fossil fuels, and encourage "greener" practices in overall community development.

§103. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Part, the provisions of such statute, ordinance, or regulation shall be controlling. (Ord. 161, 12/19/1967, §103)

§104. Severability. The provisions of this Chapter shall be severable, and if any of the provisions hereof shall be held to be unconstitutional, invalid, or illegal by a Court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Chapter. It is hereby declared to be the legislative intent of this Chapter that this Chapter would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

§105. Validity. It is hereby declared to be the intent of the Township of Warminster that:

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

Part 2
Definitions

§200. General.

1. Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Part the meanings given in the following clauses.
2. For the purpose of this Part words and terms used herein shall be interpreted as follows:
 - A. Words used in the present tense include the future.
 - B. The singular includes the plural.
 - C. The word "person" includes a corporation, partnership, and association as well as the individual.
 - D. The word "lot" includes the word "plot" or "parcel."
 - E. The term "shall" is always mandatory.
 - F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be occupied."
 - G. The word "Supervisors" and the words "Board of Supervisors" always mean the Warminster Township Board of Supervisors.
 - H. The word "Commission" and the words "Planning Commission" always mean the Warminster Township Planning Commission.
 - I. The word "Board" or the words "Zoning Hearing Board" always mean the Warminster Township Zoning Hearing Board.
 - J. The words "Zoning Officer" always mean the Warminster Township Zoning Officer.
3. Any word or term not defined herein shall be used with a meaning of standard usage.

(Ord. 161, 12/19/1967, §200)

§201. Specific Definitions

ACCESSORY BUILDING - see "building."

ACCESSORY USE - see "use."

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

ANTENNA - a device used to collect or transmit telecommunications or radio signals. Examples are panels, microwave dishes and single poles known as "whips." [Ord. 534]

AREA -

A. BUILDING AREA - the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

B. GROSS FLOOR AREA - the sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, or any floor space in accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter or any such floor space intended and designed for accessory heating and ventilating equipment.

C. LOT AREA - the area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, excluding areas within any easement, and excluding any area required as open space under this Chapter and any other areas as may be specifically excluded by the terms of this Chapter.

BASEMENT - a story partly underground, but having one half ($\frac{1}{2}$) or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining square footage, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4) feet, or if used for business or dwelling purposes.

BUFFER YARD - A strip of required yard space adjacent to the boundary of a property or district of a width not less than that designated by this Chapter, and on which is placed shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to meet the requirements of Township ordinances and to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district.

BUILDING - a structure having a roof which is used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

A. BUILDING, ACCESSORY - a subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building, not to exceed a footprint of five hundred (500) square feet. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

B. BUILDING, PRINCIPAL - a building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING COVERAGE - that percentage of the plot or lot area covered by the building area.

BUILDING HEIGHT - a vertical distance measured from the mean 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 lines of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING SETBACK LINE

Front: The rear line of the minimum front yard, as herein designated for each use and each district, measured at a distance equal to and no greater than the minimum front yard from the street line.

Side: A line parallel to the side lot line at a distance therefrom equal to the depth of the minimum side yard required.

Rear: A line parallel to the rear lot line at a distance from the rear lot line equal to the depth of the minimum rear yard required.

CELLAR - a story partly underground and having more than one-half ($\frac{1}{2}$) of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage, nor shall it be used for dwelling purposes.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies. [Ord. 578].

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors;
- B. The Zoning Hearing Board

[Ord. 578]

DWELLING -

- A. DWELLING - a building containing one (1) or more dwelling units.
- B. DWELLING UNIT - any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

C. MULTIFAMILY DWELLING (or BUILDING) - a building having two (2) or more dwelling units which may have either a common or independent outside access. Said units may be arranged horizontally one (1) above the other or vertically separated by party walls. It is the intention to include within this definition of multi-family dwelling all recognized architectural types or structures accommodating two (2) or more dwelling units in the same building whether the individual units are for lease or sale. [Ord. 294]

D. SINGLE-FAMILY DETACHED DWELLING - a dwelling having (i) only one (1) dwelling unit from ground to roof, (ii) independent outside access, and (iii) open space on all sides.

E. TWO-FAMILY DWELLING - a dwelling having only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit. [Ord. 299]

FAMILY -

A. Any number of individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption, including any number of foster children; no more than five unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises, except when an application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling is reviewed and approved by the Zoning Hearing Board, as provided herein. The definition of “family” shall not apply to the occupants of a club, fraternity house, lodge or residential club.

B. Notwithstanding the definition in the preceding subsection, family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in subsection A. of this definition.

FLOOR AREA RATIO - Floor area ratio is defined as the ratio of the gross floor area of a structure to the gross lot area, upon which the use and structure(s) is/are to be located. Total floor area includes the total floor space within a structure, except for those areas devoted to internal atriums.

GROSS LOT AREA – The aggregate total of all areas contained within the deeded or surveyed boundaries of a parcel of land.

IMPERVIOUS SURFACE – Unless otherwise provided in the Warminster Township Subdivision and Land Development Ordinance, impervious surfaces are those surfaces which do not absorb water. Any area which has been or is proposed to be modified from grass, dirt, vegetation, wooded, or groundcover, including but not limited to the area of all buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, porous pavers and

packed stone shall be considered impervious surfaces. Swimming pools shall not be considered to be impervious surfaces.

IMPERVIOUS SURFACE RATIO Unless otherwise provided in the Warminster Township Subdivision and Land Development Ordinance, the total area of all impervious surfaces within the lot divided by the lot area.

LOT -

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

B. **DEPTH OF LOT** - the mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

C. **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. [Ord. 578]

D. **LOT WIDTH** - the distance measured between the side lot line, at the required building setback line. In a case where there is only one (1) side lot line, between such side lot line and the opposite rear lot line or street line.

E. **THROUGH LOT** - an interior lot having frontage on two (2) parallel or approximately parallel streets.

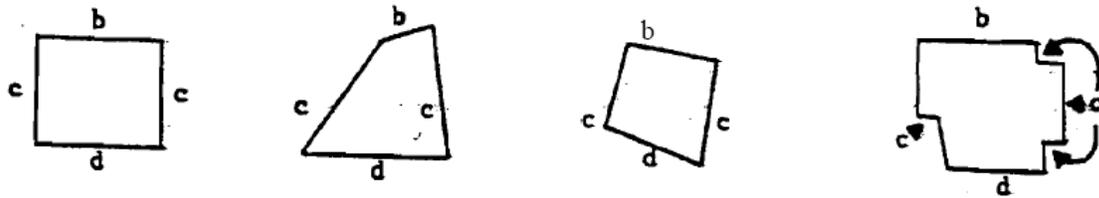
LOT LINES

A. **LOT LINE** - any boundary line of a lot.

B. **LOT LINE, REAR** - any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line furthest from any street shall be considered a rear lot line.

C. **LOT LINE, SIDE** - any lot line which is not a street line or a rear lot line.

D. STREET LINE - see "street line."



E. SAMPLE LOT CONFIGURATIONS - letters correspond to above definitions.

MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 578]

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Ord. 578]

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. [Ord. 578]

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 578]

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 reason of such adoption or amendment. [Ord. 578]

NONCONFORMING STRUCTURE - A structure or part of a structure which does not comply with the applicable area, setback, yard, building height, location, size, impervious surface, and/or other dimensional requirements of this Chapter or amendment heretofore or hereafter enacted where such structure lawfully existed prior to the enactment of this Chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 578]

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence 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. [Ord. 578]

PRINCIPAL -

- A. PRINCIPAL BUILDING - see "building."
- B. PRINCIPAL USE - see "use."

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 578]

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," 53 P.S. §§271 et seq. [Ord. 578]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. 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 thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the hearing. [Ord. 578]

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 578]

SIGN - see Part 23 of this Chapter.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 578]

STORY - that part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having seventy-five (75) percent or more of its wall area above ground level. A half-story is a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above such story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 578]

STREET LINE - the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that (1) the street right-of-way line shall be not less than twenty-five (25) feet from the center line of any road or street, and (2) where a future

right-of-way width for a road or street has been officially established, then the street right-of-way line shall be the side line of the future right-of-way so established.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 578]

TELECOMMUNICATIONS EQUIPMENT BUILDING - the building in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed. [Ord.534]

TOWER - a structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures. [Ord. 534]

USE -

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

B. USE, PRINCIPAL - the main use on a lot.

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

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq. [Ord. 578]

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

A. YARD, FRONT -a yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that front on more than one (1) street, the yards extending along all streets are front yards.

B. YARD, REAR a yard between a structure and a rear lot line and extending the entire length of the rear lot line.

C. YARD, SIDE -a yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Part 3
Classification of Districts

§300. Establishment of Districts

A. Warminster Township is hereby divided into zoning districts of different types, each type being of such number, shape, kind and area, and of such common unity or purpose and adaptability of use that are deemed most suitable to carry out the objectives of this Chapter.

B. Every parcel of land and every building or other structure in the Township, except as otherwise provided by law or by this Chapter, shall be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

§301. Classes of Districts. For the purpose of this Chapter, Warminster Township is hereby divided into the following districts, which shall be designated as follows:

R-1	Residential-1 District
R-2	Residential-2 District
R-3	Residential-3 District
R-4	Residential-4 District
CCRC	Continuing Care Retirement Community
CCRC-2	Continuing Care Retirement Community-2
AQC	Age Qualified Community District
C-1	Commercial-1 District
C-2	Commercial-2 District
I	Industrial District
I-O	Industrial-Office District
GOV	Government/Public District

Overlay Districts:

Hartsville and Johnsville Historic Overlay
Floodplain Conservation Overlay
OPAS-Off-Premises Advertising Sign Overlay

§302. Zoning Map. Districts are bounded and defined as shown on the map entitled "Zoning Map of Warminster Township" that accompanies and which, with all explanatory matters thereon, is hereby made a part of this Chapter. (Ord. 161, 12/19/1967, §302)

§303. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries between districts as indicated on the Zoning Map, the following rule shall apply:

A. Where district boundaries are indicated as coinciding with streets, the district boundary line shall be considered the same as the property line or right-of-way line on the side of the street on which the property to be buffered is located.

B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to street or railroad rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map.

D. Where district boundaries divide a lot the location of such boundaries shall be determined by the use of the scale shown on the Zoning Map unless the boundaries are indicated by dimensions.

(Ord. 161, 12/19/1967, §303; as amended by Ord. 261, 12/27/1973, §1)

Part 4
R-1 Residential-1 District

§400. General - A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings, or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this Chapter.

§401. Permitted Uses

A. The following uses are permitted by right:

Use 1	Agriculture
Use 3	Single family detached dwelling
Use 50	Emergency services
Use 55	Utility operating facility
Use 70	No impact home based business
Use 72	Residential accessory building or structure
Use 79	Accessory in-law dwelling

B. The following uses are permitted as a special exception when authorized by the Zoning by the Hearing Board in accordance with the provisions of this Chapter:

Use 10	Place of worship
Use 15	Private club or lodge
Use 73	Family day care

(Ord. 161, 12/19/1967, §401; as amended by Ord. 472A, 12/12/1988, §1.3; and by Ord. 578, 6/13/2002, §1; and by Ord. 599)

C. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of this Chapter:

Use 11	Public or private school
Use 20	Nursing home/personal care facility, assisted living facility, or convalescent home
Use 21	Youth services
Use 32	Mortuary or funeral home

§402. Area and Dimensional Requirements. All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

A. Lot Area and Width - Minimum lot area - twenty thousand (20,000) square feet.

- B. Minimum lot width - one hundred (100) feet at the building line and eighty (80) feet at the front property line shall be provided for each principal use or building permitted in this district.
- C. Density - Land subdivided for residential purposes shall have a density of not more than one and six tenths (1.6) dwelling units per gross acre of land being subdivided.
- D. Building Area – Maximum of twenty (20) percent of the area of any lot shall be occupied by buildings.
- E. Yards:
 - a. Front Yard. There shall be a front yard along each street on which a lot abuts which shall be not less than fifty (50) feet in depth.
 - b. Side Yards. Unless otherwise provided in this Chapter, there shall be two (2) side yards on each lot with a minimum width of fifteen (15) feet for each side yard.
 - c. Rear Yard. Unless otherwise provided in this Chapter, there shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth.
- F. Impervious surface ratio – No more than thirty five (35) percent of the total lot area shall be covered with impervious surface.
- G. Open Space – All residential uses, except for the development of fewer than (10) dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, Section 2102, Open Space Requirements.

§403. Additional Requirement for Youth Services Use. In addition to the area and dimensional requirements of §402 of this Part and the use requirements set forth in Part 16, the Youth Services use shall meet the following additional requirement for a conditional use in the R-1 District:

The property shall be subject to a Master Plan Agreement with the Township.

Part 5
R-2 Residence Districts

§500. General - A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings, or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this Chapter.

§501. Permitted Uses

A. The following uses are permitted by right:

Use 3	Single family detached dwelling
Use 50	Emergency Services
Use 55	Utility operating facility
Use 70	No-impact home-based business Agriculture
Use 72	Residential accessory building or structure
Use 79	Accessory in-law dwelling

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter:

Use 10	Place of worship
Use 15	Private club or lodge
Use 21	Youth services
Use 73	Family day care

C. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

Use 8	Mixed Use Development
Use 11	Public or private school
Use 19	Hospital campus
Use 22	Cemetery
Use 32	Mortuary or funeral home
Use 71	Accessory office

§502. Area and Dimensional Requirements - All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply. Mixed Use Development shall comply with the requirements of this section and with Part 16.

A. Lot Area and Width. A lot area of not less than twelve thousand five hundred (12,500) square feet, with a width of not less than eighty (80) feet at the

building line and seventy (70) feet at the front property line shall be provided for each dwelling. Other principal uses permitted in this district shall have a lot area of not less than twenty thousand (20,000) square feet with a width of not less than one hundred (100) feet at the building line and eighty (80) feet at the front property line.

B. Density. Land subdivided for residential purposes shall have a density of not more than two and two tenths (2.2) dwelling units per gross acre of land being subdivided.

C. Building Area. Not more than twenty-five (25) percent of the area of any lot shall be occupied by buildings.

D. Front Yard. There shall be a front yard along each street on which a lot abuts which shall be not less than thirty-five (35) feet in depth for permitted single family detached dwellings. All other permitted principle uses shall have front yards of not less than fifty (50) feet in depth.

E. Side Yards. Unless otherwise provided in this Chapter, there shall be two (2) side yards on each lot, neither of which shall be less than ten (10) feet in width for permitted single family detached dwellings. All other permitted uses shall have two (2) side yards of not less than fifteen (15) feet in width each.

F. Rear Yard. Unless otherwise provided in this Chapter, there shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth.

G. Impervious surface ratio – No more than thirty five (35) percent of the total lot area shall be covered with impervious surface. (Ord. 161, 12/19/1967, §502)

H. Open Space – All residential uses, except for the development of fewer than (10) dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, Section 2102, Open Space Requirements.

§503. Mixed Use Development Requirements

A. Uses permitted within the Mixed Use Area by right

Use 5	Single-family attached dwelling (townhouse)
Use 25	Business or professional office
Use 27	Retail shop
Use 28	Service business
Use 29	Bank, savings and loan association
Use 30	Restaurant

The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter.

Use 10	Place of worship
Use 12	Library or museum
Use 34	Indoor commercial entertainment

B. Area and Dimensional Requirements

1. Minimum Lot Area for Mixed Use Development. A lot area of not less than eighteen (18) acres shall be provided for every Mixed Use Development.
2. Minimum Lot Width. Not less than five hundred (500) feet of lot width along a collector or arterial street shall be provided for every Mixed Use Development.
3. Front Yard. There shall be a front yard for each Mixed Use Development which shall not be less than sixty (60) feet in depth.
4. Side Yards. Unless otherwise provided in this Chapter, there shall be two (2) side yards for each Mixed Use Development, neither of which shall be less than twenty-five (25) feet in width.
5. Rear Yard. Unless otherwise provided in this Chapter, there shall be a rear yard for each Mixed Use Development which shall not be less than fifty (50) feet in depth.
6. Separation from Existing Residential Use. No building, deck, or patio shall be located less than seventy-five (75) feet from a side or rear property line which is not a part of the Mixed Use Development.
7. Building Coverage. The building coverage of a Mixed Use Development shall not exceed twenty (20) percent of the lot area.
8. Impervious Coverage. The impervious coverage of a Mixed Use Development shall not exceed fifty (50) percent of the lot area.
9. Residential. The maximum height for any residential building or structure erected or enlarged in this district shall be thirty-five (35) feet, not exceeding two and one-half (2.5) stories.
10. Non-Residential. The maximum height for any non-residential building or structure erected or enlarged in this district shall be thirty-five feet.

C. Special Requirements

1. Building Spacing. The distance at the closest point between any buildings shall not be less than thirty (30) feet. The distance between residential and non-residential building within the Mixed Use Development shall not be less than one hundred (100) feet.

2. Density. Mixed Use Developments shall have a maximum overall density of six (6) dwelling units per acre, which shall be calculated based on the portion of the lot designated for residential use.
3. Number of Bedrooms. No dwelling unit shall contain more than three (3) bedrooms.
4. Non-Residential Limitations. A maximum of thirty-five (35) percent of the lot area may be allocated to non-residential use. The development plan shall designate the separation line between residential and nonresidential portions of the lot. The area of the residential and nonresidential portions of the lot shall be indicated on the development plans. All portions of the lot used for nonresidential purposes shall front on and be located within three hundred and fifty (350) feet of a collector or arterial street.
5. Buffer Yards. Along any residential district boundary line, a buffer yard shall be provided which shall not be less than twenty-five (25) feet in width and shall be planted in accordance with the provisions of this Chapter. Within a Mixed Use Development, a buffer not less than twenty-five (25) feet in width shall be provided between residential units and non-residential development. Such buffer yards may be coterminous with required yards, and may include fences, berms, and other landscape improvements designated to soften the transition between land uses. Access drives may cross perpendicular to buffer yards. Buffer yards may not contain decks, patios, buildings, or walking trails.
6. Outdoor Land Use. There shall be no outdoor storage or display of goods or materials for marketing, storage, or any other purpose. The outdoor storage of trash shall be designed and maintained to be completely screened from view.
7. Special Conveyancing. When the development of a lot and the uses therein are in accordance with a unified development plan, then a conveyance of a parcel within the development plan shall be permitted upon compliance with the following conditions:
 - a. Irrevocable cross-easements in favor of and duly binding on all title owners within the area of the development plan, their successors and assigns, with respect to use, control and maintenance of the common areas including access, green space, and parking areas are in effect and recorded. All easements shall be submitted to the township solicitor for review prior to recording.
 - b. Application of zoning regulations including, but not limited to, building coverage, impervious coverage, parking, loading and landscaping, as well as required area, width and yard regulations, shall apply to an overall lot approved as a unified development plan. Individual lots created pursuant to this section need not comply with these zoning requirements.

8. Common Area. Common Area includes any real estate within the community owned by the Association and not consisting of lots and limited common elements. Limited common elements include driveways, streets, stormwater detention basins, parking lots and sidewalks. A minimum of thirty five (35) percent of the lot area shall be Common Area.
9. Pedestrian Design Standards.
 - a. Sidewalks are required along all public road frontages.
 - b. Pedestrian connections shall be provided between residential and non-residential portions of the development, and to all front building areas, parking areas, and other pedestrian destination points.
 - c. Whenever possible, sidewalks shall connect to existing sidewalks on abutting properties and other nearby pedestrian destination points and transit stops.
10. Traffic Study. A complete and comprehensive traffic study shall be submitted as part of any land development application for Mixed Use Development.
11. Utilities. All development in a Mixed Use Development shall be served by public water and sewer. All utilities shall be underground.
12. Site Lighting. Exterior lighting provided in conjunction with any Mixed Use Development shall be designed in accordance with the requirements of this Chapter.
13. A Mixed Use Development must be located on an arterial road.

Part 6
R-3 Residence Districts

§600. General - A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings, or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this Chapter.

§601. Permitted Uses

A. The following uses are permitted by right:

Use 1	Agriculture
Use 3	Single family detached dwelling
Use 4	Two-family dwelling
Use 5	Single family attached dwelling (townhouse)
Use 6	Multifamily dwelling
Use 50	Emergency Services
Use 70	No-impact home-based business
Use 72	Residential accessory building or structure
Use 79	Accessory In-law dwelling

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Chapter 26 of this Chapter.

Use 10	Place of worship
Use 15	Private club or lodge
Use 21	Youth services
Use 73	Family day care

[Ord. 380] (Ord. 161, 12/19/1967, §601; as amended by Ord. 241, 12/11/1972; by Ord. 380, 6/23/1980; by Ord. 472A, 12/12/1988, §3; and by Ord. 578, 6/13/2002, §1)

C. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter.

Use 7	Mobile home park
Use 11	Public or private school
Use 32	Mortuary or funeral home
Use 71	Accessory office

§602. Area and Dimensional Requirements. All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

A. Lot Area and Width. A lot area of not less than nine thousand (9,000) square feet, with a width of not less than seventy-five (75) feet at the building line and seventy (70) feet at the front property line shall be provided for each single family dwelling. Other principal uses permitted in this district shall have a lot area of not less than twenty thousand (20,000) square feet with a width of not less than one hundred (100) feet at the building line and eighty (80) feet at the front property line.

B. Building Area.

1. Where a dwelling is constructed on a lot, not more than thirty (30) percent of the area of any lot shall be occupied by buildings or structures.

2. For all other permitted uses in this district, no more than twenty (20) percent of the area of the lot shall be occupied by buildings or structures.

C. Front Yard. There shall be a front yard along each street on which a lot abuts which shall be not less than thirty-five (35) feet in depth, for single family detached dwelling. Other permitted principal uses shall have a front yard of not less than fifty (50) feet in depth.

D. Side Yards. Unless otherwise provided in this Chapter, there shall be two (2) side yards on each lot, neither of which shall be less than ten (10) feet in width for single family detached dwellings. All other permitted principal uses shall have two (2) side yards of not less than fifteen (15) feet in width each.

E. Rear Yard. Unless otherwise provided in this Chapter, there shall be a rear yard on each lot which shall be not less than thirty-five (35) feet in depth for single family detached dwellings. All other permitted principal uses shall have a rear yard of not less than fifty (50) feet in depth.

F. Impervious surface ratio – No more than thirty five (35) percent of the lot area shall be covered with impervious surface.

G. Open Space – All residential uses, except for the development of fewer than (10) dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, Section 2102, Open Space Requirements.

(Ord. 161, 12/19/1967, §602)

Part 7
R-4 Residence District

§700. General – A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses, buildings, or structures shall comply with such regulations as yard, lot sizes, lot width, building area, heights, impervious surfaces, easements, buffer yards, off-street parking and other requirements as specified by this Chapter.

§701. Permitted Uses

A. The following uses are permitted by right:

Use 3	Single family detached dwelling
Use 4	Two-family dwelling
Use 5	Single-family attached dwelling (townhouse)
Use 6	Multifamily dwelling
Use 50	Emergency Services
Use 70	No-impact home-based business
Use 72	Residential accessory building or structure
Use 79	Accessory in-law dwelling

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter:

Use 10	Place of worship
Use 12	Library or museum
Use 15	Private club or lodge
Use 16	Community center
Use 21	Youth services
Use 73	Family day care

C. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

Use 7	Mobile home park
Use 11	Public or private school
Use 32	Mortuary or funeral home
Use 71	Accessory office

§702. Area and Dimensional Requirements. All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

A. Lot Area and Dimensional Requirements

1. Single family detached dwelling.
 - a. A lot area of not less than nine thousand (9,000) square feet
 - b. Lot width of not less than seventy-five (75) feet at the building line and seventy (70) feet at the front property line shall be provided for each single family dwelling.
 - c. Minimum Yards
 - i. Front – 35 feet
 - ii. Rear – 35 feet
 - iii. Sides – 10 feet each side
 2. Two-family dwelling
 - a. Lot area of ten thousand (10,000) square feet for two dwellings (5000 square feet per dwelling) is required.
 - b. Lot width for each dwelling shall be fifty (50) feet, or one hundred (100) feet for two dwellings.
 - c. Minimum yards
 - i. Front – 35 feet
 - ii. Rear – 35 feet
 - iii. Sides – 10 feet each side
 3. Multifamily dwellings and townhouses –
 - a. Minimum lot area of 5 acres required.
 - b. Maximum Density – 5 units per acre
 - c. Lot width for the tract – 200 feet
 - d. Minimum Yards:
 - i. Front – 35 feet
 - ii. Rear – 50 feet
 - iii. Side – 25 feet each side
 4. Mobile Home Park – See requirements for Mobile Home Park in Part 16.
 5. Other principal uses permitted in this district shall have a lot area of not less than twenty thousand (20,000) square feet with a width of not less than one hundred (100) feet at the building line and eighty (80) feet at the front property line.
- B. Where a dwelling is constructed on a lot, not more that thirty five (35) percent of the area of any lot shall be occupied by buildings or structures.
1. For all other permitted uses in this district, no more than twenty five (25) percent of the area of the lot shall be occupied by buildings or structures.
- C. Impervious surface ratio – No more than thirty five (35) percent of the total lot area shall be covered with impervious surface.

§703. Buffer Yards – Along any district boundary line separating the R4 District from any district, a buffer yard shall be provided which shall not be less than fifty (50) feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line.

§704. Utilities - Each building in use shall be served by public water and sanitary sewer facilities at the time of development. All public utilities, such as telephone, cable television, electric, etc., shall be placed underground.

§705. Height Regulations – No dwelling unit shall exceed a vertical height of thirty-five (35) feet, which height shall be measured from the building line at the ground level to the roof of flat top buildings with the mean height of angled roofs.

§706. Variation of Design –Buildings shall be designed such that no more than three (3) adjoining dwelling units shall have an identical front yard setback. An average of at least four (4) feet setback variations per dwelling unit is required.

§707. Open Space –

A. At least forty (40) percent of the gross land area of any multifamily development shall be devoted to permanent open space or recreational use, which area shall not include required public improvements, required yards or building setbacks, required buffer areas, or streets. Open space shall not include any of the impervious surface coverage occasioned by the multifamily dwelling units, parking areas or required public improvements. Such space shall not include the minimum required yard areas or any area conveyed to the owner or occupant of any dwelling unit by sale or by lease.

B. No more than fifty (50) percent of the open space shall be in a floodplain. The specific land area to be devoted to this requirement may be dedicated to the Township, if acceptable to it. If not dedicated to and accepted by the Township, then the provisions set forth hereinafter with regard to administration and maintenance shall become applicable.

C. In the event that the land is not dedicated to the Township, a plan for administration and maintenance of all such open space shall be presented to the Township Supervisors as part of the overall development plan. Such plan shall contain covenants or other restrictions or requirements that will assure future administration and maintenance of such open space.

D. Open Space – All other residential uses, including single-family and two-family development, except for the development of fewer than (10) dwellings, shall be required to set aside open space in accordance with the requirements of Part 21, Section 2102, Open Space Requirements.

Part 8
CCRC – Continuing Care Retirement Community District

§800 Definitions. The following definitions shall apply to the terms used in this Part in connection with the development of a continuing care retirement community:

ASSISTED LIVING UNIT – a dwelling unit varying in square footage from two hundred (200) square feet to five hundred (500) square feet that provides a residential living environment assisted by congregate meals, housekeeping and personal services for persons age fifty-five (55) or older, who have temporary or periodic difficulties with one (1) or more essential activities of daily living, such as feeding, bathing, dressing or mobility. As assisted living unit shall include accessory uses, including dining rooms, bathing areas, common areas, offices and other space necessary to provide the above services.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) – a facility which has a primary purpose of providing housing and continuing care for people over the age of fifty-five (55) or where either the husband or wife is over age fifty-five (55), consists of independent apartment units, assisted living units, skilled care nursing units and continuing care retirement community accessory uses all as defined herein. For purposes of this Part “continuing care” means the provision of lodging, nursing, medical or health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one (1) year, including mutually terminable contracts and in consideration of the payment of an entrance fee with or without other periodic charges.

CONTINUING CARE RETIREMENT COMMUNITY ACCESSORY USES WITHIN A CONTINUING CARE RETIREMENT COMMUNITY – any use necessary for the operation of the facility or for the benefit or convenience of the residents and their guests including, but not limited to, kitchen and dining facilities, places of worship, indoor and outdoor recreational buildings and uses, retail and banking facilities, beauty salons and barber shops, gift shops, class rooms, security facilities, conference rooms, common areas, guest rooms, administrative offices, medical offices, postal center, pharmacy, maintenance facilities, craft and music rooms, library and television room and heating and cooling equipment structures; provided, that the accessory use is for the primary benefit of the continuing care retirement community and provided that there is no exterior announcement of the use.

INDEPENDENT APARTMENT UNIT – a dwelling unit containing living areas, bedroom areas, kitchen areas and bathrooms, including studio style apartments, varying in square footage from three hundred fifty (350) square feet to two thousand (2,000) square feet, which house one (1) or more people over the age of fifty-five (55) in a manner in which they may live independently while receiving one (1) or more meals per day in congregate setting.

SKILLED NURSING CARE UNIT – a nursing bed or individual room which provides board, shelter and twenty-four (24) hour skilled nursing and medical care to

chronic or convalescent patients. A nursing unit shall include accessory uses, including dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services.

(Ord. 569, 12/6/2001, §1)

§801. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the uses listed in this Section:

A. The following uses are permitted by right:

Continuing care retirement community (CCRC)
Independent apartment units
Assisted living units
Skilled nursing units
Use 50 Emergency Services
Use 55 Utility operating facility

B. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

Use 53 Public or private parking garage
Use 78 Residential wind energy system

§802. Density, Area and Dimensional Regulations. The regulations for the following density, area and dimensional regulations applicable to a Continuing Care Retirement Community use are as follows:

- A. Tract Size. The minimum tract size for the development of a CCRC shall be seventy-five (75) contiguous acres.
- B. Number of Dwelling Units. The maximum number of independent apartment units in a CCRC shall be two thousand (2,000). In addition to the independent apartment units up to forty (40) percent of the total number of independent apartment units may be developed as a combination of assisted living units and/or skilled nursing units.
- C. Floor Area Ratio. "Floor area ratio" is defined as the ratio of the gross floor area of the structure to the gross lot area upon which the use and/or structures are to be located. Exempted from gross floor area are those areas devoted to internal atriums. The maximum permitted floor area ratio for a CCRC shall be 0.665, which ratio shall include basement areas.
- D. Maximum Tract Impervious Surface Ratio. Forty-five (45) percent. For purposes of calculating the rates, the area of the community arterial road (as that term is defined in subsection (N) below) shall not be considered as a part of the tract.
- E. Maximum Building Height. The maximum height of any structure shall be sixty (60) feet; provided, however, that no building which is proposed to be in excess of fifty (50) feet in height shall be located on Jacksonville Road, Street Road or

within one hundred (100) feet of the eastern boundary of the lot which is proposed to be developed.

- F. Building Coverage. Buildings and structures shall not occupy more than seventeen (17) percent of the total tract area.
- G. Front Yard. There shall be a front yard along each street on which a lot abuts which shall be not less than seventy-five (75) feet in depth, measured from the right-of-way or where no right-of-way is provided, from the edge of the cartway; provided, however, that when bounded by an existing arterial or existing collector road or opposite a residential district, the minimum front yard shall be one hundred (100) feet from the right-of-way line of the roadway. Parking within the front yard shall be permitted; provided, however, that no parking shall be permitted within twenty (20) feet of a right-of-way line or in the case of a private street, within twenty (20) feet of the edge of the cartway.
- H. Side Yards. Side yards of not less than thirty-five (35) feet shall be required. Parking shall be allowed in the side yards provided that no parking shall be located within twenty (20) feet of a property line.
- I. Rear Yards. A rear yard of not less than fifty (50) feet shall be required. Parking shall be allowed in the rear yards provided that no parking shall be located within twenty (20) feet of a property line.
- J. Building Spacing. On lots containing more than one (1) building, a minimum of thirty (30) foot separation is required between buildings.
- K. Buffer Yards. The buffer yard requirements of this Chapter shall not apply to the CCRC District. Along the boundary of the CCRC District with Ivyland Borough, a buffer yard shall be provided which shall be not less than one hundred (100) feet in width. No buildings shall be permitted within this buffer yard. Within this buffer yard no parking shall be located closer than fifty (50) feet of the boundary line of Ivyland Borough; however, driveways shall be permitted with the exterior fifty (50) feet.
- L. Driveways. More than one (1) driveway may be permitted on a property from a public road; provided, that each driveway is a minimum of one hundred twenty-five (125) feet from any other driveway.
- M. Parking and Loading Requirements. The required number of parking spaces for a CCRC shall be 1.1 parking spaces per independent apartment unit, which figure shall be inclusive of all staff, resident and visitor parking and all assisted living units and skilled nursing units within the CCRC. The required number of loading spaces shall be one (1) per community building over forty thousand (40,000) square feet.
- N. Aisles in Parking Lots. The minimum width of aisles in parking areas with two (2) way circulation shall be twenty-four (24) feet.
- O. Access. All uses within the CCRC District shall take access from an interior roadway or shared common driveway. This shall not prevent access from a "community arterial road" which shall be defined as a road constructed for the purpose of providing access to the CCRC District or to uses within the adjacent District. A community arterial road in the CCRC District shall have a minimum right-of-way of one hundred (100) feet and a minimum cartway of fifty-eight (58)

feet (twenty-four (24) foot wide, two (2) lane cartways separated by a ten (10) foot wide median).

- P. Sidewalks. Sidewalks may be located within the right-of-way of public and/or private streets within the CCRC District.

Part 9
CCRC-2 – Continuing Care Retirement Community-2 District

§900. Definitions. The following definitions shall apply to the terms used in this Part in connection with the development of the continuing care retirement community:

ASSISTED LIVING UNITS are dwelling units varying in square footage from two hundred (200) square feet to five hundred (500) square feet that provide a residential living environment assisted by congregate meals, housekeeping and personal services, for persons age fifty-five (55) or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing, or mobility. An Assisted Living Unit shall include accessory uses including dining rooms, bathing areas, common areas, offices and other space necessary to provide the above services.

CONTINUING CARE RETIREMENT COMMUNITY-2 (CCRC-2) shall mean a facility which has a primary purpose of providing housing and continuing care for people over the age of fifty-five (55) or where either the husband or the wife is over age fifty-five (55), consists of Assisted Living Units, Senior Apartment Units, Senior Cottage Units, Skilled Nursing Facility Units and Continuing Care Retirement Community Accessory Uses as defined herein. For purposes of this Article, “continuing care” means the provision of lodging, nursing, medical or health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges.

CONTINUING CARE RETIREMENT COMMUNITY ACCESSORY USES WITHIN A CONTINUING CARE RETIREMENT COMMUNITY-2 –any use necessary for the operation of the facility or for the benefit or convenience of the residents and their guests including, but not limited to, kitchen and dining facilities, places of worship, indoor and outdoor recreational buildings and uses, retail and banking facilities, beauty salons and barber shops, gift shops, class rooms, security facilities, conference rooms, common areas, guest rooms, administrative offices, medical offices, physical rehabilitation facilities, postal center, pharmacy, maintenance facilities, craft and music rooms, library and television room and heating and cooling equipment structures; provided, that the accessory use is for the primary benefit of the continuing care retirement community and provided that there is no exterior announcement of the use.

SENIOR APARTMENT UNITS are single-family dwelling units within a single building for persons age fifty-five (55) and older.

SENIOR INDEPENDENT COTTAGE UNITS are single-family detached and single-family attached dwelling units with an individual yard area, attached side by side, for persons age fifty-five (55) or older. There shall be no more than five (5) attached dwelling units.

SKILLED NURSING FACILITY UNIT shall mean a nursing bed or individual room which provides board, shelter and twenty-four (24) hour skilled nursing and medical care to chronic or convalescent patients. A Nursing Facility shall include accessory uses including dining rooms,

bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services.

§901 Permitted Uses. A building may be erected or used and a lot may be used or occupied for any of the uses listed in this Section:

- A. The following uses are permitted by right, in accordance with the definitions contained within this Part, if herein defined:

- Use 1 Agriculture
Senior Independent cottage units
Senior apartment units
Assisted living units
Skilled nursing facility units
- Use 50 Emergency Services
- Use 55 Utility operating facility

- B. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

- Use 53 Public or private parking garage
- Use 78 Residential wind energy system

§902 Density, Area and Dimensional Requirements. The regulations for the following density, area and dimensional regulations applicable to the Continuing Care Retirement Community-2 District are as follows:

- A. Tract Size. The minimum tract size for the development in a CCRC-2 District shall be seventy-five (75) contiguous acres.
- B. Maximum Density. The maximum density for the tract shall be fifteen (15) units per acre.
- C. Maximum Impervious Surface Ratio. The maximum impervious surface ratio for a development in the CCRC-2 District shall be sixty (60) percent.
- D. Maximum Building Height. The maximum height of any Building or Structure shall not exceed thirty-five (35') feet, as defined in section 201 of the this Chapter, provided that where the natural grade of the property in a downward slope renders it necessary to construct a Building with an exposed lower level, then, and only in that event, the maximum height of a Building shall not exceed fifty (50') feet, measured from the finished grade at the exposed lower level to the mean height between eaves and ridge for gable, hip and gambrel roofs.
- E. Building Area. Buildings and Structures shall not occupy more than seventeen (17%) percent of the total tract area.
- F. Building setback from cartway. There shall be a building setback of twenty-five (25') feet in depth, measured from the building to the edge of the cartway. Parking within the setback shall be permitted.
- G. Side Yards. Side yards of not less than ten (10') feet shall be required. Parking shall be permitted in side yards.

- H. Building Spacing. On lots containing more than one (1) building, a minimum twenty (20') foot separation is required between buildings consisting of one (1) story. A minimum thirty (30') foot separation is required between buildings consisting of two (2) or more stories.
- I. Buffer Yards. There shall be a buffer yard of fifty (50') feet from all tract boundaries.
- J. Setback from Perimeter Streets. The setback from perimeter streets shall be one hundred (100') feet from the ultimate right-of-way of any principal arterial road and sixty (60') feet from the ultimate right-of-way of any major collector road. Parking and driveways within the setback shall be permitted.
- K. Setback from Tract Boundary. The setback from the tract boundary, where not bounded by a perimeter street, shall be fifty (50') feet.
- L. Streets. All streets, defined as a way used or intended to be used by vehicular traffic or pedestrians whether public or private, shall have a minimum cartway width of twenty-six (26') feet.
- M. Driveways. The use of shared driveways shall be permitted within the CCRC-2 District.
- N. Parking Requirements. The required number of parking spaces for a development in the CCRC-2 District shall be 1.1 parking space per Senior Apartment Unit, which figure shall be inclusive of all staff, resident and visitor parking, and all Assisted Living Units and Skilled Nursing Units within the CCRC-2. The required number of parking spaces for a development in the CCRC-2 District shall be two (2) off-street parking spaces per Senior Independent Cottage Unit, including the garage. Accessory Buildings, excluding maintenance and storage facilities, shall have one (1) off-street parking space for each two hundred (200) square feet of floor area. The requirements of this Section shall supersede inconsistent requirements contained in other Parts of this Chapter. Parking on internal streets shall be permitted on one (1) side of the street only.
- O. The minimum open space required in the CCRC-2 shall be thirty (30) percent of the gross site area of the tract.

Part 10
AQC – AGE QUALIFIED COMMUNITY DISTRICT

§1000 Permitted Uses

A building may be erected or used, and a lot may be used or occupied, for any of the purposes listed in this Section subject to additional requirements of other applicable provisions of this and other Township ordinances.

- A. The following uses are permitted by right:
1. Use 6 Multi-family dwellings, provided that a maximum of four (4) connected dwelling units shall be permitted which may be arranged side-by-side or back-to-back and further provided that all the requirements of this Part shall be met.
 2. Accessory Uses consisting of:
 - a. Outdoor recreation facilities, including but not limited to, tennis courts, swimming pools, walking paths, golf putting/chipping area, and shuffleboard courts.
 - b. Clubhouse consisting of auditorium, activity rooms, kitchen areas, craft rooms; fitness, lounges or similar facilities for members of the community and invited guests.
 - c. Guard house and/or entrance gates.
 - d. Administrative offices used for the management of the community.
 3. Use 50 Emergency services
 4. Use 55 Utility operating facility
- B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter: None
- C. The following uses are permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:
- | | |
|--------|----------------------------------|
| Use 53 | Public or private parking garage |
| Use 78 | Residential wind energy system |

§1001 Area and Dimensional Requirements

- A. Minimum lot Area: Fifty (50) gross acres.
- B. Maximum Density: Five (5) dwelling units per gross acre
- C. Maximum Building Coverage: Twenty-five (25) percent of the gross site area.
- D. Maximum Impervious Coverage: Fifty (50) percent of the gross lot area.
- E. Common Area (any real estate within the community owned by the Association and not consisting of lots and Limited Common Elements. Limited Common Elements include the following: driveways, streets, Community Center,

- stormwater detention basin, recreational facilities, parking lots and sidewalks): Forty (40) percent of gross site area.
- F. Minimum Building Setback from Existing Street Line and Property Line: Fifty (50) feet.
 - G. Maximum Building Height: Thirty-five (35) feet. Each building shall be one story with a loft, rather than a two story building.
 - H. Buffer yard: A fifty (50) foot buffer yard shall be provided along all property lines of the tract. The buffer yard shall meet the requirements of Section 1809 of this Ordinance.
 - I. Minimum Driveway Width: Twelve (12) feet.

§1002 Individual Lot Area and Bulk Requirements

- A. Minimum Lot Area: Two thousand, five hundred (2,500) square feet.
- B. Minimum Lot Width: Forty (40) feet (individual).
- C. Minimum Lot Depth: Sixty (60) feet (individual).
- D. Minimum Distance of a Building from Edge of Cartway of Interior Street: Twenty (20) feet minimum or thirty (30) feet minimum from garage entrance.
- E. Maximum Building Coverage: Seventy-five (75) percent of the gross.
- F. Minimum Distance Between Buildings: Twenty-five (25) feet side to side.
- G. Maximum Units Per Structure: Four (4).

§1003 General Requirements

- A. Utilities. All units shall be served by public water and public sewer. All utilities including water and sewer shall be in accordance with the provisions of the Subdivision and Land Development Ordinance.
- B. Common Area and Facilities. Common area shall be restricted from further subdivision and development by the Declaration and duly recorded in the Office of the Recorder of Deeds of Bucks County. Required common area may be owned and maintained by a homeowners or a condominium association.
- C. Roads. Roads within the Proposed Development shall be gated and private and shall be owned and maintained by a homeowners or condominium association. All roads shall be constructed to Township standards for public residential streets, except that all such streets within the proposed development shall have a minimum cartway width of 26 feet and designed to accommodate emergency vehicles. The Board of Supervisors may impose parking restrictions on one side of the streets within the community and may ban parking on both sides of the streets where radii exist that do not meet normal standards within the Township Subdivision and Land Development Ordinance. A utility easement area shall be provided along all streets to provide suitable area for the location of utility lines.
- D. A pedestrian circulation system shall be provided as an integral part of the proposed development.

- E. Unit occupancy. Occupancy of units shall be in accordance with Federal and State Fair Housing Acts.
- F. Declaration of Age Qualification. Subsequent to the approval of the Plan for the first phase of the development, but prior to the recording of the plan, the Developer shall record a Declaration against the property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum age restriction of 55 years and older, which will be applicable to the project and in accordance with both Federal and State Fair Housing regulations.
- G. The Township Police Department shall be given the right to enforce the provisions of the Pennsylvania Motor Vehicle Code on streets throughout the development.
- H. All Units must have garages for the parking of at least one vehicle, which cannot be used for storage or converted to additional living space. These restrictions are to be included in the Declaration of Covenants, Easements and Restrictions.
- I. There shall be a minimum 20-foot distance between parking lots and any dwelling unit, and a minimum 10 foot distance between parking lots and any interior cartway.
- J. The applicant shall submit a tree replacement plan for approval by the Township.
- K. Where parking lots are provided in areas such as the Community Center, a landscape island shall be provided between every other row of parking.
- L. Sidewalks may be located within the legal right-of-way subject to the approval of the Board of Supervisors or, if applicable, the Pennsylvania Department of Transportation.

Part 11
C1 –Commercial-1 Districts

§1100 Permitted Uses – A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this Section subject to additional requirements of applicable provisions of this and other Township ordinances.

A. The following uses are permitted by right:

B.

Use 2	Lawn and garden center
Use 10	Place of worship
Use 11	Public or private school
Use 12	Library or museum
Use 15	Private club or lodge
Use 16	Community center
Use 18	Adult day care
Use 20	Nursing home, personal care facility, assisted living facility, or convalescent home
Use 24	Medical or dental office/clinic
Use 25	Business or professional office
Use 27	Retail shop
Use 28	Service business
Use 29	Bank, savings and loan association
Use 30	Restaurant
Use 31	Repair shop
Use 32	Mortuary or funeral home
Use 33	Hotel
Use 34	Indoor commercial entertainment
Use 35	Outdoor private recreation
Use 37	Veterinary office
Use 42	Trade or professional school
Use 46	Banquet/catering facility
Use 48	Limited personal service
Use 49	Equipment rental or motor vehicle leasing
Use 50	Emergency services
Use 52	Railway/transportation station
Use 55	Utility operating facility
Use 80	Accessory drive-through facility

C. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter: None

D. The following uses are permitted as Conditional Uses when authorized by the Board of Supervisors in accordance with the terms of Part 25 of this Chapter:

Use 17	Day care center
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Use 38	Motor vehicle fueling station
Use 39	Car wash
Use 40	Motor vehicle sales
Use 41	Motor vehicle repair garage
Use 44	Large retail store
Use 47	Shopping center
Use 53	Public or private parking garage
Use 54	Cellular telecommunications facility
Use 74	Non-residential accessory building or structure
Use 75	Motor vehicle fuel pumps
Use 77	Non-residential wind energy system

§1101 Area and Dimensional Requirements - All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

- A. Minimum Lot Area. Each lot shall contain an area of not less than fifteen thousand (15,000) square feet with a width of not less than eighty (80) feet at the front property line.
- B. Building Area. Not more than twenty-five (25) percent of the area of each lot shall be occupied by building.
- C. Front Yards. There shall be a front yard along each street on which a lot abuts which shall be not less than thirty-five (35) feet in depth.
- D. Side Yards. Unless otherwise provided in this Chapter, each side yard shall be not less than ten (10) feet in width.
- E. Rear Yard. Unless otherwise provided in this Chapter, there shall be a rear yard on each lot which shall be not less than thirty-five (35) feet in depth.
- F. Buffer Yards. Along any zoning district boundary line or use, a buffer yard shall be provided which shall be not less than twenty-five (25) feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this Chapter. Such buffer yards may be conterminous with any required yard in this district and in case of conflict, the largest yard requirement shall apply.
- G. Off-street parking and loading space, pedestrian walkways and motor vehicle access shall be provided in accordance with the provisions of this Chapter.
- H. Impervious Surface Ratio. No more than fifty (50) percent of the total lot area shall be covered with impervious surface.

Part 12
C2 –Commercial-2 Districts

§1200 Permitted Uses - A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this Section subject to additional requirements of applicable provisions of this and other Township ordinances.

A. The following uses are permitted by right:

Use 2	Lawn and garden center
Use 10	Place of worship
Use 11	Public or private school
Use 12	Library or museum
Use 15	Private club or lodge
Use 16	Community center
Use 18	Adult day care
Use 24	Medical or dental office/clinic
Use 25	Business or professional office
Use 27	Retail shop
Use 28	Service business
Use 29	Bank, savings and loan association
Use 30	Restaurant
Use 31	Repair shop
Use 32	Mortuary or funeral home
Use 33	Hotel
Use 34	Indoor commercial entertainment
Use 35	Outdoor private recreation
Use 37	Veterinary office
Use 38	Motor vehicle fueling station
Use 41	Motor vehicle repair garage
Use 42	Trade or professional school
Use 49	Equipment rental or motor vehicle leasing
Use 50	Emergency services
Use 53	Public or private parking garage
Use 55	Utility operating facility
Use 80	Accessory drive-through facility

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter: None

C. The following uses are permitted as Conditional Uses when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

Use 17	Day care center
Use 39	Car wash
Use 40	Motor vehicle sales
Use 44	Large retail store

Use 47	Shopping center
Use 74	Nonresidential accessory building or structure
Use 75	Motor vehicle fuel pumps
Use 77	Non-residential wind energy system

§1201 Area and Dimensional Requirements - All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

A. Minimum Lot Area. Each lot shall contain an area of not less than one (1) acre with a width of not less than one hundred-fifty (150) feet at the front property line, except for the uses Large Retail Store and Shopping Center, which shall require lots in accordance with the requirements of Part 16.

B. Building Area. Not more than twenty-five (25) percent of the area of each lot shall be occupied by buildings.

C. Front Yards. There shall be a front yard along each street on which a lot abuts which shall be not less than thirty-five (35) feet in depth.

D. Side Yards. Unless otherwise provided in this Chapter, each side yard shall be not less than ten (10) feet in width.

E. Impervious surface ratio. No more than fifty (50) percent of the total lot area shall be covered with impervious surface.

F. Rear Yard. Unless otherwise provided in this Chapter, there shall be a rear yard on each lot which shall be not less than thirty-five (35) feet in depth.

G. Buffer Yards. Along any zoning district boundary line or use, a buffer yard shall be provided which shall be not less than twenty-five (25) feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this Chapter. Such buffer yards may be conterminous with any required yard in this district and in case of conflict, the largest yard requirement shall apply.

H. Off-street parking and loading space, pedestrian walkways and motor vehicle access shall be provided in accordance with the provisions of this Chapter.

Part 13
I Industrial District

§1300 Permitted Uses - A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this Section subject to additional requirements of applicable provisions of this and other Township ordinances.

A. The following uses are permitted by right:

Use 11	Public or private school
Use 23	Outpatient surgical center
Use 26	Methadone treatment facility
Use 31	Repair shop
Use 34	Indoor commercial entertainment
Use 35	Outdoor private recreation
Use 41	Motor vehicle repair garage
Use 43	Kennel
Use 50	Emergency services
Use 52	Railway/transportation station
Use 55	Utility operating facility
Use 56	Light manufacturing
Use 57	Research and development facility
Use 58	Wholesale business and storage
Use 59	Crematorium
Use 60	Printing, publishing, binding
Use 61	Contractor offices and shops
Use 64	Truck terminal
Use 65	Quarry
Use 67	Standard self storage
Use 69	Fuel storage and distribution

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions Part 26 of this Chapter:

Use 36	Adult business
Use 40	Motor vehicle sales
Use 66	Solid waste facility

C. The following uses are permitted as Conditional Uses when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter

Use 53	Public or private parking garage
Use 54	Cellular telecommunications facility
Use 74	Nonresidential accessory building or structure
Use 76	Heliport
Use 77	Non-residential wind energy system

§1301 Area and Dimensional Requirements - All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

- A. Minimum Lot Area. Each lot shall contain an area of not less than one (1) acre, unless a different lot area is required for a specific use, in which case the lot area required by the use regulations shall apply.
- B. Minimum lot width – 200 feet
- C. Building Area. Not more than twenty-five percent of the area of each lot shall be occupied by buildings.
- D. Maximum impervious surface – No more than fifty percent of the lot area shall be impervious surfaces.
- E. Front Yards - fifty (50) feet minimum measured from the street line
- F. Side Yards - twenty-five (25) feet minimum for each side yard
- G. Rear Yard - thirty-five (35) feet
- H. Buffer Yards. Along any property line abutting a zoning district boundary, a buffer yard shall be provided which shall be not less than twenty-five (25) feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this Chapter. Such buffer yards may be coterminous with any required yard in this district and in case of conflict, the largest requirement shall apply. The buffer yard shall be completely planted with a mix of shrubs, trees, groundcover, and may include berms.

Part 14
I-O
Industrial-Office District

§1400 Permitted Uses - A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this Section subject to additional requirements of applicable provisions of this and other Township ordinances.

A. The following uses are permitted by right:

Use 2	Lawn and garden center
Use 11	Public or private school
Use 12	Library or museum
Use 16	Community center
Use 18	Adult day care
Use 23	Outpatient surgical center
Use 24	Medical or dental office/clinic
Use 25	Business or professional office
Use 27	Retail shop
Use 28	Service business
Use 29	Bank, savings and loan association
Use 30	Restaurant
Use 31	Repair shop
Use 33	Hotel
Use 34	Indoor commercial entertainment
Use 35	Outdoor private recreation
Use 42	Trade or professional school
Use 44	Large retail store
Use 49	Equipment rental or motor vehicle leasing
Use 50	Emergency services
Use 52	Railway/transportation station
Use 55	Utility operating facility
Use 56	Light manufacturing
Use 57	Research and development facility
Use 58	Wholesale business and storage
Use 60	Printing, publishing, binding
Use 61	Contractor offices or shops
Use 62	Plumbing shop
Use 63	Carpentry shop
Use 67	Standard self storage facility
Use 68	Indoor self-storage facility
Use 80	Accessory drive-through facility

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter: None

- C. The following uses are permitted as Conditional Uses when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

Use 9	Transit-oriented development (TOD)
Use 17	Day care center
Use 19	Hospital campus
Use 53	Public or private parking garage
Use 54	Cellular telecommunications facility
Use 74	Nonresidential accessory building or structure
Use 76	Heliport
Use 77	Non-residential wind energy system

§1401 Area and Dimensional Requirements - All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

- A. Minimum Lot Area. Each lot shall contain an area of not less than one (1) acre, unless a different lot area is required for a specific use, in which case the lot area required by the use regulations shall apply.
- B. Minimum lot width – 200 feet
- C. Building Area. No more than thirty-five (35) percent of the area of each lot shall be occupied by buildings.
- D. Maximum impervious surface – No more than sixty five (65) percent of the lot area shall be impervious surfaces.
- E. Front Yards - fifty (50) feet minimum measured from the street line
- F. Side Yards - twenty-five (25) feet minimum for each side yard
- G. Rear Yard - thirty-five (35) feet
- H. Buffer Yards. Along any property line abutting a zoning district boundary, a buffer yard shall be provided which shall be not less than twenty-five (25) feet in width measured from such boundary line or from the street line where such street constitutes the district boundary line and shall be in accordance with the provisions of this Chapter. Such buffer yards may be coterminous with any required yard in this district and in case of conflict, the largest requirement shall apply. Planting requirements shall be in accordance with the Subdivision and Land Development Ordinance.

Part 15
GOV
Government/Public District

§1500 Permitted Uses - A building may be erected or used and a lot may be used or occupied for any of the purposes listed in this Section subject to additional requirements of applicable provisions of this and other Township ordinances.

A. Uses permitted by right:

- Use 1 Agriculture
- Use 11 Public or private school
- Use 12 Library or museum
- Use 13 Public recreational facility
- Use 14 Golf course
- Use 16 Community center
- Use 18 Adult day care
- Use 43 Kennel
- Use 50 Emergency services
- Use 51 Municipal uses
- Use 55 Utility operating facility
- Use 74 Nonresidential accessory building or structure
- Use 77 Non-residential wind energy system

Any additional municipal use as deemed appropriate by the Board of Supervisors

B. The following uses are permitted as a special exception when authorized by the Zoning Hearing Board in accordance with the provisions of Part 26 of this Chapter: None

C. The following uses are permitted as Conditional Uses when authorized by the Board of Supervisors in accordance with the provisions of Part 25 of this Chapter:

- Use 54 Cellular telecommunications facility

§1501 Area and Dimensional Requirements - All uses shall comply with the area and dimensional requirements listed in this section, unless a greater area or dimensional requirement is stated in Part 16, Use Regulations, for the specific use, in which case the requirements of Part 16 shall apply.

- A. Minimum Lot Area. Each lot shall contain an area of not less than one (1) acre, unless a different lot area is required for a specific use, in which case the lot area required by the use regulations shall apply.
- B. Minimum lot width – 150 feet
- C. Building Area. Not more than twenty-five (25) percent of the area of each lot shall be occupied by buildings.
- D. Maximum impervious surface – No more than fifty (50) percent of the lot area shall be impervious surfaces.

- E. Front Yards - fifty (50) feet minimum measured from the street line
- F. Side Yards - twenty-five (25) feet minimum for each side yard
- G. Rear Yard - thirty-five (35) feet

Part 16 Use Regulations

§1600. Applicability of Regulations

Except as provided by law or in this Chapter, in each district no building, structure, or land shall be used or occupied except for the purposes permitted in Section 1601 and for the zoning districts so indicated in this Chapter.

§1601 Uses by Right, Special Exception, Conditional Use, and Uses Not Permitted

A. A use listed as a use permitted by right is permitted subject to such requirements as may be specified in this Chapter, subject to the requirements of the Township Subdivision and Land Development Ordinance, if applicable, and subject to issuance of a zoning permit in accordance with Part 25 of this Chapter.

B. A use listed as a use permitted by Special Exception is permitted subject to approval by the Zoning Hearing Board, subject to the requirements of Part 26 of this Chapter, and subject to such further restrictions as the Zoning Hearing Board may establish.

C. A use listed as a use permitted by Conditional Use is permitted subject to approval by the Board of Supervisors, following receipt of a recommendation from the Planning Commission, in accordance with the standards set forth in Part 25 of this Chapter, and such further conditions as the Board of Supervisors may impose to insure the protection of adjacent uses, and the health, safety, or general welfare.

D. A use not listed as being permitted by right, special exception, or conditional use in a particular zoning district is not permitted in that zoning district.

E. Forestry Use - Notwithstanding the requirements of sections A through D, above, forestry shall be a use permitted by right in every zoning district in the Township, provided that the application for the use shall include a forestry plan and soil conservation plan that meets the standards of the Pennsylvania Department of Environmental Protection and the Bucks County Conservation District.

Section 1602 Uses Subject to Other Regulation

A. Uses permitted by right, by conditional use or by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, buffers, and to such other provisions as are specified in other Parts of this Chapter.

B. Uses are Subject to Other Regulations. Uses permitted by right or by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building coverage, height, provisions for off-street parking and loading, and to such other provisions as are specified in other Parts herein. All uses permitted in the Township shall be subject in addition to these regulations to all other applicable Township, County, State or Federal requirements and licensing regulations and to the requirements of any other agency with

jurisdiction. These include but are not limited to regulations for licensing of human service activities, requirements for accessibility of the disabled, sewage disposal requirements, water supply regulations, soil erosion and sedimentation control requirements, floodplain regulations, state road regulations, fire protection requirements.

A. AGRICULTURAL USES.

1. **Agriculture** - Tilling of the soil or the keeping or raising of livestock and poultry provided that:

(a) No stable or enclosure for any animal shall be located on a parcel or lot of less than ten (10) acres in size or within one hundred fifty (150) feet of any property line.

(b) Commercial kennels are not included in this use.

2. **Lawn and garden center** - Greenhouse or nursery; sale of plants, shrubs, trees and associated materials for the growing of plant material.

(a) Minimum Lot size – 2 acres

B. RESIDENTIAL USES.

3. **Single-family detached dwelling.** A single detached dwelling unit on an individual lot with private yards on all sides of the house. Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, manufactured dwellings, modular dwellings and mobile homes.

4. **Two-family dwelling** - A semi-detached dwelling unit having only one (1) wall in common with another dwelling unit with no more than two (2) dwelling units per structure.

5. **Single-family attached dwelling (townhouse).** A dwelling unit attached to one or more other dwelling units, all units having separate grade level entrances, and all units being separated from each other by vertical party walls running from grade to roof with no offsets at floor levels, constructed in accordance with the Warminster Township Building Code and other ordinances of Warminster Township. No single townhouse building shall consist of more than seven (7) units.

6. **Multifamily dwelling** (Apartment, garden apartment) - dwelling designed and occupied exclusively as a residence and containing two or more dwelling units that may have individual outside entrances or unit entrances from a common entryway. When used in the AQC Age-Qualified Community District, there shall be a maximum of four (4) connected dwelling unit which shall be arranged in a rectangular pattern.

7. **Mobile home park**

(a) Definitions. The following definitions shall apply to the Mobile Home Park Use.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and 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. [Ord. 578]

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 person having a proprietary interest in the land.

MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 578]

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Ord. 578]

MOBILE HOME PAD - a concrete pad at least six (6) inches in thickness of four thousand (4,000) psi concrete with six (6) inches stone base on compacted subbase with at least six (6) tie-down rings to which the mobile home shall be secured, and at least equal in length and width to the dimension of the mobile home to be placed thereon. The space between the base of the mobile home and top of the concrete pad shall be completely enclosed, except for approved vents, by means of skirting of compatible material and design around the outside perimeter, or by means of a cinder or concrete block skirt.

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. [Ord. 578] [Ord. 161, 12/19/1967, §2001B; as amended by Ord. 380, 6/23/1980; and by Ord. 578, 6/13/2002, §1)

(b) Application Procedure. An application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any zoning permit for such use shall be issued. The Warminster Township Subdivision and Land Development Regulations [Chapter 22] shall govern the processing of all applications for mobile park development, and is accordingly incorporated herein in its entirety. (Ord. 161, 12/19/1967, §2002B)

(c) Approval. In addition to the requirements contained in the Warminster Township Subdivision and Land Development Regulations [Chapter 22], an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, text, affidavit or other legal document, the following:

A. That the parcel or lot for which application is made is held in single and separate ownership.

B. The placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel at a scale of one (1) inch to fifty (50) feet.

C. The location and dimension of all driveways, pedestrian ways, curbs, sidewalks, and access roads with notation as to type of impervious cover.

D. The location and dimension of all parking facilities.

E. The location, dimension and arrangement of all areas to be devoted to lawns, buffer strips, screen planting and recreation.

F. Location and dimension of all buildings existing or proposed to be built and all existing tree masses and trees of over eight (8) inch caliper.

G. Proposed provisions for handling of stormwater drainage, street and onsite lighting, water supply and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.

H. Proposed provisions for treatment of sanitary sewage together with proof that the treatment and disposal of such sewage meets with and has the approval of the agency of the Commonwealth having jurisdiction over such matters, consistent with the Township Act 537 Sewage Facilities Plan.

I. Grading plan of entire lot based on field run topography survey, minimum two (2) feet contour interval.

J. Collection of solid waste refuse, trash, etc., including location of collection points, description of refuse units, method of planting or other screening or other screening and schedule of collection times.

(Ord. 161, 12/19/1967, §2003B; as amended by Ord. 380, 6/23/1980, §2)

(d) Access. Provisions shall be made for safe and efficient circulation to and from public street and highways serving the mobile home park development without causing interference or confusion with the normal traffic flow.

(e) Site Drainage Requirements. The ground surface on all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner in accordance with the Township Subdivision and Land Development Ordinance [Chapter 22] and stormwater management ordinance [Chapter 26].

(f) Mobile Home Park Street System. All streets shall be constructed in accordance with the Township specifications applicable to public streets in conventional residential developments.

(g) Management Office. A mobile home park shall permit one (1) management office which shall conform to the dimensional requirements of subsection (C) above.

(h) Area and Density Regulations.

1. A mobile home park shall have an area of not less than twenty (20) contiguous acres of land.

2. There shall be not more than five (5) mobile homes per net acre being the maximum density permitted on the buildable portion of the lot as determined by this Chapter and the Warminster Township Subdivision and Land Development Ordinance [Chapter 22].

3. There shall be no other mobile home unit within twenty-five (25) feet from all walls of any other mobile home and no mobile home within twenty-five (25) feet from any other structure, porch, patio, roof, deck, or additional building or construction of any nature whatsoever. No mobile home shall be less than twenty-five (25) feet from the curb line.

4. At least twenty (20) percent of the remaining gross area of each mobile home park, after subtraction of required buffer areas, shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common open space shall be substantially free of structures except for those designed for recreational purposes. The open space shall be subject to Part 21 of this Chapter.

5. Buffered setbacks of at least one hundred (100) feet shall be established along all borders of the property. Buffer plantings shall be installed in accordance with the Subdivision and Land Development Ordinance.

(Ord. 161, 12/19/1967, §2004B; as amended by. Ord. 380, 6/23/1980, §2)

(i) Park Street System.

1. The entrance road or area connecting the park with a public street or road shall have a minimum pavement width of thirty-four (34) feet for a depth of at least one hundred (100) feet from the public street or road.

2. Street Construction and Design.

A. Grades. Grades of all streets within a mobile home park shall be sufficient to insure adequate surface drainage but shall not be more than six (6) percent. Short sections of roadway with a maximum grade of ten (10) percent may be permitted where necessitated by topography, provided traffic safety is assured by appropriate surfacing and intermittent leveling areas.

B. Curves.

(1) Horizontal. Whenever an internal street is deflected in excess of five (5) degrees, connections shall be made by horizontal curves having minimum centerline radii of one hundred fifty (150) feet.

(2) Vertical. At all changes in grade of an internal street where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit a minimum sight distance of two hundred (200) feet.

C. Within one hundred (100) feet of an intersection, intersecting streets shall be at approximately right angles. A distance of at least one hundred fifty (150) feet shall be maintained between the centerlines of off-set intersecting streets. Intersections of more than two (2) streets at one (1) point shall be prohibited.

D. All internal streets and roadways shall be constructed of concrete or macadam in accordance with Warminster Township specifications and design standards. Subject to the Warminster Township Subdivision and Land Development Ordinance [Chapter 22], all streets shall be constructed with concrete curbs.

(j) Illumination of Streets. All mobile home parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries as will provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians at night.

(k) Preservation of Sight Lines. No structure, fence, tree, shrub or other planting shall be maintained between a line two (2) feet above the street level and a plane seven (7) feet above the street level so as to interfere with traffic visibility across the corner within the triangle bounded by the intersecting street lines and a straight line drawn between points on each street seventy-five (75) feet from the intersection of said street lines.

(Ord. 161, 12/19/1967, §2005B; as amended by Ord. 380, 6/23/1980, §2)

(l) Off-Street Parking Areas and Walks.

1. Off-street parking for at least two (2) motor vehicles shall be provided at each mobile home site. Each parking stall shall be at least nine and one-half (9 ½) by twenty (20) feet and shall be of either concrete or macadam construction, which shall be specified on the plan. Off-site common parking areas may be provided in lieu of parking slots at each mobile home site; but, in such case, parking slots shall be provided at the ration of two (2) slots for each mobile home site not equipped with onsite parking.

2. Additional parking spaces for vehicles of nonresidents shall be provided at the rate of four (4) spaces for each ten (10) units. Such parking spaces may be provided either:

A. On-street, on one (1) side only, in which case the road width requirements specified in §3105(2) (D) shall be increased by adding seven (7) feet to the paved width.

B. By providing sufficient additional off-street parking spaces. In the event that such additional parking spaces are provided off-street, then parking shall be prohibited on internal roads and it shall be the duty of the owner or operator of the mobile home park to enforce this provision.

3. All mobile home parks shall provide safe, convenient, all season pedestrian walkways of adequate width for their intended use, durable and convenient to maintain, between the park streets and all community facilities for park residents. Such walkways shall be of a concrete construction of four (4) inch on a four (4) inch stone base constructed to Township standards.

A. Where pedestrian traffic is concentrated, each walk shall have a minimum width of four (4) feet.

B. All mobile home sites shall be connected to common walks, and to streets or to driveways connecting to a paved street. Each such walk shall have a minimum width of three and one-half (3 ½) feet.

(Ord. 161, 12/19/1967, §2006B; as amended by Ord. 380, 6/23/1980, §2)

(m) Storm Drainage, Erosion and Sedimentation Control. The provisions of the Warminster Township Subdivision and Land Development Ordinance [Chapter 22] shall be applicable to all mobile home park developments, and are accordingly incorporated herein by reference. (Ord. 161, 12/19/1967, §2007B; as amended by Ord. 380, 6/23/1980, §2)

(n) Water Supply.

1. Wherever an existing public water system is geographically and economically accessible to the proposed mobile home park, a distribution system connecting thereto shall be designed to furnish an adequate supply of water to each mobile home and all service buildings with adequate main sizes and fire hydrant locations to meet the specifications of the Warminster Township Municipal Authority.

2. Where a satisfactory public water supply system is not available, a mobile home park shall be served by a private water supply systems which shall meet all the applicable requirements and regulations of State and county agencies having jurisdiction and the Warminster Township Municipal Authority.

(Ord. 161, 12/19/1967, §2008B; as amended by Ord. 380, 6/23/1980, §2)

(o) Sanitary Sewage Disposal.

1. The proposed mobile home park shall utilize the public sanitary sewage collection system operated by the Warminster Township Municipal Authority.

2. The internal sanitary collection system must be designed to meet the "Standard Specifications for Sanitary Sewer Construction" approved by the Warminster Township Municipal Authority.

(Ord. 161, 12/19/1967, §2009B; as amended by Ord. 380, 6/23/1980, §2)

(p) Utility Distribution Systems. All utilities shall be installed and maintained in accordance with the utility company specifications regulating such systems, and all shall be underground. (Ord. 161, 12/19/1967, §2010B; as amended by Ord. 380, 6/23/1980, §2)

(q) Common Open Space Areas and Buffers.

1. Standards for Location and Management. Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Common open space areas should include both active recreation areas for all age groups and, particularly where the site includes hilly or wooded areas, land which is left in its natural state. Such location and design shall be subject to the provisions of Part 21 of this Chapter;

2. Buffered setbacks shall consist of plantings installed in accordance with the Subdivision and Land Development Ordinance.

A. The plantings shall be maintained permanently and replaced within one (1) year in the event of death of any plant material. Plantings shall not be placed closer than three (3) feet from any property line.

B. All existing deciduous and evergreen trees above two (2) inches in caliper and/or six (6) feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.

C. Generally, a minimum of thirty-five (35) percent of plant material shall be evergreen and ten (10) percent flowering material.

(Ord. 161, 12/19/1967, §2011B; as amended by Ord. 380, 6/23/1980, §2)

(r) Service Buildings and Facilities.

1. Where a service building is provided, it must contain at least one (1) water closet and lavatory for each sex and adequate storage areas for occupants of the park. In addition, the owner may provide showers, laundry facilities, management office, repair shop, indoor recreational facilities, and/or commercial uses to supply essential goods and services to park residents only. It is also recommended that the applicant provide sheltered waiting areas for transportation and a mail box area for residents.

2. Construction Requirements and Maintenance. Construction of service buildings shall be in compliance with all applicable building codes, plumbing codes, etc., and shall be maintained in a clean, sanitary and structurally safe condition.

(Ord. 161, 12/19/1967, §2012B; as amended by Ord. 380, 6/23/1980, §2)

(s) Fuel Supply and Storage.

1. Liquefied Petroleum Gas Systems.

A. The design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the Act of Pennsylvania Legislation 1951, December 27, P.L. 1793, as it may be amended; and to the regulations therefor promulgated by the Pennsylvania Department of Labor and Industry, or its successor may be amended; and to the Pennsylvania Uniform Construction Code [Chapter 5] as adopted by Warminster Township pertaining to liquefied petroleum gas systems.

B. Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the Pennsylvania Uniform Construction Code [Chapter 5] as adopted by Warminster Township pertaining to liquefied petroleum gas systems and shall include the following:

(3) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

(4) Systems shall have at least one (1) accessible means for shutting of gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

(5) All liquefied petroleum gas piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall be conveyed through piping equipment of systems in mobile homes.

(6) Vessels of at least twelve (12) U.S. gallons and less than sixty (60) U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five (5) feet, and no closer to any window than three (3) feet.

(7) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, car port, mobile home or any other structures.

(8) All piping shall be copper and all pipe connections shall be a flare type.

2. Fuel Oil Supply Systems.

A. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the governmental authority having jurisdiction.

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

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

D. All fuel storage tanks or cylinders shall be securely placed and shall be not less than five (5) feet from any mobile home exit, and not less than three (3) feet from any window.

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

(Ord. 161, 12/19/1967, §2013B; as amended by Ord. 380, 6/23/1980, §2)

(t) Fire Protection.

1. All mobile home parks shall be provided with fire hydrants to meet the specifications of the Middle States Department Association of Fire Underwriters, but in any case, in sufficient numbers to be within six hundred (600) feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.

2. Portable hand operated fire extinguishers of a type suitable for use on oil fires and approved by the Warminster Township Fire Marshall shall be kept in each service building under park control and shall be required by the mobile home operator to be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities.

(Ord. 161, 12/19/1967, §2014B; as amended by Ord. 380, 6/23/1980, §2)

(u) Landscaping.

1. No portions or tree masses with caliper of four (4) inches or greater shall be cleared unless clearly necessary for effectuation of the proposed mobile park development. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.

2. In addition to plantings for buffered setbacks, a mobile home park shall be provided with the following landscaping requirements:

A. Disturbed topsoil shall be stockpiled and replaced after construction.

B. Deciduous trees of varying species shall be planted within the mobile home park at the ratio of two (2) per mobile home pad. In the event that a substantial portion of the track is wooded and a substantial number of trees remain after development, the Board of Supervisors may modify this requirement.

C. Deciduous and/or evergreen shrubs of varying species shall also be planted within the mobile home park at the ratio of at least four (4) per mobile home pad.

D. Planting of landscape materials shall be in accordance a plan prepared by a registered landscape architect.

(Ord. 161, 12/19/1967, §2015B; as amended by Ord. 380, 6/23/1980, §2)

(v) Permits Required.

1. It shall be unlawful for any person to construct, alter, or extend or operate a mobile home park within Warminster Township unless and until he obtains:

A. A valid permit issued by the Bucks County Department of Health, in the name of the operator, for a specified construction, alteration or extension proposed.

B. A permit issued by Warminster Township Zoning Officer in the name of the operator, which shall not be issued until a copy of the health department permit has been furnished, all permits for water supply and sewage systems have been obtained and all other requirements contained herein have been complied with, and final approval of the application has been granted by the Board of Supervisors.

2. Annual Licenses. In addition to the initial permits, the operator of a mobile home park shall apply to the Bucks County Department of Health and to the Warminster Township Zoning Officer on or before the tenth (10) day of each year for an annual license to continue operation of the mobile home park. The Zoning Officer shall issue the annual license upon satisfactory proof that the park continues to meet the standards prescribed by State and county agencies having jurisdiction and the standards of this Chapter. The license so issued shall be valid for one (1) year from the date of issuance.

3. Fees.

A. Fees for the initial application and preliminary and final approvals shall be prescribed by resolution by the Board of Supervisors of Warminster Township.

B. The fee for the annual license shall be prescribed by resolution of the Board of Supervisors and shall be submitted to the Zoning Officer with the application for the annual license.

4. Inspection.

A. Upon notification to the licensee, manager or person in charge of a mobile home park, a representative of Warminster Township may inspect a mobile home park at any reasonable time to determine compliance with this Chapter.

B. Upon receipt of the application for annual license and before issuing such annual license, the Zoning Officer or other designated representative of Warminster Township shall make an inspection of the mobile home park to determine compliance with this Chapter. The Zoning Officer or other representative shall thereafter notify the licensee of any instances of noncompliance with this Part and shall not issue an annual license until the licensee has corrected all such violations.

(Ord. 161, 12/19/1967, §2016B; as amended by Ord. 380, 6/23/1980, §2)

(w) Maintenance of Facilities. The operator and owner shall be responsible for maintaining all common facilities including, but not limited to roads, parking areas, sidewalks, or pathways, common open space, water supply and sewage disposal systems and service building, in a condition of proper repair and maintenance. If upon inspection by a Zoning Officer or other representative it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee shall be considered to be in violation of this Chapter and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation.

(Ord. 161, 12/19/1967, §2017B; as amended by Ord. 380, 6/23/1980, §2)

(x) Failure to Maintain. The operator and licensee shall thereafter have thirty (30) days in which to correct any such violations, except that if the violation is determined by the Zoning Officer or other representative to constitute a hazard to the health or safety of the residents of the mobile home park, he shall order that the violation be corrected forth with. (Ord. 161, 12/19/1967, §2018B; as amended by Ord. 380, 6/28/1980, §2)

(y) Maintenance Bond.

A. The licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Township, a maintenance bond in a form acceptable to the Township Solicitor in an amount sufficient to cover for a period of two (2) years, the cost of maintenance of all common facilities as determined by the Township Zoning Officer or other representative. The bond shall remain in effect for the duration of the operation of the mobile home park.

B. In the event of noncompliance with an order pursuant to this Chapter whether a thirty (30) day order or an order to correct violations forthwith, the Township may forfeit the maintenance bond and use the proceeds thereof to effect correction of the violations.

(Ord. 161, 12/19/1967, §2019B; as amended by Ord. 380, 6/23/1980, §2)

(z) Responsibilities of the Park Management.

A. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park management shall supervise the placement of each mobile home on its home site which includes securing its stability and installing all utility connections.

C. The park management shall give the Warminster Township Zoning Officer or his designate free access to all mobile home sites, service buildings and other service facilities for the purpose of inspection.

D. The mobile home park operator shall maintain a register of all occupants and notify in writing, the Board of Supervisors, the name of the owner of each mobile home in the park and of the arrival and departure of each mobile home.

E. The person to whom a license for a mobile home park is issued shall be the person responsible for any violations of this Chapter and shall be liable for prosecution thereof.

F. The park management shall make provisions so that all park streets shall be maintained in passable condition and snow shall be removed commensurate with Township requirements.

G. A copy of this Part and copies of all rules and regulations of the mobile home park management shall be posted at a place of accessible to all park occupants.

(Ord. 161, 12/19/1967, §2020B; as amended by Ord. 380, 6/23/1980, §2)

(aa) Removal of Mobile Homes. No mobile home, in a mobile home park, shall be removed from Warminster Township without first obtaining a permit from the Township Tax Collector, as required by Act 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee to be established from time to time by resolution of the Board of Supervisors and taxes assessed against the home and all occupants thereof remaining unpaid at the time for permit is requested. (Ord. 161, 12/19/1967, §2021B; as amended by Ord. 380, 6/23/1980, §2; and by Ord. 578, 6/13/2002,

(bb) Revocation or Suspension of License. Upon repeated violations by the same permittee, his right to the issuance of a permit, or to continue operation under a permit, may be suspended for a fixed term or permanently revoked, after notice and hearing, subject to the right of appeal to the Bucks County Court of Common Pleas. (Ord. 161, 12/19/1967, §2022B; as amended by Ord. 380, 6/23/1980, §2)

8. **Mixed use development.**

Development requirements for this use are set forth in Section 504 of this Chapter.

9. **Transit oriented development (TOD)**

a. Purpose and Intent. The intent of the Township in permitting development pursuant to this section is as follows:

(9) To provide for an intensity and type of residential land use that is compatible with and supportive of the use of public transportation.

(10) To recognize the publications of the Delaware Valley Regional Planning Commission (DVRPC) that support transit-oriented development around rail facilities that encourage use of public transit opportunities.

(11) To encourage redevelopment of obsolete or vacant properties which are strategically located in close proximity to fixed-rail passenger stations.

(12) To provide for flexibility in lot sizes, setbacks, and other area and bulk requirements so that imaginative and innovative designs can be developed.

(13) To encourage mixed-use development consistent with traditional neighborhood design.

(14) To ensure that mixed-use development is consistent in character in its residential and nonresidential components.

(15) To encourage the provision of a pedestrian environment and to promote a pedestrian orientation of buildings and streets.

(16) To encourage development that includes open and recreational spaces as focal points.

b. Use Regulations. TOD development shall be permitted on those tracts designated on the Township Zoning Map as TOD District, and when authorized as a conditional use by the governing body. The following uses are permitted when authorized as a conditional use:

(1) Multifamily dwelling.

(2) Single family attached dwelling (townhouse) (Use 5), provided that no single building may consist of more than twelve (12) dwellings.

(3) Mixed-use buildings, provided the uses within such buildings are individually permitted elsewhere in this section.

(4) Business or professional office (Use 25) or governmental office (Use 51).

(5) Retail and consumer service uses; Retail shops and stores (Use 27); Service business (Use 28); Bank, savings and loan association (Use 29); Restaurant (Use 30) (provided that take-out service shall be permitted).

(6) Day care center (Use 17) (except that nursery school or kindergarten shall not be permitted).

(7) Parking facilities, including structured parking, to serve the TOD development.

(8) Playgrounds, parks, tot lots, community centers, club house, recreation center, swimming pools, plazas and open spaces to serve the residents of the TOD development.

- (9) Accessory uses as follows:
- A. Guard house and/or entrance gates, management office, garage for storage of vehicle or maintenance equipment and materials.
 - B. No-impact home based business (Use 70).
 - C. Club house, including fitness center, activity rooms, kitchen, craft or card rooms, lounges or similar facilities limited to use by residents of the TOD and their invited guests.
 - D. Covered walks and passenger shelters.
 - E. Uses and structures customarily incidental to a permitted use.
- (10) Forestry uses in accordance with Section 603(f) of the Municipalities Planning Code, 53 P.S. § 10603(f).

c. Development Standards.

- (1) General:
- A. A portion of a TOD tract must be within one thousand (1,000) feet of an existing or proposed commuter rail station and/or support parking lot for such station. The one thousand (1,000) feet shall be measured from the nearest property line of the TOD to the nearest property line of the commuter rail station property.
 - B. Tract area. The minimum gross area of the tract shall be fifteen (15) acres.
 - C. Tract width. The minimum tract width at any point shall be two hundred fifty (250) feet with a minimum of two hundred fifty (250) feet of frontage along an arterial street as designated in the Warminster Township Comprehensive Plan 2004 Update.
 - D. Water and sewer. TOD developments shall be serviced by public water and sewer.
 - E. The tract to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract under consideration.
 - F. TOD developments shall be designed to be compatible in their residential and nonresidential components in terms of architecture, building materials, massing and scale.

- (2) Density, mix and tract-wide area and bulk requirements.
- A. The maximum residential density for a TOD development shall not exceed fourteen (14) dwelling units per gross acre measured over the entire TOD tract.
- B. All TOD developments shall provide a mix of residential uses, nonresidential uses and open space. The area devoted to residential uses shall be no less than eighty (80) percent of the total tract area. The area devoted to nonresidential uses, including the mixed-use buildings, shall be no less than five (5) percent and no more than twenty (20) percent of the tract area.
- (1) Where there exists a retail or commercial center which is contiguous and which is provided with pedestrian link(s) to the TOD tract, then the sum of both tracts may be utilized in determining the area devoted to non-residential uses provided that all parcels are subject to an approved pedestrian link and streetscape beautification plan. An appropriate Declaration shall be recorded identifying all relationships and restrictions between the parcels. In no event shall this option count for more than one-half of the required non-residential component.
- C. The area devoted to open space, which may be located within either the residential and/or nonresidential use areas, shall be no less than thirty (30) percent of the tract area.
- (1) A distinct calculation shall also be required for common open space uses – see Section 2102 herein for method of calculating the area and location of required common open space uses.
- D. Building and impervious coverage. The maximum building coverage shall not exceed thirty (30) percent of the tract area. The total impervious surfaces including buildings shall not exceed seventy (70) percent of the tract area.
- E. Tract setback requirements:
- (1) External roads. Buildings shall be set back a minimum of one hundred (100) feet, and parking areas shall be set back a minimum of sixty-five (65) feet from external road rights-of-way.
- (2) Parking situated within the one hundred (100) foot front yard shall be provided with a wall, hedge or earthen mounds to a minimum height of three feet, six inches (3'

6”) positioned between the edge of paving and the adjacent road frontage.

(3) Other external property lines. Buildings shall be set back a minimum of fifty (50) feet. Parking shall be set back a minimum of twenty-five (25) feet, although this shall be reduced to five (5) feet for parking where properties abut railroad tracks, rail passenger station property, or a non-residential district.

(4) No building or structure of any kind or parking facility shall be located closer than fifty (50) feet to any side or rear property line adjacent to a residential district unless it abuts railroad tracks, in which case a minimum of twenty-five (25) feet setback shall be provided.

F. Building height. The maximum height of any building or other structure erected or used for any purpose herein shall be not more than forty (40) feet.

(3) Residential and mixed use buildings regulations.

A. No individual building containing only dwellings shall contain more than twenty (20) dwelling units or exceed a total length of two hundred (200) feet.

B. No individual building used for non-residential purposes on at least one (1) floor shall exceed a total length of three hundred (300) feet.

C. Building spacing. The minimum horizontal distance between facing walls of any two (2) buildings or one (1) building with facing walls shall be:

(1) Fifty (50) feet where two (2) facing walls both contain a window or windows.

(2) Thirty (30) feet where two (2) facing walls are both less than seventy-five (75) feet in length, regardless of whether or not windows are present.

(3) Forty (40) feet for conditions not listed above.

D. Architectural design guidelines.

(1) The standards set forth in subsections 4.B (4), (5) and (6) of this Section shall apply to all residential buildings.

(4) Nonresidential uses, including commercial and nonresidential parking areas.

A. Buildings containing non-residential uses shall comply with:

(1) The maximum floor area ratio shall be seventy-five (75) percent of the area designated to include retail, consumer services or office land uses.

(2) No single non-residential use shall exceed ten thousand (10,000) square feet.

(3) For purposes of this district, separate buildings are encouraged to be attached by roofs or canopies in order to create covered sidewalks and outdoor gathering/seating areas.

B. Architectural design and location guidelines:

(1) Location. All nonresidential uses and associated parking shall be generally located on a portion of the tract that is either generally centered in the tract or closest to the external roadways. Parking areas shall be screened from public street frontage to a height of not less than thirty (30) inches using a wall or evergreen hedge.

(2) Building orientation and entrance. Front facades of nonresidential buildings shall generally be oriented toward an internal street or driveway.

(3) Building spacing. The distance between two or more buildings shall be a minimum of thirty (30) feet or no less than the height of the taller building, whichever is greater, unless the buildings are attached by a roof in which case the spacing may be reduced to twenty (20) feet.

(4) Walls and windows.

(a) Blank walls shall not be permitted along any exterior wall facing an internal or external street or driveway.

(b) Windows, dropped roof lines or architectural columns or variations greater than three (3) feet from the wall surface or changes in wall materials shall be considered acceptable options to comply with the blank wall requirement.

(c) The ground floor of any retail use wall facing a street or driveway shall contain windows in accordance with the following:

(i) Front facades shall consist of at least thirty (30) percent but not more than seventy-five (75) percent window area.

(ii) Reflective glass in windows is not permitted.

(5) Roofs. All buildings shall have pitched primary roofs with a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches. Pitched parapet roofs shall be provided with a pitch of at least five (5) vertical inches to every twelve (12) horizontal inches.

(6) Building presentation. All buildings shall provide architectural features, which shall be designed with a single unifying architectural theme and shall incorporate natural materials, neutral or pastel colors, pitched roofs, and mullioned windows. The use of porches, entrance porticos, dormers, cupolas, and other architectural details is encouraged and shall be included where appropriate. Parking lots, landscaping, and signage shall be designed to complement the architectural design.

(5) Pedestrian and transit-oriented design elements.

A. Sidewalks or other walkways as deemed acceptable to the Township Board of Supervisors shall be provided along all internal streets and external streets.

B. Convenient pedestrian connections shall be provided from all building entrances to parking areas, open space and recreational areas, the residential uses on the tract and to the nonresidential component of the TOD tract.

C. Sidewalks or walkways shall connect to existing sidewalks on abutting tracts.

D. All sidewalks and walkways providing primary connections to off-tract trails and/or nonresidential uses shall be a minimum of five (5) feet in width.

E. Site amenities such as bicycle racks, benches, and trash receptacles shall be provided in appropriate locations.

F. A walkability plan shall be provided which shall consist of a system of sidewalks and trails which shall:

- (1) Connect all land use sections of the tract.
- (2) Provide access along or adjacent to existing street frontage to adjacent uses.
- (3) Provide a continuous link to adjacent public transit facilities.

G. Internal streets, alleys, and aisleways for TOD development:

- (1) Interior streets and parking aisleways which provide for two-way vehicular movement shall have a minimum width of twenty-five (25) feet.
- (2) Alleys shall have a minimum width of twenty (20) feet.
- (3) Interior streets and parking aisleways which provide for only one-way vehicular movement shall have a minimum width of fifteen (15) feet.

H. Access with external streets:

- (1) Each TOD property shall provide not more than two (2) points of vehicular access per street frontage.
- (2) Access points shall be separated by a minimum of one hundred fifty (150) feet and shall be aligned with existing roads or driveways where practicable.

(6) Parking. Due to the transit-oriented nature of the TOD development, a reduced demand for parking is anticipated. Parking requirements are as follows:

A. Retail commerce; service business, banks and savings and loan: Five (5) spaces per one thousand (1,000) square feet floor area.

B. Office: Four (4) spaces per one thousand (1,000) square feet floor area.

C. Restaurant (Use 30): As required in § 2200.A.17.

D. Residential: Two (2) spaces per dwelling unit (which may include one [1] garage space) plus one-half (1/2) space per dwelling for visitor/overflow.

E. General standards:

(1) Parking areas shall be interconnected and cross easements provided to ensure that shared use is provided.

(2) Where the applicant can demonstrate that different nonresidential uses have differing peak parking demand periods or that other parking is available for the use, the Board of Supervisors may authorize, as part of the conditional use approval, shared parking such that the total number of spaces provided is less than the sum of the requirements of the individual uses. In no case shall this result in a total reduction of parking provided of more than twenty-five (25) percent of that required on a non-shared basis.

(3) On-street parallel parking may be used to meet up to thirty (30) percent of the parking requirements for all uses.

(4) Off-street parking and garages should be designed such that vehicular access does not dominate the primary internal driveway(s) or existing external streetscape. The main internal drive is the primary connecting access cartway that connects the internal driveways and parking lots to the external street system.

(7) Loading and trash disposal.

A. Such areas shall be provided as needed for all nonresidential uses. Section 2204 of this Chapter shall not apply to individual retail or office uses of less than 4,000 square feet of floor area.

B. Such areas shall be concealed where practicable and shall be acoustically and visually screened from view from public streets and residential land uses.

(8) Landscaping and buffering.

A. Landscaping, including street trees and parking lot landscaping, shall be provided in accordance with the requirements of §521 of the Subdivision and Land Development Ordinance.

B. Residential elements of the TOD shall be provided with a minimum ten (10) foot wide buffer strip or fence to a minimum height of six (6) feet when adjacent to nonresidential uses outside of the TOD District.

C. TOD property lines adjacent to residential land uses shall be provided with a screen buffer.

D. Yard areas contiguous to adjacent internal streets not utilized for driveways shall be provided with not less than fifteen (15) feet setback of lawns and landscaping, exclusive of sidewalks.

(9) Common open space. A minimum of five (5) percent of the gross tract area shall be used for common open space and recreational activities for the use of the residents of the TOD and shall be in accordance with the following standards:

A. Common open space for the purposes of determining compliance with this section may include central open space, plazas, active recreation areas, such as pools, walking paths, and tennis courts; formal landscape gardens; and gathering or “gateway” areas along or adjacent to the pedestrian link to public transit.. Stormwater management facilities, individual lots for residential land uses, if provided, parking lots and driveways shall not be counted as common open space.

B. The common open space requirement shall be calculated on an overall tract basis, but the required common open space areas of a tract may be provided in total or in part within either the residential or nonresidential land use portion of the tract.

C. At least fifty (50) percent of the required common open space shall be provided in the form of one or more central spaces, which shall meet any one or more of the following design options:

(1) Village green or plaza. Each village green or plaza shall:

(a) Be at least ten thousand (10,000) square feet in size.

(b) Have an average width of at least seventy five (75) feet.

(c) Be surrounded along at least forty-five (45) percent of its perimeter by roads or common parking areas, or by nonresidential or residential

buildings with front facades facing the village green or plaza.

(d) Include decorative paved surfaces for pedestrian purposes such as: walking, gathering or sitting.

(2) Recreation center, club house or similar active or passive recreation area.

(10) Lighting.

A. Lighting shall be provided at intersections along all perimeter public streets, at regular intervals along interior streets and interior walkways and parking areas at spacing sufficient to provide illumination of not less than one footcandle at ground surface.

B. Lighting standards shall be traditional in design and consistent in style within both the residential and nonresidential areas of the TOD tract.

C. Residential lighting standards shall be provided with a maximum height of fourteen (14) feet measured to the top of the light fixture.

D. Nonresidential lighting standards shall be provided with a maximum height of twenty (20) feet measured to the top of the light fixture. Fixtures shall be provided with a residential cutoff when adjacent to residential land uses within and adjacent to the TOD tract.

E. §522 of the Subdivision and Land Development Ordinance shall apply unless specifically waived or modified by Township Board of Supervisors.

(11) Signage. The following signs shall be permitted:

A. One (1) free-standing development name sign at each street entrance, not greater than forty (40) square feet, and not higher than eight (8) feet above ground elevation measured to the highest elevation of the sign.

B. One facade, projecting or awning sign is permitted, not greater than twenty (20) square feet each, for each non-residential business or use.

C. Directional signs not greater than four (4) feet each and not greater than one (1) per acre of tract area.

D. Two (2) directory signs limited to names and address of uses on the premises not greater than sixteen (16) square feet each.

E. Signs are permitted to be externally illuminated only. No LED external signs permitted.

F. Signs permitted in §2303.1 shall be permitted in the residential land use components of the TOD.

(12) In the event that a portion or all of a TOD is changed to a condominium form of ownership, the condominium association documents shall be submitted to and approved by the Township Solicitor.

(13) The open space standards of Section 2102 shall not apply to a development in the TOD District. The minimum open space required shall be determined by the open space and common open space uses provided herein.

(14) If the forest disturbance provision of this Chapter cannot be met, mitigation of any excess clearance of forested areas would be permitted.

d. Application for approval.

(1) The TOD shall be permitted as a conditional use, and application shall be made for such approval in accordance with the provisions of Part 25 of this Chapter.

(2) Such applications shall be accompanied by a conditional use plan showing the relationship among the various components of the proposed development. The conditional use plan shall be prepared at a scale appropriate to the size of the property and in sufficient detail to demonstrate that the plan complies with the requirements of this chapter. The conditional use plan shall be conceptual in nature and shall not be required to meet the provisions of a preliminary subdivision or land development plan. The conditional use plan shall include the following elements:

A. An existing features plan which shall indicate the tract size, out bounds of the tract, topography, wetlands, woodlands, floodplains, recorded easements and rights-of-way and any other significant physical or man-made feature existing on the tract.

B. A general land use plan which shall indicate the general locations of all land uses included on the tract. The total number and type of dwelling units and the amount of nonresidential square footage shall be provided. The residential density and the overall tract intensity (building and impervious coverage) shall be

provided. The plan shall indicate the location, size and height of proposed buildings within the development; the location and amount of common open space, along with any proposed recreational facilities, such as but not limited to pedestrian pathways, community greens, community centers, etc.

C. Conceptual architectural renderings, showing the general design, scale and materials of residential and nonresidential buildings within the TOD development.

D. A conceptual utility plan shall be included which shall indicate the proposed location of sanitary sewer and water lines, along with a narrative indicating the feasibility of such facilities. The plan shall also show the approximate areas needed for stormwater management.

E. A traffic study shall be submitted which analyzes the likely impacts of the proposed development at the locations of vehicular access into the tract to be developed and makes traffic improvement recommendations in accordance with standard traffic engineering procedures.

(3) An applicant for a conditional use shall have the burden of establishing:

A. That the application falls within the provision of this Chapter which accords the applicant the right to seek a conditional use.

B. That the allowance of the conditional use will not be contrary to the public interest.

C. Credible evidence relating to the above, as well as any specific criteria established for the conditional use within the district allowed.

D. That the application shall be suitable in terms of effects on highway traffic and safety, including the arrangement for access and interior circulation to protect streets from undue congestion and hazard. When required by the Township, a traffic impact report shall be prepared at applicant's expense to demonstrate the impact of the proposal on the levels of service of adjoining street frontages and intersections along major highways within one thousand (1,000) feet of the property. If required as a condition of approval by the Board of Supervisors, the applicant shall be required to implement required traffic and transportation improvements and/or detail the source for these improvements and coordinate the phasing of the proposed development with those

highway intersection improvements deemed appropriate by the Township.

C. RELIGIOUS, EDUCATIONAL, RECREATIONAL AND INSTITUTIONAL USES.

10. **Place of worship** - Any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto.

(a) The lot shall have direct access to an arterial or street as defined and designated by Township ordinances;

(b) Housing for religious personnel on such lot shall meet the minimum requirements for residential uses.

(c) Day care and nursery school/kindergarten are permitted as accessory uses to a place of worship.

11. **Public or private school** - Public, religious, sectarian and non-sectarian, or private school.

(a) The lot shall have direct access to an arterial or street as defined and designated by Township ordinances.

12. **Library or museum** - Facility open to the public or connected with a permitted educational use

13. **Public recreational facility** - owned or operated by the Township, County of Bucks, Commonwealth of Pennsylvania, or the federal government for the purpose of providing outdoor recreation areas which may include playing fields, natural areas, trails and paths, picnic areas, or playgrounds.

14. **Golf course**, subject to the following additional provisions:

(a) A minimum lot area not less than ten (10) acres shall be required.

(b) All buildings shall be a minimum of one hundred (100) feet from any lot line.

(c) A buffer shall be provided in accordance with the requirements of Section 521 of the Subdivision and Land Development Ordinance.

15. **Private club or lodge** other than a golf course, subject to the following additional provisions:

(a) The use shall be for members and their guests only.

(b) Minimum lot area shall be four (4) acres when the use is located within the R1, R2, R3 or R4 districts.

(c) The use shall have access to and frontage on an arterial road when located within an R1, R2, R3 or R4 district.

16. **Community center**, adult education center, or other similar facility operated by an educational, philanthropic, or religious institution, such as a senior citizens center, YMCA, or other similar organization. No outdoor recreation area associated with this use shall be located nearer to any lot line than the front yard setback required for the district in which the use is located.

17. **Day care center** - Day nursery, nursery school, kindergarten, or other agency giving day care to below-school-age children. This use is not a home occupation or an accessory use to a residence.

(a) Minimum lot area: one (1) acre

(b) The minimum yard, setback and lot width requirements for the applicable zoning district shall be met and all area and dimensional requirements of the licensing agency shall be met.

(c) An outdoor play area shall be provided. This area shall be located to the side or rear of the lot. The minimum required areas of such an outdoor recreational facility shall be as required under applicable state licensing requirements for each child in the facility.

(d) Prior to the granting of a certificate of occupancy, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with Chapter II, Section 8A of the Department of Public Welfare's Social Services manual by this Department to the applicant, subject to licensure under Article X of the Public Welfare Code.

(e) The hours of operation shall be limited from 6:30 a.m. to 6:00 p.m., Monday through Friday, and at no other time and on no other day.

18. **Adult day care**. A facility operated in which older adult daily living services are provided for four or more older or disabled individuals, who are not relatives of the operator, for part of a 16 hour day. Services provided for the older or disabled individuals may include personal care, nutritional, health, social, educational, recreational, therapeutic, rehabilitative, habilitative and developmental activities. This use does not include services provided for persons whose needs are such that they can only be met in a long term care facility on an inpatient basis receiving professionally supervised nursing care and related medical and other health services. An applicant for adult daycare shall obtain a license from the Pennsylvania Department of Aging in compliance with the 6 Pa. Code, Chapter 11 before an occupancy permit is issued for the use.

19. **Hospital campus** -an institution, facility, unit or building, or a component of the afore-mentioned, licensed by the state and providing health-care services and medical or surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, but not limited, to related facilities such as a laboratory, outpatient facility, training facility, emergency medical service

facility, physician offices and medical office buildings, subject to the following additional provisions:

- (a) Minimum lot area – 20 acres
- (b) Building Area – not more than fifty (50) percent of the net lot area; *i.e.*, the acreage within the right-of-way line of the abutting streets, of each lot shall be occupied by buildings.
- (c) Maximum impervious coverage: sixty (60) percent
- (d) Yard requirements:

Minimum Front Yard	one hundred (100) feet
Minimum Rear and Side Yard	fifty (50) feet
- (e) Open Space. At least twenty (20) percent of the net acreage shall be usable open space; *i.e.*, not devoted to buildings, driveways, or other paved areas. The required open space may include no more than fifty (50) percent of the buffer yard.
- (f) Buffer Yards. Buffer yards shall be provided along all property lines adjacent to residential uses, which shall be not less than twenty five (25) feet in width.
- (g) Special development requirements:
 - (1) The tract of land on which this use is constructed shall, in its entirety, be owned and operated as a single or common management and maintenance unit with parking, utility, maintenance and service facilities.
 - (2) The site shall have direct access to a public street. The existing road system shall be able to accommodate the peak traffic generated by the institution in a safe and efficient manner.
 - (3) Surrounding streets shall not be impacted by a peak-hour increase in traffic of more than five (5) percent, or an average daily traffic increase exceeding five (5) percent, due to operation of this use or any expansion thereof.
 - (4) A system of efficient ingress, egress and internal vehicular circulation resulting in minimal interference with surrounding traffic flow shall be provided.
 - (5) In addition to sign regulations set forth in this Chapter, each internal building is permitted one identification sign per building wall, limited to five (5) percent of the wall area, as measured by the width of the wall to a height of twenty (20) feet, or a maximum size of twenty (20) square feet, whichever is greater. Each site access point from a public street, and each

internal access point to any parking area or building, is permitted one (1) freestanding directional sign, not to exceed six (6) square feet in area.

- (6) A defined location for the collection of solid waste material and a plan for periodic disposal of the same shall be required. All solid waste shall be stored in covered containers, or in permanent structures designated principally for such use. All waste shall be placed within the building envelope.
- (7) All loading, maintenance, storage, tank, and waste facilities shall be located internally on the site such that they are not visible from any adjoining street.
- (8) Existing Hospital Campus users shall, as part of an application for approval of an expansion of the facility, submit a Master Facilities Plan, as approved or revised by the institution.
- (9) Conditions governing existing facility expansion:
 - A. Expansion of an existing facility shall be related to an increase in existing services or to allow for the addition of a use, ancillary or accessory to the established use. A second primary facility, operated by any other entity, is not permitted without subdivision of the property with essentially conforming lot dimensions.
 - B. All expansion shall maintain the existing character of the buildings on the site and the character of surrounding residential neighborhoods. In order to accommodate this requirement, the following conditions shall be applicable:
 - (i) Developable land within the center of the site shall be used for expansion before land close to the perimeter of the site, so as to minimize the impact on existing residential character.
 - (ii) Whenever possible, taking into account physical constraints of the site, the required open space area shall be continuous and uninterrupted by development.
- (10) Building façades may not be longer than one hundred sixty (160) feet without a minimum ten (10) foot deep building offset. No building shall be longer than three hundred twenty (320) feet in length, regardless of the number of building offsets.
- (11) Landscape and Buffer Requirements:
 - A. All yards: a landscape buffer shall be provided along the property line of each yard area for the entire required depth.

- B. Residential buffer: along the side or rear property line of any yard adjoining a residential zoning district, a screening buffer of not less than twenty five (25) feet in depth, measured from such line or from the street line where such street constitutes the property line, shall be provided. Such buffer may be coterminous with any required yard minimum in the underlying zoning district, and in case of conflict, the larger yard requirements shall apply. All buffer yard planting requirements shall be in accordance with the requirements of the Subdivision and Land Development Ordinance.

20. Nursing home, personal care facility, assisted living facility, or convalescent home, subject to the following additional requirements:

- (a) All facilities shall comply with the applicable state and federal laws and licensing requirements. Proof of compliance shall be made available to the township.
- (b) Minimum lot area – 2 acres
- (c) Building Area - Not more than thirty (30) percent of the net lot area, i.e., the acreage within the right-of-way line of the abutting streets, of each lot shall be occupied by buildings.
- (d) Yard requirements:
 - Minimum Front Yard - One hundred fifty (150) feet or three (3) times the height of the building whichever is larger.
 - Minimum Rear and Side Yard. Fifty (50) feet or one (1) time the height of the building, whichever is larger.
- (e) Access. All facilities shall have direct access to an arterial road.
- (f) Open Space. At least forty (40) percent of the net acreage shall be usable open space, i.e. not devoted to buildings, driveways, or other paved areas. The required open space may include no more than fifty (50) percent of the buffer yard.
- (g) Buffer Yards. Buffer yards shall be provided along all property lines, which shall be not less than one hundred (100) feet in width measured from such line or from the street line where such street constitutes the property line. Such buffer yard may be conterminous with any required yard minimum this district, and in case of conflicts, the larger yard requirements shall apply. All buffer yards shall be in accordance with the requirements of this Chapter.
- (h) Utilities. Each building and use shall be served by public water and sanitary sewer facilities at the time of development.

(i) **Accessory.** The use may include accessory uses such as laundry room, retail food sales, beauty and barber shops, stationery and newspaper shop, medical clinic, social service office and other small services provided that the total area occupied by such services shall not exceed fifteen (15) percent of the total floor space area of the building and shall be intended to serve the residents of the housing development.

21. **Youth services** – Charitable use providing 24-hour supervised care for individuals under the age of twenty-one, including religious facilities, accessory administrative and executive offices, group housing facilities, recreational and educational facilities.

22. **Cemetery** - A burial place or graveyard including mausoleum or columbarium.

C. Minimum lot area 5 acres

D. Minimum yards (front, side and rear) 100 feet

E. Lot Coverage for Accessory Buildings and Parking Facilities: No more than ten (10) percent to a maximum of five (5) acres, may be devoted to above-ground buildings or impervious surfaces not serving as burial markers or memorials.

F. A cemetery may be accessory to a Place of Worship

23. **Outpatient surgical center** – a medical facility licensed by the state, providing surgical procedures not requiring inpatient confinement following such procedures.

D. OFFICE USES.

24. **Medical or dental office/clinic** for the examination or treatment of persons as out-patients including laboratories incidental thereto.

25. **Business or professional office.**

26. **Methadone treatment facility** – A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

E. RETAIL AND CONSUMER SERVICE USES.

27. **Retail shop** selling apparel, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobbies, art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, and fabrics, provided all products produced on the premises are sold on the premises at retail. For the purposes of this Chapter, any retail store that provides for gasoline or fuel sales for motor vehicles directly to retail customers shall be considered to be a Motor Vehicle Fueling Station.

28. **Service business** - Establishments providing services such as hair care, laundry/dry cleaning, shoe repair, travel agency, or photographer.

29. **Bank, savings and loan association** – A bank, savings and loan, credit union for consumer use. If a drive –through window is part of the establishment, the following regulations shall apply:

(a) The drive-through facility shall be designed so there will be no pedestrian/vehicular conflicts.

(b) A bypass/escape lane shall be provided, which shall be separated from the drive-through lanes and parking lanes or parking spaces.

(c) A stacking lane for vehicles awaiting service in the drive-through lane shall be provided for each drive-through window.

30. **Restaurant** - Eating place for the sale and consumption of food and beverages with or without drive-in, drive-through, or outside carry-out food counters. If a drive-up window is provided, the following requirements shall be met:

(d) The drive-through facility shall be designed so there will be no pedestrian/vehicular conflicts.

(e) A bypass/escape lane shall be provided, which shall be separated from the drive-through lanes and parking lanes or parking spaces.

(f) A stacking lane for vehicles awaiting service in the drive-through lane shall be provided for each drive-through window.

31. **Repair shop** – Establishment for repair of household goods such as appliances or household equipment, or a furniture maker, repairperson, or upholster. This use shall not include the repair of any motor vehicles, trucks, trailers, or heavy equipment.

32. **Mortuary or funeral home** – An establishment used for the preparation of the deceased for display and burial, including an auditorium and temporary storage areas. This use shall not include crematoria, cemeteries, mausoleums, or other permanent storage facilities.

33. **Hotel** - a building or group of buildings for the accommodation of transient guests containing six (6) or more sleeping units for rent.

(g) Access shall be taken from an interior roadway if the hotel is part of a larger complex or from an arterial road is not part of a larger complex.

(h) Hotel may incorporate conference facilities, restaurants, swimming pools, and other uses normally incidental to hotels.

34. **Indoor commercial entertainment** - An establishment providing completely enclosed recreation activities including theater, games, courts, video arcades, billiards, bowling, play equipment, batting cages, or similar facilities. No audio speakers or

equipment shall be installed inside or outside the location of such use which cause music, voices or other sounds to emanate to the exterior of the premises.

35. **Outdoor private recreation** - An outdoor recreational facility operated as a commercial venture, which may include games, courts, fields, camps, driving range, chip and putt golf, or miniature golf.

- A. Minimum lot area: 5 acres
- B. No outdoor active recreation area for any recreational use shall be located nearer to any lot line than one hundred (100) feet.
- C. Outdoor play areas shall be screened with a planted buffer meeting ordinance requirements.
- D. Specific requirements for Miniature Golf Courses, Chip and Putt Courses, Batting Cages, or Skate Parks
 - 1. Use shall have its lot frontage on and take access from an arterial highway, as defined in the Township ordinances.
 - 2. Minimum lot frontage: 200 feet
 - 3. Hours of operation shall be limited to daylight hours.

36. **Adult business**

- A. Purpose: It is the purpose of this section to address the negative impacts associated with adult or sexually oriented businesses, to reduce or prevent neighborhood blight, to protect and preserve the quality of the Township's neighborhoods and commercial districts, to protect the Township's retail trade, to maintain property values, to protect and preserve the quality of Township life, to reduce the incidence of unlawful activity and to promote the health, safety, moral and general welfare of the citizens of the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to adult oriented materials protected by the First Amendment of the United States Constitution or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor the effect of this section to condone or legitimize the distribution of obscene material.
- B. Definitions: For purposes of this section, unless the context clearly requires a different meaning, the words, terms and phrases set forth herein shall have the meanings given them in this section:

ADULT ARCADE – any place to which the public is permitted or invited wherein coin-operated or club-operated or electronically, electrically or mechanically controlled still or motion picture or video machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are

distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas, as defined herein.

ADULT BOOK STORE – an establishment having as a substantial significant or preponderant portion of its stock in matter which are distinguished or characterized by their emphasis on content depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined herein.

ADULT BUSINESS – any adult or sexually oriented business, including any business establishment that regularly features live performances which are distinguished or characterized by an emphasis on the exposure of the genitals or buttocks of any person or the breasts of any female person or specified sexual activities that involve the exposure of the genitals or buttocks of any person, or the breasts of any female person or any business whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to State law or other regulatory authority, be offered only to persons over the age of eighteen (18) years. “Adult business” may include an adult arcade, adult bookstore, adult cabaret, adult hotel/motel, adult motion picture theater, adult visual materials or video store, adult modeling studio or adult entertainment enterprise, as defined herein.

ADULT BUSINESS OPERATOR – a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult business or the conduct or activities occurring on the premises thereof.

ADULT BUSINESS OWNER – a person or persons who hold a financial or other business interest, in whole or in part, either singly or jointly, in an adult business. For purposes of this section, indicia of ownership may be established by evidence including, but not limited to, business license information, factitious business name registration, utility billing information or by other competent evidence. For purposes of this section, the person whose name appears on the business license or permit application as the business owner shall be deemed to be the adult business owner.

ADULT CABARET – a building or portion thereof or area regularly featuring the presentation or exhibition of live performers whose performances are distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as hereinafter defined, or whose performances are rendered in a state of dress so as to expose the female breast below a point immediately above the top of the areola, male or female genitals, pubic areas, buttocks or the female breast with only the nipple and areola covered or any combination thereof, for observation by patrons or customers.

ADULT ENTERTAINMENT ENTERPRISE – any business activity wherein (i) is furnished for a fee or charge or other like consideration the opportunity to paint,

feel, handle, touch, be in the presence of, be entertained by, be painted by, felt by or touched by, the unclothed body, or the unclothed portion of the body of another person, or to observe, view or photograph such activity, or (ii) a fee or charge or like consideration is paid or received for goods sold or services rendered by or in the presence of one (1) or more persons with an unclothed body or an unclothed portion of the body. Adult Entertainment Enterprise shall include, but not be limited to, the following business activities: adult or nude encounter studios, adult or nude dance studios, nude exhibitions, peep shows, wrestling centers, adult or nude art or photography studios, and business activities similar thereto. "Unclothed portion of the body" shall mean state of dress so as to expose the female breast below a point immediately above the top of the areola, male or female genitals, pubic areas, buttocks or female breast with the nipple and areola covered.

ADULT ENTERTAINMENT ROOM – any room of an adult entertainment establishment which constitutes an adult cabaret, adult motion picture theater, adult entertainment enterprise or adult theater or adult visual materials store pursuant to this section.

ADULT HOTEL/MOTEL – a hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas, as hereinafter defined, and rents, leases or lets any room for less than a six (6) hour period or rents, leases or lets any single room more than twice in a twenty-four (16) hour period.

ADULT MODELING STUDIO – a business which provides, for any form of compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display Specified Anatomical Areas, as hereinafter defined, to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists and which does not provide, permit or make available Specified Sexual Activities, as hereinafter defined.

ADULT MOTION PICTURE THEATER – a building or portion thereof or area, open or closed, used for the presentation on more than one-third (1/3) of the days in a calendar year during which motion picture films, video cassettes, cable television or any other such visual media are displayed or exhibited, of films, video cassettes, cable television or other visual media which are distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as hereinafter defined,

for observation by patrons or customers. “Adult motion picture theater” does not include any room or suite of rooms rented for human occupancy in a hotel or motel which is equipped or furnished with a video cassette playing machine or cable television, unless such hotel or motel is determined to be Adult Hotel/Motel as defined herein.

ADULT VISUAL MATERIALS or VIDEO STORE – a building or portion thereof used by an establishment having not less than thirty (30) percent of its actual display area devoted to, or stock in trade for sale or rental to the public any segment thereof consisting of books, magazines, other publications, films, video cassettes or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined hereinafter.

APPLICANT – a person who is required to file an application for permit under this section, including an individual owner, managing partner, officer of a corporation or any other operator, manager, employee or agent of an Adult Business.

BAR – any commercial establishment licensed by the State Liquor Control Board to serve any alcoholic beverages on the premises.

ZONING OFFICER – the person responsible for ordinance enforcement functions within the jurisdiction of the Township including, but not limited to, responsibility for administration and enforcement of the provisions of this section.

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON – the dominant or essential theme of the object described by such phrase.

EMPLOYEE – every owner, partner, manager, supervisor, performer or other worker, whether paid or not, who renders services of any nature in the conduct of an Adult Business Establishment. For purposes of this section, it shall be a rebuttable presumption that every person who renders services of any nature in the conduct of an Adult Business is an employee of the Adult Business.

ENTERTAINER – any person who is an employee or independent contractor of the Adult Business or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an Adult Business.

OPERATE AN ADULT BUSINESS – the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an Adult Business or activities within an Adult Business.

PERMITTEE – the person to whom an Adult Business permit is issued.

PERSON – any individual, firm association, partnership, co-party, corporation, limited liability corporation, joint stock company, joint venture or combination of the above in whatever form or character.

REGULARLY FEATURES – with respect to an Adult Business means a regular, substantial course of conduct. The presentation, in or at any building or portion thereof, of live performances which are distinguished or characterized by an emphasis upon the display of Specified Sexual Activities or Specified Anatomical Areas, as hereinafter defined, on two (2) or more occasions within a thirty (30) day period, three (3) or more occasions within a sixty (60) day period, or four (4) or more occasions within a one hundred eighty (180) day period shall, to the extent permitted by law, be deemed to be a regular and substantial course of conduct.

SEMINUDE – a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices, such as by “G” strings, pasties, thongs, bikinis or other similar form of garments or devices.

SPECIFIED ANATOMICAL AREAS – any of the following:

- (i) less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola;
- (ii) human male genitals in a discernibly turgid state, even if completely opaquely covered;
- (iii) any device, costume or covering that simulates any of the body parts included in subsections (i) and (ii) above.

SPECIFIED SEXUAL ACTIVITIES – any of the following, whether performed directly or indirectly through clothing or other coverings:

- (i) human genitals in a state of sexual stimulation or arousal;
- (ii) sexual acts, actual or simulated, including sexual intercourse, oral copulation or sodomy;
- (iii) fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
- (iv) masturbation, actual or simulated;
- (v) excretory functions as part of or in connection with any of the other activities described in subsections (i) through (iv) above.

The foregoing definitions are generic. The uses and businesses governed by this section include any other use or business, regardless of how named or advertised, that is of a character like or similar to the uses and businesses set forth in this section.

C. Excluded Activities. This section does not apply to any of the following activities:

1. Any activity conducted or sponsored by a school district or other public agency, so long as such activity is being conducted as part of and within the scope of an authorized and regular part of the curriculum or is part of a training or instructional program being conducted by a public agency.
2. Any activity conducted by a person pursuant to any license issued by the State of Pennsylvania or any agency thereof charged with the responsibility of licensing, prescribing standards for and supervising such activity or profession, in and to the extent that such activity is conducted within the course and scope of the exercise of the privileges authorized by such license or the duties of such agency.

D. Adult Business Permit Required.

1. It shall be unlawful for any person to engage in, conduct or carry a permit to be engaged in, conducted or carried on, in or upon any premises within the Township the operation of an Adult Business unless the person first obtains and continues to maintain in full force and effect a permit issued by the Zoning Officer as required by this section.
2. A permit shall be issued to any applicant who has complied with all of the following requirements:
 - a. The Applicant has paid the Adult Business application fee required pursuant to subsection C, below.
 - b. The Applicant has not made a material misstatement in the application for a permit.
 - c. The establishment, including the building and lot or portion thereof where the Adult Business is or is proposed to be situated and the physical facilities and maintenance related thereto, complies with all building, fire, electrical, plumbing, health and zoning requirements of the Code of the Township of Warminster, all the requirements of this Chapter, and all State and Federal requirements of a similar nature which are customarily enforced by the Township, as determined pursuant to one (1) or more inspections conducted by investigating officials of the Township.

3. Each application for a permit under this section shall be accompanied by a nonrefundable fee in an amount established by resolution of the Township Board of Supervisors. The application fee shall be used to defray, in part, administrative costs incurred in processing the application and is not made in lieu of any other fees or taxes required under this Chapter or the Code of the Township of Warminster.

E. Application for Adult Business Permit.

1. Any person who proposes to operate, maintain or conduct an Adult Business in the Township shall first submit to the Zoning Officer a complete application for an Adult Business permit on a form provided by the Township containing the information set forth in this section and payment of the required Township nonrefundable application fee as established by resolution and amended by the Township Board of Supervisors, from time to time. An application that is not accompanied by the required application fee shall not be deemed a complete application.
2. If the Applicant is an individual, the individual shall state his/her complete name, including any aliases, and address and shall submit satisfactory written proof that he or she is at least eighteen (18) years of age.
3. If the Applicant is a partnership, the Applicant shall state the complete name and address of the partner signing the application, as well as the names of all partners, whether the partnership is general or limited, and shall attach a copy of the partnership agreement, if any.
4. If the Applicant is a corporation, the corporation shall provide its name, the date of its incorporation, evidence that the corporation is in good standing under the laws of Pennsylvania, the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.
5. If the Applicant is an individual, he or she shall sign the application. If the Applicant is other than an individual, an officer of the business entity or an individual with a ten (10) percent or greater interest in the business entity shall sign the application.
6. If the Applicant intends to operate the Adult Business under a name other than that of the Applicant, the Applicant shall provide the fictitious name of the Adult Business and show proof of registration of the fictitious name.
7. Each application shall contain:

- a. A narrative description of the proposed or existing Adult Business for which the permit is requested, which shall include hours of operation, number of employees and a description of the title and/or position of each employee.
 - b. A sketch or diagram showing the interior floor plan and configuration of the premises, depicting all interior rooms, including restrooms, office space, storage areas and public areas and dimensions. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - c. A site plan showing the lot or property on which the Adult Business is or will be located, the location of the building or portion thereof in which the Adult Business is or will be located, the number of available parking spaces, the location and type of available and proposed lighting, landscaping, trash enclosures and all means of ingress and egress to and from the property. The site plan need not be professionally prepared, but shall be drawn to scale with marked dimensions to an accuracy of plus or minus one (1) foot.
 - d. The full name, address and telephone number of the property owner and/or property management company if different from the Applicant, a copy of the lease agreement in effect at the time of the application, if applicable, and a copy of any other agreement, easement, condition, covenant, restriction or other such documents that contain evidence affecting the use or operation of the lot, property, premises or structures which will be subject to the permit for which the application has been submitted.
8. Each application shall also contain the following information about the person signing the application:
- a. Full name, including any aliases, current residential address, telephone number, date of birth, Social Security Number and driver's license number.
 - b. The previous address of each such person for a period of three (3) years immediately prior to the date of application and the dates of residence at each such address.
 - c. Written proof that the person signing the application is at least eighteen (18) years of age.

- d. The height, weight, color of eyes and hair of the person signing the application.
 - e. Business, occupation or employment history of the person signing the application, for three (3) years immediately preceding the date of the application.
 - f. Two (2) recent passport-style color photographs of such person.
- 9. Such other information as may be deemed necessary by the Zoning Officer to secure the foregoing information.
 - 10. An Adult Business establishment lawfully existing and operating on the effective date of this section shall apply for a permit within ninety (90) days therefrom and shall be allowed to continue operating during the pendency of the application; provided, however, that such Adult Business is otherwise in compliance with applicable provisions of this Chapter and the Code of the Township of Warminster.
 - 11. Upon application of any Adult Business establishment not lawfully existing and operating on the effective date of this section, a temporary permit not to exceed thirty (30) days shall be issued immediately upon receipt of a complete permit application. The said temporary permit shall expire automatically at the end of the thirty (30) day period unless extended by the Zoning Officer.

F. Application Processing.

- 1. Upon receipt of a complete application and payment of the application and permit fees, the application shall be immediately stamped as received by the Zoning Officer.
- 2. Within thirty (30) days of receipt of a complete application, the Zoning Officer or his designated official shall conduct and complete an investigation of the information contained in the application to determine whether the Applicant shall be issued an Adult Business permit in accordance with the provisions of this section and notify the Applicant as follows:
 - a. The Zoning Officer shall write or stamp “granted” or “denied” on the application and sign and date such notation.
 - b. If the application is denied, the Zoning Officer shall provide a written statement of the reasons for denial.
 - c. If the application is granted, the Zoning Officer shall issue an Adult Business permit.

- d. The application as granted or denied and the permit, if any, shall be sent by United States mail, first class postage prepaid, addressed to the Applicant to the address stated in the application.
3. The Zoning Officer shall grant the application and issue a business permit upon finding that the proposed business meets the locational and zoning requirements of the Township and that the Applicant has met all of the development and performance standards and requirements of this section.
4. Upon notification to the Applicant that the application has been granted by the Zoning Officer, or if the Zoning Officer fails to either grant or deny the application within thirty (30) days of receipt of a complete application, the Applicant may begin operating as an Adult Business pursuant to the terms and conditions of the permit. The Permittee shall post the permit conspicuously in the premises of the Adult Business establishment
5. Each Adult Business permit shall expire one (1) year from the date of issuance and may be renewed only by filing with the Zoning Officer a written request for renewal accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Each application for renewal shall be acted upon as provided herein for action upon application for a permit.

G. Denial of Permit.

1. Within thirty (30) days of receipt of a complete application, the Zoning Officer shall deny an application for a permit if he or she makes any of the following findings:
 - a. The lot or property on which the Adult Business is or is proposed to be located does not comply with the locational or zoning requirements of the Warminster Township Zoning Ordinance.
 - b. The establishment, including the building or portion thereof, where the Adult Business is or is proposed to be situated and the physical facilities and maintenance related thereto, fails to comply with all applicable building, fire, electrical, plumbing and health requirements of the Code of the Township of Warminster, all applicable State and Federal requirements of a similar nature which are customarily enforced by the Township and all applicable provisions of this section.
 - c. The Applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false,

misleading or fraudulent statement of a material fact in the application for an Adult Business permit.

d. The Applicant or any of the following persons has had a license or permit issued pursuant to this section revoked within one (1) year of the date of the application:

(i) If the Applicant is a corporation, any officer or director of the corporation or any stockholder holding more than five (5) percent of the corporate stock of the Applicant.

(ii) If the Applicant is a partnership, any general or limited partner.

(iii) Any person currently employed by or in the Adult Business establishment.

2. Transmittal of Decision – The decision to deny the application shall be given to the Applicant, in writing, setting forth specifically the ground or grounds upon which the decision is based, the pertinent section of this Chapter pursuant to which the permit is denied, and a brief statement of the factual matters in support of the denial. The decision shall be mailed by United States mail, postage prepaid, addressed to the Applicant at the last known address of the Applicant, or it may be personally delivered to the Applicant.

H. Appeal of Denial.

1. Appeal to the Board of Supervisors – Within ten (10) days from the deposit of the denial in the mail as set forth in this section, or from receipt of the denial by the Applicant by personal delivery, the Applicant may appeal, in writing, to the Board of Supervisors, setting forth with particularity the ground or grounds for such appeal.

2. Hearing on Appeal – A panel of the Board of Supervisors, consisting of at least three (3) members thereof, shall set a time and place for a hearing on the appeal, not less than ten (10) days nor more than thirty (30) days from the date the appeal is received by the Board of Supervisors, and shall conduct a hearing at the time and place so specified.

3. Disposition of Appeal – Following the hearing on the appeal, the Board of Supervisors may refer the matter to the Zoning Officer to conduct a new investigation and to issue a new decision, may affirm the denial of the application, or may approve the application. The decision of the Board of Supervisors shall be final. Notice of the decision of the Board of Supervisors shall be mailed to the Applicant within ten (10) days of the date of the hearing.

I. Reapplication After Denial. An Applicant whose application for a permit has been denied may reapply for such permit after a period of not less than one (1) year has elapsed from the date of such denial was deposited in the mail as specified herein or received by the Applicant, whichever occurs first; provided, however, that an earlier reapplication may be made if accompanied by evidence that the ground or grounds for denial of the application no longer exist(s).

J. Grounds for Suspension or Revocation of Permit.

1. A Permit issued pursuant to this section may be subject to suspension or revocation or other appropriate disciplinary action for any of the following grounds arising from the acts of omissions of the Permittee, or employee, agent, partner, director, stockholder or manager of an Adult Business:

a. The Permittee has knowingly made any false, misleading or fraudulent statement of a material fact in the application for permit or in any report or reports required to be filed with the Township.

b. The Adult Business, including the building and lot or portion thereof on which the establishment is situated or is proposed to be situated and the physical facilities and maintenance related thereto, fails to comply with all applicable building, fire, electrical, plumbing, health and zoning requirements set forth in this Chapter or in the Code of the Township of Warminster, all applicable State and Federal requirements of a similar nature which are customarily enforced by the Township and all provisions of this section.

c. The Permittee, employee, agent, partner, director, shareholder or manager of the Adult Business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent, the occurrence of any of the following on the premises of the Adult Business establishment:

(1) Any act of unlawful sexual intercourse, sodomy, oral copulation or masturbation.

(2) The use of the establishment as a place where unlawful solicitation of sexual intercourse, sodomy, oral copulation or masturbation openly occurs.

(3) The occurrence of acts of lewdness, assignation or prostitution.

(4) Any act constituting a violation of 18 Pa.C.S.A. § 5903, relating to the distribution of obscene and other sexual materials and performances.

(5) Any act constituting a violation of provisions relating to obscene matter or distribution of harmful matter to minors.

(6) Any conduct constituting a criminal offense of which an essential element consists of the use of force or violence.

(7) Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance.

- d. Failure to abide by any disciplinary action previously imposed by the appropriate Township officer.
- e. Failure to comply with one (1) or more of the facilities and operations requirements set forth in subsection 13 hereof.
- f. The existence of the condition of the premises as hazardous or unsafe for human occupancy.

K. Notice of Permit Violations. Upon making a determination that grounds for suspension or revocation of a permit exist(s), the Zoning Officer shall furnish written notice of the proposed suspension or revocation to the Permittee, setting forth the time and place for a hearing on the proposed suspension or revocation, and the ground or grounds upon which the proposed suspension or revocation is based, the pertinent section of this Chapter, and a brief statement of the factual matters in support thereof. The notice shall be mailed by United States first class mail, postage prepaid, addressed to the last known address of the Permittee and/or shall be delivered to the Permittee personally. Such notice shall be mailed and/or delivered at least ten (10) days prior to the hearing date set forth in the notice.

L. No Refund of Fee. No refund or rebate of a permit fee shall be permitted by reason of discontinuance by the Permittee of an activity for which a permit is required pursuant to this section or by reason of suspension or revocation of a permit.

M. Return of Permit. In the event that a permit is canceled, suspended, revoked or invalidated for any reason, the permit shall be forwarded to the Zoning Officer not later than the end of the third business day after notification of such cancellation, suspension, revocation or invalidation.

N. Facilities and Operation Requirements. All Adult Business establishments subject to the provisions of this section shall comply with the following facilities and operations requirements:

- 1. Each Adult Business establishment shall comply with all building, fire, electrical, plumbing and health requirements of the Code of the Township of Warminster, all requirements of this Chapter, all State and Federal requirements of a similar nature which are customarily enforced by the Township, and all provisions of this section.

2. No Adult Business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to Specific Sexual Activities or Specified Anatomical Areas, as herein defined, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
3. All off-street parking areas and premises entries of the Adult Business shall be illuminated from dusk to closing hours of operation with a lighting system providing an average maintained horizontal illumination of one (1) foot candle of lighting on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways servicing the adult business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
4. The premises within which the Adult Business is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.
5. With the exception of Adult Cabarets, each Adult Business subject to this section shall close and remain closed from midnight to 9:00 a.m. the following day.
6. The building entrance to an Adult Business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. The notice shall be constructed and posted to the satisfaction of the director of public safety or designee. No person under the age of eighteen (18) years shall be permitted within the premises at any time.
7. All indoor areas of the Adult Business shall be physically arranged in such a manner that the entire interior portion of the booths, rooms, cubicles or stalls wherein an Adult Entertainment Enterprise is provided shall be clearly visible from the common areas of the premises, excluding restrooms. Restrooms may not contain video reproduction equipment.

8. Visibility into booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.
9. No Adult Business shall contain partitions between subdivisions of a room or portions or parts of a building, structure or premises with an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partitions.
10. No viewing room may be occupied by more than one (1) person at any one (1) time.
11. Customers, patrons or visitors shall not be allowed to stand idly by or in the vicinity of any such video booths or from remaining in the common area of an Adult Business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.
12. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booth shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the Permittee's permit to conduct the Adult Business.
13. All areas of the premises of an Adult Business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level. It shall be the duty of the Permittee and Permittee's agents to ensure that the illumination required by this subsection is maintained at all times that a patron is present on the premises.
14. The Adult Business shall provide and maintain separate restroom facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this subsection shall not apply to an Adult Business which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, such as an Adult

Bookstore or Adult Video Store and which does not provide restroom facilities to patrons or the general public.

15. The following additional requirements shall pertain to Adult Businesses providing live entertainment depicting Specified Anatomical Areas or involving Specified Sexual Activities:
 - a. No person shall perform live entertainment for patrons of an Adult Business except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons and no patron shall be permitted within ten (10) feet of the stage while the stage is occupied by an entertainer.
 - b. The Adult Business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainer's use. No cameras or other surveillance devices shall be installed or maintained by the Adult Business Owner or Operator in the dressing room facilities for the purpose of broadcasting or projecting images for viewing by the patrons of the establishment or for broadcasting or projecting images over the internet.
 - c. The Adult Business shall provide an entrance/exit for entertainers separate from the entrance/exit used by patrons.
 - d. The Adult Business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the Adult Business shall provide a minimum three (3) foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.
 - e. No entertainer, either before, during or after performances, shall have physical contact with any other entertainer either before, during or after performances by such other entertainer. This subsection shall only apply to physical contact on the premises of the Adult Business.
 - f. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.
16. Adult Businesses shall employ security guards in order to maintain public peace and safety, based upon the following standards:

- a. Adult Businesses featuring live entertainment shall provide at least one (1) security guard at all times while the Adult Business is open. If the occupancy limit of the premises is greater than thirty-five (35) persons, an additional security guard shall be on duty.
 - b. Security guard(s) for other Adult Businesses may be required if it is determined by the Zoning Officer that their presence is necessary in order to prevent any of the conduct listed in subsection (9) hereof from occurring on the premises.
 - c. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guard(s) shall be uniformed in such a manner so as to be readily identifiable as security guards by the public and shall be duly licensed as security guards as required by the applicable provisions of State law. No security guard required pursuant to this subsection shall act as a door person, ticket taker, admitting person or sole occupant of the manager's station while acting as a security guard.
17. The requirements of this section shall be deemed conditions of Adult Business regulatory permit approvals and failure to comply with every such requirement shall be grounds for suspension or revocation of the permit issued pursuant to these regulations.

O. Inspection by Public Officials.

1. The Applicant shall authorize and allow entry by public officials of the Township into the premises wherein the Applicant operates or proposes to operate an Adult Business establishment for the purpose of conducting one (1) or more inspections to determine whether the establishment complies with all applicable building, fire, electrical, plumbing, health and zoning requirements of the Code of the Township of Warminster, all State and Federal requirements of a similar nature which are customarily enforced by the Township, and the provisions of this Chapter.
2. Any and all investigating officials of the Township shall have the right to enter Adult Business establishments, from time to time, during regular business hours to make reasonable inspections to observe and enforce compliance with the building, fire, plumbing and health regulations of the Code of the Township of Warminster or the provisions of this Chapter. A warrant shall be obtained whenever required by law.
3. A person who operates an Adult Business or his or her agent or employee is in violation of the provisions of this section if he or she refuses to

permit a lawful inspection of the premises at any time it is occupied or open for business.

- P. Business Name.** It shall be unlawful to operate an Adult Business establishment under any name or conduct business under any designation not specified in the permit.
- Q. Business Location Change.** Before changing the location of an Adult Business establishment, the Permittee shall make an application to the Zoning Officer pursuant to subsection (4) hereof.
- R. Transfer of Interest.** No permit issued pursuant to the provisions of this section shall be assigned or transferred in any manner, nor shall any person other than those identified in such permit engage in the enterprise for which the permit is issued. As used herein, “transfer” shall include, but shall not be limited to, any modification of a business entity operating an Adult Business or otherwise required to be disclosed pursuant to subsection (4) hereof, including transfer of more than ten (10) percent of the stock of any corporation.
- S. Display of Permits.** The owner or operator of an Adult Business establishment shall display the permit in an open and conspicuous place on the premises. Passport size photographs of the permit shall be affixed to the permit on display pursuant to this section.
- T. Application to Existing Establishments.** Each operator of an establishment subject to the provisions of this section and legally doing business on the effective date of this Chapter shall apply for a permit not later than ninety (90) days therefrom and shall comply with all requirements which are prerequisites for issuance of a permit before such permit will issue.
- U. Regulations Nonexclusive.** The provisions of this section regulating Adult Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses adopted by the Township.

37. **Veterinary office** – Office of a veterinarian where animals are given medical or surgical treatment. Use as a kennel is prohibited except that animals undergoing medical or surgical treatment may be housed if kept inside; use of the facility for boarding is prohibited.

38. **Motor vehicle fueling station** - A facility for the sale of fuels for motor vehicles, minor automobile accessories, and sale of food and beverage items, subject to the limitations of this Chapter. Routine automobile service and inspections may be performed and may include lubricating, repairing or otherwise servicing motor vehicles but shall not include painting, body and fender repairs, or vehicular sales. This use is distinguished from and does not include a Motor Vehicle Repair Garage where automobile parts and accessories are sold and installed within the facility but where there is no fuel sale. Any facility which provides for gasoline or fuel sales directly to retail customers shall be

considered to be a Motor Vehicle Fueling Station and shall meet the requirements of this use and shall only be permitted in the zoning districts where this use is permitted.

(a) Dimensional Requirements:

Minimum lot area:

C-1 District 5 acres

C-2 District 2 acres

Minimum lot width along all streets 250 feet

Minimum distance between all buildings
and structures and any residential district or use 100 feet.

(b) This use shall be permitted only where there is frontage on an arterial road.

(c) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.

(d) Fuel pumps and canopies shall be at least twenty-five (25) feet from any ultimate street right-of-way.

(e) All automobile parts and similar articles shall be stored within a building.

(f) All refuse shall be stored within a building or enclosed area.

(g) Paint spraying or body and fender work shall not be permitted.

(h) Lubrication, oil changes, tire changes, and minor repairs are permitted if entirely within a building.

(i) Vehicles shall not be stored outdoors while awaiting repairs for more than five (5) days.

(j) Junk vehicles or unlicensed vehicles may not be stored in the open at any time.

(k) A fueling station may contain only two of the following four types of activities: fuel pumps; convenience commercial, which is sale of convenience, food, and beverage items; service bays; and car wash. The fuel station building for any and all of these uses shall not exceed 5000 square feet.

(l) No drive-through windows are permitted for sale of convenience items.

(m) Applicant shall present a plan to demonstrate the methods by which any spills of liquids will be contained and shall also demonstrate that the stormwater management system is designed to capture volatile organic compounds, oils, and solids. Applicant shall also provide to the Township a copy of a maintenance agreement setting forth the terms for the management of the facilities.

39. **Car wash** - An automobile washing facility shall mean a public facility designed for washing motor vehicles whether by mechanized apparatus or manually, and also whether by attendant employees or by the customer-motorist, subject to the following provisions:

- (a) Minimum lot width of not less than one hundred twenty (120) feet shall be provided along each street on which the lot abuts.
- (b) Each facility shall provide paved, off-street, stacking or parking spaces for the temporary storage of vehicles waiting to use the facility. A stacking area shall be provided for each wash bay. Under no circumstances shall vehicles be permitted to use abutting streets to temporarily wait to use the car wash facility.
- (c) A water recycling system shall be employed. Environmentally friendly soaps and solvents shall be used.

40. **Motor vehicle sales** - Sale of motor vehicles by a new or used motor vehicle dealership.

- (a) All preparation, lubrication, repair or similar activities shall be accessory to the principal use and shall be conducted within a building.
- (b) All automobile parts and similar articles shall be stored within a building.
- (c) Storage or display of vehicles for sale shall be placed no closer to the future street right-of-way line than twenty five (25) feet.
- (d) There shall be no more than one (1) access point into the facility from each street on which the facility has frontage, unless more than one is specifically permitted by the Board of Supervisors.
- (e) An auto body shop may be included as an accessory use, incidental and subordinate to the automotive sales, provided that it meets the regulations of use Motor Vehicle Repair Garage, and provided that it is located at the rear or side of the building containing the principal use.
- (f) Parking areas for auto sales customers and for auto service must be clearly delineated so as to separate them from auto display and storage areas.

41. **Motor vehicle repair garage** - An establishment where motor vehicle parts and accessories are sold and facilities where parts may be installed; an automobile repair garage, including paint spraying and body and fender work. The following requirements shall be met:

- (a) All repair, installation of parts, and paint work shall be performed within an enclosed building.

(b) All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area screened from view from the street or surrounding properties;

(c) No vehicle shall be stored in the open awaiting repairs for a period exceeding fourteen (14) consecutive days. All vehicle storage areas shall be screened from all adjacent roads and properties by a solid fence or compact hedge at least eight (8) feet in height.

(d) Dimensional Requirements:

Minimum lot area	1 acre
Minimum lot width along all street	200 feet
Minimum distance between all buildings and structures and any residential district or use	100 feet

(e) No sale of fuel to retail customers is permitted. There shall be no fuel pumps.

(f) Junk vehicles or unlicensed vehicles may not be stored in the open at any time.

(g) This use is permitted only on lots with frontage on an arterial road.

(h) No sale or rental of vehicles shall be permitted.

42. **Trade or professional school** – A commercial school providing instruction in a trade, electronics, repairs, or the arts.

43. **kennel** – Facility where animals are kept or boarded for a fee. The kennel may include accessory training, grooming, or breeding services.

(n) Minimum lot area – 2 acres

(o) No animal housing area shall be closer to any lot line than 50 feet.

(p) All animals shall be kept in buildings or in outdoor areas enclosed by fences designed and constructed to prohibit animals from escaping.

(q) All kennels shall be licensed under the Dog Law Act of 1982, P.L. 784 - 255.

44. **Large retail store** - Retail Store containing an aggregate floor area 60,000 square feet or more shall meet the following requirements:

(a) This use shall be located on an arterial road.

(b) Building Design - Buildings shall be designed to reflect and enhance the visual, historic and cultural character of Warminster Township. Exterior building materials shall be brick, wood, stone, tile, or other traditional materials. No concrete block or tilt-up concrete walls shall be permitted. There shall be no uninterrupted lengths of blank wall longer than 100 feet. Walls shall be differentiated with recesses, windows, façade details, changes in color, or materials. All sides of a building shall be architecturally consistent

with the front façade and all building faces visible from the street or abutting properties shall have the same architectural features and style as the front façade.

(c) The use shall be designed to accommodate safely pedestrian and vehicular traffic. Pedestrian circulation shall be provided throughout the site, and pedestrian connections shall be provided to adjacent sidewalks.

(d) The plan shall provide for shopping cart corrals if shopping carts are to be used. Cart corrals shall be provided in addition to the required parking spaces.

(e) The applicant must submit as a part of the preliminary land development or subdivision plan a market analysis indicating the market for the proposed facility and the area from which patrons will be attracted.

(f) The use shall include a public amenity, such as an outdoor plaza, patio seating area, water feature, clock tower, or other amenity that will enhance the character of the area. The scale of the public amenities shall be in proportion to the size of the proposed store.

(g) As part of the land development agreement for the establishment of a retail store of 60,000 square feet or greater, provisions shall be made for the removal or adaptive reuse of the structure by the applicant should the facility not be used for a period of 12 consecutive months. Financial security may be required by the township.

(h) Loading docks shall be shielded from view and shall not be visible from adjacent residential districts or from public streets.

(i) Maximum impervious surface – 60% of lot area

(j) Maximum building coverage – 40% of lot area

45. **Bed and breakfast**

The use and occupancy of a detached dwelling shall be permitted for accommodating transient guests for rent which does not include residential facilities for chronically ill or other persons who need institutional care due to illness, disability, or who are part of a criminal justice program, subject to the following additional conditions and restrictions:

(a) No more than seven (7) guest rooms may be provided.

(b) Required off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway by a five (5) foot fence or plant material.

(c) There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, non-illuminated sign which may not exceed eight (8) square feet.

(d) No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.

(e) The use shall be carried on primarily by members of the immediate family who reside on the premises.

(f) There shall be no separate kitchen or cooking facilities in any guest room. Food served on the premises shall be limited to breakfast and afternoon tea only and shall be served only to guests of the establishment.

(g) The maximum, uninterrupted length of stay at a guest house shall be fourteen (14) days.

(h) This use is permitted in the Hartsville and Johnsville Historic Overlay Districts only.

(i) Weddings, Receptions, and Special Events - A Bed and Breakfast may be used for weddings, receptions, meetings, and other special events which attract people who are not guests at the Bed and Breakfast only where the following additional requirements are met:

1. The Bed and Breakfast must have frontage on and access to an arterial road.
2. Weddings, receptions, and special events may be held no more than 8 times per year and each event shall last no more than one day.
3. A conditional use permit is required.
4. There shall be no outdoor amplified music.
5. Provision shall be made for adequate and safe parking, which shall be reviewed as part of the conditional use application.

46. **Banquet/catering facility** - A facility available for special dinners, banquets or other dining events by prearrangement with the management of the facility for groups or parties and not open to the general public on a daily basis. Such establishments may include full kitchen facilities and a Catering Facility, as defined in this section. A Catering Facility is the use of a building or part of a building where food or beverages, or both, are prepared on the premises and picked up or delivered for off-site consumption as part of a banquet or other dining event for groups or parties. Where such facility is housed on the same premises or within the same building as a Banquet Facility, food and beverages may also be served and consumed on-site. This use shall not be considered a restaurant.

47. **Shopping center**

A neighborhood shopping center which is planned and designed as a complex of related structures and circulation patterns.

(a) Minimum lot area - 20 acres, unless otherwise specified by the district requirements

- (b) Maximum building coverage 20 percent of lot area
- (c) Maximum impervious surface 50 percent of lot area
- (d) Building placement. No building or permanent structure, other than a permitted sign, shall be erected within one hundred (100) feet of a street line, or within fifty (50) feet of any property line. The exterior fifty (50) percent of the setback shall be landscaped with trees, shrubs, and groundcover.
- (e) No parking, loading, or service area shall be located less than fifty (50) feet from any property line, including the street line. Parking shall be arranged so that at least fifty (50) percent of the required parking is located to the side or rear of the shopping center buildings.
- (f) Parking, loading or service areas shall not be permitted within the required buffer yards or within the exterior fifty (50) percent of the required setbacks.
- (g) The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural style with appropriate landscaping. Where building pads are proposed which are not connected to the main structure of the shopping center, these shall be shown on the overall plan and shall be integrated with the shopping center so that pedestrians can walk safely to individual buildings without being endangered by vehicular traffic. All structures in a shopping center shall be connected either as part of one large structure or by means of pedestrian ways or walkways on which pedestrians can move from one building to another without unsafe interference from vehicular traffic.
- (h) The applicant must submit as a part of the preliminary land development or subdivision plan a market analysis indicating the market for the proposed facility and the area from which patrons will be attracted.
- (i) Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from any direct glare or hazardous interference of any kind and shall meet the Lighting Requirements of this Chapter.
- (j) Within a tract to be used for a shopping center, subdivision of the tract into individual lots is not permitted.
- (k) Cart corrals shall be provided if shopping carts are used by any stores within the shopping center.
- (l) Along any lot line, a buffer yard shall be provided which shall be not less than one hundred (100) feet in width, measured from such lot line or from the street line, where such street constitutes the lot line, and shall be in accordance with the provisions of this Chapter. Such buffer yard may be coterminous with any required yard in this district, and in case of conflict, the larger yard requirements shall apply. No parking areas, loading areas, trash collection areas, or driveways (except where they cross the

buffer perpendicular to the boundary line) are permitted to occupy the one hundred (100) feet of the buffer yard at the property or street line.

48. **Limited personal service** – a retail facility offering massages, psychic readings, body piercing, branding or tattooing of persons, and similar uses. The following requirements shall be met:

- (a) The service must be performed in sanitary conditions and in compliance with all federal, state, and local regulations, rules and laws regulating such practices.
- (b) The place of service shall be a minimum of one thousand (1,000) feet from the nearest public or private school.
- (c) The limited personal service provider shall display notices as required by Pennsylvania law regarding the necessity of parental consent before any procedure is performed on a minor.

49. **Equipment rental or motor vehicle leasing** – The following requirements shall be met:

- (a) All equipment shall be screened by a wall, fence, or landscaping screen not less than six (6) feet in height.
- (b) Motor vehicle leasing shall be subject to the following requirements:
 - 1. Where the use is the single use on a lot, minimum lot size shall be one-half acre.
 - 2. Storage or display of vehicles for lease shall be placed no closer to the future street right-of-way line than twenty five (25) feet.
 - 3. Parking areas for motor vehicle leasing customers shall be clearly delineated so as to separate them from vehicle display and storage areas.
 - 4. Servicing of vehicles on the premises shall not be permitted.

F. UTILITIES, COMMUNICATIONS AND TRANSPORTATION USES.

50. **Emergency services** – Fire, ambulance, or other emergency services of a municipal or volunteer nature. A community room is permitted as an accessory use.

Minimum lot area – 1/2 acre

51. **Municipal uses** for Warminster Township including Township building, police station, licenses and inspections office, park and recreation facilities, any buildings owned or operated by the municipal authority, or County buildings.

52. **Railway/transportation station** – A terminal limited to a railroad station or bus station providing passenger transportation services to the general public.

53. **Public or private parking garage** - Parking garage as a principal use or as an accessory use designed to meet parking requirements for a principal use, subject to the following additional provisions:

- (a) Such area will be for the parking of cars of employees, customers, or guests of establishments in the zoning district where the parking garage is proposed.
- (b) No sales or service operations shall be conducted within the garage.
- (c) Parking space size, aisle widths, ramp configuration, and other design standards as required by the Township Subdivision and Land Development Ordinance shall be met.
- (d) Maximum height – thirty five (35) feet, unless otherwise provided by conditional use in exchange for reducing overall site impervious surface by at least twenty (20) percent.
- (e) The parking garage shall make provisions for the bicycle racks and motor scooters which shall be included in areas protected from precipitation.
- (f) Parking garage shall include stations for recharging electric vehicles at 5 percent of the parking spaces.
- (g) Parking garage shall meet the setback requirements for the district in which it is located.

54. **Cellular telecommunications facility**

A. The location of the tower and equipment building shall comply with all natural resource protection standards of this Chapter.

B. The following buffer plantings shall be located around the perimeter of the security fence:

(4) An evergreen screen shall be planted that consists of either a hedge, planted three (3) feet on center maximum or a row of evergreen trees planted ten (10) feet on center maximum.

(5) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

C. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.

D. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA 222-E manual, as amended.

E. A soil report complying with the standards of Appendix I, "Geotechnical Investigations, ANSI/EIA 22-E, as amended, shall be submitted to the Township to

document and verify the design specifications of the foundation for the tower, and anchors for the guy wires if used.

F. Towers and antennae shall be designed to withstand wind gusts of at least one hundred (100) miles per hour.

G. An antenna may not be located on a building or structure that is listed on a historic register or is in a historic district.

H. The maximum height of a tower shall be one hundred thirty (130) feet, subject to the following conditions:

(1) Towers located on parcels abutting residential areas shall not exceed a height of fifty (50) feet above the maximum height of the building in the residential district.

(2) If the applicant can demonstrate that a taller tower is required to provide service or if the tower is designed as a stealth tower to resemble a tree or flag pole, a maximum height of 150 feet may be permitted by the Board of Supervisors.

I. In no event shall the distance, at ground level, from a point directly under the center of the tower mounting structure to the nearest property line or right-of-way be less than one and one-half ($1\frac{1}{2}$) times the height of the tower.

J. When a cellular telecommunications facility is combined with an existing use or located on a vacant parcel, the following conditions shall apply:

(1) The existing use need not be affiliated with the cellular telecommunications provider.

(2) The cellular communications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

(3) Minimum Lot Areas. The minimum lot area shall be the area needed to accommodate the tower (guy wires if used), the equipment building, security fence and buffer planting. If the title to the land on which the cellular telecommunications facility is located is conveyed to the owner of the facility, the land remaining with the principal lot shall continue to comply with the minimum lot area for the district.

(4) Minimum Setbacks. The tower and telecommunications equipment building shall comply with the minimum setback requirements for the host lot.

(5) Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

K. Where possible, an antenna for a cellular telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

(1) Maximum Height. Fifty (50) feet above the existing building or structure.

(2) If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:

(a) The building shall comply with the minimum setback requirements for the subject zoning district.

(b) An eight (8) foot high security fence shall surround the building.

(c) A buffer yard shall be planted in accordance with subsection (B), hereinabove.

(d) Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.

(3) Before submitting an application for placement of a cellular telecommunications facility on an existing freestanding cellular telecommunications facility or on an existing structure, the applicant shall demonstrate that the proposed cellular telecommunications facility cannot be located on land or a structure owned or controlled by the Township or any other political subdivision or municipality of the Commonwealth.

(4) Elevations of existing and proposed structures showing width, depth and height, use statistical data on the antenna and support structure shall be presented to the Township.

L. The following hierarchy shall apply to the location of cellular telecommunications facilities, listed in order of priority:

(1) Collocation on a freestanding, existing cellular telecommunications facility;

(2) Attachment to an existing structure;

(3) Construction of a freestanding cellular telecommunications facility.

M. Any application proposing the construction of a freestanding cellular telecommunications facility shall include information demonstrating why the proposed service cannot be provided through collocation with an existing facility or by attachment to an existing structure. Such information may include:

- (1) The absence of any existing structures located within the geographic area meeting the applicant's engineering requirements;
- (2) That existing structures are not of sufficient height to meet the applicant's engineering requirements;
- (3) That existing structures do not have sufficient structural strength to support applicant's proposed cellular telecommunications facility and related equipment;
- (4) That the proposed cellular telecommunications facility would cause electromagnetic interference to existing antenna(s) on the existing structure, or that antenna(s) on the existing structure would cause such interference to applicant's proposed facility;
- (5) That the fees, costs or contractual provisions required by the owner of an existing structure to permit collocation or attachment of the proposed cellular telecommunications facility are unreasonable. Construction costs for the attached facility which exceed the construction costs for a freestanding cellular telecommunications facility shall be presumed to be unreasonable.
- (6) That other limiting factors exist which render existing structures unsuitable for the proposed cellular telecommunications facility.

N. The Board of Supervisors may require that any proposed freestanding cellular telecommunications facility include space for location of emergency service communications facilities.

O. In addition to the criteria set forth hereinabove, when a proposed cellular telecommunications facility applies for a conditional use, the applicant shall establish the following criteria:

(1) The applicant shall demonstrate that the tower for the telecommunications facility is the minimum height necessary for the service area. The applicant shall also demonstrate that the facility must be located where it is to serve the company's system.

(2) The applicant shall present documentation that the tower is designed in accordance with the standards cited in this Chapter for cellular telecommunications towers.

(3) The applicant shall demonstrate that the proposed tower complies with all State and Federal laws and regulations concerning aviation safety.

(4) Additional buffer yard requirements shall be as determined by the Board of Supervisors.

(5) The applicant shall demonstrate that the telecommunication facility must be located where it is proposed in order to serve the applicant's service area.

(6) Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.

55. **Utility operating facility.** Subject to the following additional provisions:

A. Such use shall be limited to a transformer station, pumping station, electrical substation, telephone substation, water or sewer facility and any public or private utility, but shall not include telecommunications uses or facilities.

B. Such use must be required to serve the Township of Warminster.

C. Such use shall be required to obtain land use approval pursuant to the Warminster Township Subdivision and Land Development Ordinance [Chapter 22].

D. Building and zoning permits shall be required for all utilities.

E. The maximum height of above-ground water storage facilities shall be determined by the Board of Supervisors in accordance with the need to protect the community's safety and appearance.

F. The following minimum setbacks from all property lines shall be provided:

1. Water Tower. Not less than the height of the tower plus two hundred (200) feet.
2. Electrical Substation. One hundred (100) feet.
3. Well Facility. One hundred (100) feet.
4. Sewer pumping station. Fifty (50) feet.
5. Water pumping station. Fifty (50) feet.
6. All other uses. Fifty (50) feet.

G. Minimum lot sizes shall be adequate to accommodate the above setbacks, parking requirements and other building requirements.

H. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line. Two (2) off-street parking spaces or one (1) space per full-time employee stationed at the facility, whichever provides the greater number of spaces, shall be provided.

I. A buffer yard shall be provided along all property lines which shall include adequate means for visual screening and which shall meet the requirements of this Chapter.

G. INDUSTRIAL USES.

56. **Light manufacturing** - the production, processing, cleaning, testing, and distribution of materials, goods, food stuffs and products.

57. **Research and development facility** – Research, testing or experimental laboratory, for carrying out investigation in the natural, physical, social sciences, engineering, or biomedical fields.

58. **Wholesale business and storage** - Storage and distribution of goods to manufacturers, importers/exporters, wholesalers, transport business. This use shall not include a wholesale club or other facility where retail sales occur or goods are sold to the ultimate consumer.

59. **Crematorium** – Facility for the cremation of animals or people.

60. **Printing, publishing, binding**

61. **Contractor offices and shops** such as building, concrete, electrical, heating, air conditioning, masonry, painting, plumbing, carpentry, cabinetry, and roofing, provided the following regulations are met:

- (a) The building size shall not exceed fifteen thousand (15,000) square feet
- (b) The building may contain offices for the contractor use as well as storage of material and equipment.
- (c) No outside storage of material or equipment is permitted.
- (d) Vehicles are permitted to be parked outside, provided that there shall be no more than 10 vehicles stored on the premises.

62. **Plumbing shop** providing service, repair or installation of plumbing facilities but not primarily involved in retail sales, provided the following requirements are met:

- (a) The building size shall not exceed fifteen thousand (15,000) square feet.
- (b) The building may contain offices for the contractor use as well as storage of material and equipment.
- (c) No outside storage of material or equipment is permitted.
- (d) Vehicles are permitted to be parked outside, provided that there shall be no more than ten (10) vehicles stored on the premises.

63. **Carpentry shop** such as a carpenter/cabinetry making shop for retail custom work, provided the following requirements are met:

- (a) The building size shall not exceed fifteen thousand (15,000) square feet.

- (b) The building may contain offices for the contractor use as well as storage of material and equipment.
- (c) No outside storage of material or equipment is permitted.
- (d) Vehicles are permitted to be parked outside, provided that there shall be no more than ten (10) vehicles stored on the premises.

64. **Truck terminal** – The use of land for the storage of trucks or the transfer of freight from one truck to another, excluding the transfer or storage of solid waste.

65. **Quarry** – Extraction of minerals, coal, oil, and gas, subject to these regulations and the requirements of the Surface Mining Conservation and Reclamation act (P.L. 1093, No. 219), the Noncoal Surface Mining Conservation and Reclamation act (P.L. 1140, No. 223), the Oil and Gas Act, the Bituminous Mine Subsidence and Land Conservation Act. No mining or extraction of limestone is permitted in resource-protected areas; any limestone extraction in other areas shall be permitted only if the applicant can demonstrate that there will be no harm to the aquifer.

A. When applying for a zoning permit, the applicant shall provide the following plans and information:

1. Plan of general area (within a one (1) mile radius of site) at a scale of one thousand (1,000) feet or less to the inch with a twenty (20) foot or less contour interval to show:
 - a. Existing Data
 - Location of proposed site.
 - Land use pattern including building locations and historical sites and buildings.
 - Roads, indicating major roads and showing width, weight loads, types of surfaces and traffic data.
 - b. Proposed Uses or Facilities within one hundred (100) feet of the site proposed for the use:
 - Subdivisions.
 - Parks, schools, and churches.
 - Highways (new and reconstructed).
 - Other uses potentially affecting or affected by the proposed extractive operation.
2. Plan of Proposed Site at a scale of one hundred (100) feet or less to the inch with a five (5) foot or less contour interval to show:
 - a. Basic Data
 - Soils and geology.
 - Groundwater data and water courses.
 - Vegetation with dominant species.
 - Wind data directions and percentage of time.

- b. Proposed Usage
 - Final grading by contours.
 - Interior road pattern, its relation to operation yard and points of ingress and egress to state and township roads.
 - Estimated amount and description of aggregate and overburden to be removed.
 - Ultimate use and ownership of site after completion of operation.
 - Source and amount of water if final plan shows use of water.
 - Plan of operation showing proposed tree screen locations.
 - Soil embankments for noise, dust, and visual barriers and heights of spoil mounds.
 - Method of disposition of excess water during operation.
 - Location and typical schedule of blasting.
 - Machinery - type and noise levels.
 - Safety measures - monitoring of complaints.

- B. Minimum lot area 15 acres
- C. Minimum lot width at building setback line 300 feet

D. Performance Standards

1. Operations. Extractive operations shall meet all other standards of this Chapter.
2. Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within two hundred (200) feet of any lot line, two hundred (200) feet of any street right-of-way, or within two hundred (200) feet of any residential or agricultural district boundary line.
3. Grading. All excavations, except stone quarries over twenty-five (25) feet in depth, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
 - a. Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of waste products of the manufacturing operation or other clean fill materials, providing such materials are composed of non-noxious, noncombustible solids.
 - b. Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such materials, or forty-five (45) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph (b) above may be reduced by one-half, so that the toe of the graded slope shall not be closer than one hundred (100) feet of any agricultural or residential district boundary line, any lot line or any street right-of-way. Stockpiles shall not exceed one hundred (100) feet in height.
 - c. When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be

- sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
- d. Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
 4. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.
 5. Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soils to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.
 6. Stone Quarry. Stone quarries whose ultimate depth shall be more than twenty-five (25) feet shall provide the following:
 - a. A screen planting within the setback area as specified in paragraph (b) above shall be required. Such a screen shall be no less than twenty-five (25) feet in width and setback from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
 - b. A chain link (or equal) fence at least ten (10) feet high and with an extra slanted section on top strung with barbed wire shall be placed at either the inner or outer edge of planting completely surrounding the area.
 - c. Warning signs shall be placed on the fence at intervals of no more than one hundred (100) feet.
 7. No ground vibration caused by blasting or machinery shall exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S., Sections 164-168, and the rules and regulations adopted thereunder, with the exception that no blasting shall cause a peak particle velocity greater than one (1.0) inch per second, measured at any property line. Blasting shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
 8. Applicants for this use shall submit a water impact study in accordance with the requirements of this Chapter.
 9. Blasting. No blasting or use of explosives shall be permitted upon said quarry except in accordance with the laws of the Commonwealth of Pennsylvania and in accordance with the regulations that may be promulgated by the Secretary of Labor and Industry of the Commonwealth of Pennsylvania, and, prior to the firing of a blast or the setting off of explosives in any quarry in the Township, said owner/operator shall advise, at least twenty-four hours prior to the time of said detonation, one adult occupant of each dwelling located on a property adjoining the

property line of said quarry as to the date and time that said blast will be detonated.

10. Conformity to Federal, State and Local Laws. All permitted quarrying and related uses and operations shall conform to any applicable federal, state and local statutes, ordinances, regulations and standards relative to water or air pollution, particle emission, noise, waste disposal, vibration, land rehabilitation and reclamation, and performance bond requirements. The applicable laws shall include, but not be limited to, the Clean Streams Act and the Surface Mining Conservation and Reclamation Act, as amended.
11. The applicant shall submit a reclamation plan which shall designate how the land will be returned to productive use after the completion of quarrying on the site.

66. **Solid waste facility** –Solid waste facility shall mean one or more of the following:

Composting Plant - A facility at which composting is done. Composting shall mean the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product. Compostable material shall mean organic waste which is capable of undergoing composting. Composting activities associated with normal farming operations shall not be included in this definition of composting plant.

Landfill or Municipal Landfill or Sanitary Landfill - A Pennsylvania Department of Environmental Protection-approved facility for disposing of solid waste on land without creating nuisances or hazards to the public health or safety.

Recycling Center - A facility established to receive, process, store, handle, and ship recyclable materials.

Resource Recovery Facility - A plant, establishment, set of equipment or other operation that recovers materials or products, including heat, electricity, or recyclable materials from otherwise waste materials. A resource recovery facility shall not include a landfill.

Transfer Station - A facility which receives and temporarily stores solid waste or recyclable materials at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste or recyclables to a facility for further processing or disposal.

- a. Dimensional Requirements
 - Minimum Net Lot Area: 10 acres
 - Maximum Building Coverage: 10%
 - Minimum Lot Width: 450 feet
 - Minimum Front Yard: 200 ft. (400 ft. if adjacent to residences or a residential district)
 - Minimum Side Yard: 100 ft. (200 ft. if adjacent to residences or a residential district)
 - Minimum Rear Yard: 100 ft. (200 ft. if adjacent to residences or a residential district)

- b. Landscaping shall be provided to buffer and screen the use from surrounding properties, to complement buildings and other structures on the site, and to enhance the overall character of the facility. A buffer zone of fifty (50) feet in width shall be established from the property line which shall be planted around the perimeter of the site in accordance with the buffer standards of the Township Subdivision and Land Development Ordinance.
- c. The facility shall be screened by fencing, walls, berming and other site improvement features to compliment the proposed landscaping buffer, and shall be surrounded by adequate fencing to prevent unauthorized entry.
- d. The facility shall provide for adequate environmental controls to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, and water effluents, as required under appropriate and relevant Township, Federal and State environmental laws.
- e. The facility shall include efficient mitigation of potential adverse environmental impacts as described in the environmental impact assessment requirements of this section.
- f. The facility shall not include any building or structure with a height in excess of thirty five (35) feet.
- g. The facility shall have a contract with a pest and rodent control company for the regular elimination and control of rat, flies, vermin and other rodents, insects and pests that might become vectors for carrying disease.
- h. No use shall emit odorous gasses or other odorous matter in such quantities as to be humanly perceptible at or beyond any point at its lot lines.
- i. All solid waste facilities shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection.
- j. Environmental Impact Assessment Required
No solid waste facility shall be approved without the preparation and filing of an Environmental Impact Assessment.

67. **Standard self-storage facility** - warehouse/storage units provided for lease to the general public for the purpose of storage of articles commonly associated with residential properties.

A.	Dimensional Requirements	
	Minimum lot area	10 acres
	Maximum building coverage	60 percent
	Maximum impervious surface ratio	80 percent
	Minimum setbacks from street line	75 feet
	Minimum setbacks from other lot lines	100 feet
	Minimum lot width	150 feet
	Maximum height storage units	12 feet
	Minimum aisle width between buildings	26 feet
	Maximum size of any individual storage unit	300 square feet

- B. The storage facilities complex shall be surrounded by a fence at least eight (8) feet in height of a type approved by the Township. The outside perimeter of the fence shall be surrounded by an evergreen hedge which shall provide a visual screen, with evergreens a minimum of six (6) feet in height planted every six (6) feet.
- C. Outdoor storage of automobiles, boats, recreation vehicles, is permitted if they are within the fenced area, provided that the parked vehicles shall not interfere with traffic movement through the complex and are not visible from the street.
- D. An office and residence is permitted as an accessory use to provide for a full-time caretaker.
- E. Minimum Requirements for Lease Restrictions:
 - 1. no retail business activities other than leasing of storage units; no rental of trucks or vehicles;
 - 2. no storage of explosive, toxic, radioactive or highly flammable materials.

68. **Indoor self-storage facility** – warehouse/storage units entirely contained within a structure (existing or proposed) provided for lease to the general public for the purpose of storage of articles commonly associated with residential properties.

A.	Dimensional Requirements	
	Minimum lot area	10 acres
	Minimum setbacks from street line	75 feet
	Minimum setbacks from other lot lines	100 feet
	Minimum lot width	150 feet
	Maximum height of buildings	35 feet

- B. Outdoor storage not permitted.
- C. Minimum Requirements for Lease Restrictions:
 - 1. No retail business activities other than leasing of storage units; no rental of trucks or other motor vehicles.
 - 2. No storage of explosive, toxic, radioactive or highly flammable materials.

69. Fuel storage and distribution

Storage and distribution of fuel oil, coal, or other fuel products. This use does not include a fueling station as defined by this Chapter.

Minimum lot area 1 acre

H. ACCESSORY USES

70. **No-impact home-based business.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in

excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.
- e. 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.
- f. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- h. The business may not involve any illegal activity.

71. **Accessory office** of a physician, lawyer, clergyman, teacher, architect, accountant, or other professional licensed by the Commonwealth of Pennsylvania.

- a. The area devoted to the permitted professional use shall be located within either practitioner's dwelling or a building accessory thereto.
- b. The floor area devoted to such professional use shall be equivalent to not more than twenty-five (25) percent of the ground area covered by the practitioner's dwelling, excluding the ground area covered by an attached garage or such other similar building.
- c. Not more than two (2) employees, assistant or associate, in addition to the resident practitioner, shall be employed on the premises.
- d. No external alterations shall be made which involve construction features not customary in dwellings.
- e. The accessory professional use shall have direct access to an arterial street as herein defined.

72. **Residential accessory building or structure.**- a building or structure subordinate to the principal residential building on a lot and used for purposes customarily incidental to those of the principal residential building, including but not limited to porches, decks, patios and pools, subject to the following:

a. Parking spaces for the parking of passenger automobiles; but excluding parking of commercial vehicles other than vehicles not exceeding one-half (½) ton loading capacity that are need for travel to and from work by residents of the principal building, are completely enclosed within a building, and are without materials or equipment; and also excluding repairs, sale of gas, and other such commercial uses.

b. Structures such as fences or walls.

(7) Any fence erected in Warminster Township shall require a permit from the Warminster Department of Licenses and Inspections prior to being erected, and the payment of any fee for such permit.

(8) Prior to issuance of a permit, a plan depicting the proposed fence, as well as the fence's height, location on the property and materials shall be submitted to the Warminster Township Department of Licenses and Inspections along with the permit application.

c. Accessory Structures Within Required Side and Rear Yard - Required side and rear yards may be occupied by an accessory garage for accessory garage use and other permitted accessory buildings, structures, or use, provided that:

(1) Such accessory building, structure or uses shall be situated not less than five (5) feet from any lot line.

(2) Not less than fifteen (15) feet farther back from the street line than the rear-most portion of the principal building.

d. Height - No accessory building, structure, or use shall exceed fifteen (15) feet in height.

e. Porches Within Required Rear Yards. In residential districts, required rear yards may be occupied by a porch or patio cover that is attached to the dwelling, provided that:

(1) The porch or patio cover shall not be enclosed other than by screening.

(2) The area of the porch or patio cover shall not exceed thirty (30) percent of the ground area of the dwelling excluding the garage.

(3) The porch or patio cover shall not encroach on more than thirty (30) percent of the required rear yard.

(4) The architecture and construction of the porch or patio cover shall be compatible with the architecture and construction of the home.

f. Decks – Uncovered, unenclosed patios or decks may extend not more than ten (10) feet into a required rear yard only but may not extend closer than twelve (12) feet to any side or rear property line, unless otherwise specifically permitted by the terms of this Chapter.

g. Buildings such as detached garages, storage sheds, bath houses, greenhouses or other accessory structures. Such structures shall not exceed a total of five hundred (500) square feet of ground floor area and shall not exceed a height of twenty (20) feet.

73. **Family day care**

A family day care use is a facility operated for remuneration in which child day care is provided at any one time to up to six children, including relatives of the care-giver and non-relatives, and where the child care areas are part of a family residence wherein the caregiver resides, subject to conformance with the following additional regulations:

a. A family day care use shall only be permitted as an accessory use in a single family detached dwelling.

b. The owner and operator of a family day care use must obtain a registration certificate from or be licensed by the Pennsylvania Department of Public Welfare. Failure to maintain the registration or license as required shall result in a termination of the special exception approving same, and it shall be the affirmative obligation of the owner and operator of a family day care use to provide, annually, proof to the Township that the Registration certificate or license is valid for each year.

c. A family day care use must be located in a residence which has frontage on a public street and the operation of the family day care use must be conducted in a manner so as not to obstruct the normal flow of traffic. Where necessary to provide for safe transfer of children to and from the facility, the Zoning Officer may require additional off-street parking and driveway area as a condition of the grant of any zoning permit.

d. Persons engaged in a family day care use shall be limited to the members of the household of the operator residing on the premises.

e. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building on the premises. There shall be no commodities sold or services rendered that

require receipt or delivery of merchandise, goods, or equipment by other than passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

74. **Non-residential accessory building or structure**, or use customarily incidental to the uses permitted in nonresidential Districts in connection with such uses, except outside storage; provided, that any use accessory to a use permitted only under a special exception shall be established only if and as provided in such exception and shall include the following:

A. Office, commercial and industrial uses may provide cafeterias for their customers, employees and/or guests and may provide daycare facilities for their employees provided that:

1. The employees placing their children in the daycare facility do not leave the premises while the children are on the premises; with the exception that employees may leave the premises on their usual duties.

B. Office uses may include newsstands, coffee shops and/or sandwich shops (which may sell sundries) which primarily serve the employees of the office uses, provided that:

1. The accessory use is only open during normal business hours, i.e., 7:00 a.m. to 6:00 p.m. Monday through Friday.

2. There is no exterior signage for the accessory use.

3. There is no sit down seating.

[Ord. 558]

75. **Motor Vehicle fuel pumps** – Stand-alone facilities for dispensing motor vehicle fuel, with or without a cashier's booth, which is limited to location as an accessory use to a large retail store. NOT a motor vehicle fueling station as defined in this Chapter.

76. **Heliport** - shall be regulated by the following:

A. This use permits a business only in those zoning districts where the use is permitted, to establish a heliport for its respective corporate purposes. This use does not permit establishment of an independent helicopter transport business. The use shall be buffered from other adjoining incompatible uses, such as day care and residential uses and districts. The standards are required to maximize attention to the proper site design, including the location of structures and parking areas, proper ingress and egress, development of an interior street system where applicable, architectural design, landscaping and compatibility of any proposal with natural foliage, soils, contours, drainage patterns and the need to avoid visual intrusions and performance nuisances, while maintaining visual continuity throughout the host site.

B. Access shall be taken from an interior roadway, a common access drive, approved building landing pad, parking lot or rail line for shipping and freight purposes.

C. Where this use is approved by the Board of Supervisors, for an at-grade location and unless otherwise required of the host site, a fence shall be constructed that is a minimum of six (6) feet high along with a dense screen planting of evergreens, berming suggested, twenty (20) feet in depth as a visual and sound barrier along the boundary on the sides and rear of the parcel. Trees shall be planted in accordance with the tree list set forth in the Subdivision and Land Development Ordinance [Chapter 22].

D. Except for emergency uses and those required by law, the heliport operations shall be scheduled between the hours of 6:00 a.m. and 9:00 p.m.

E. No parcel where a heliport is proposed to be built may be within five hundred (500) feet of a building in which a day care program is maintained except as an accessory use to an in-house business.

F. This use must comply with all Federal, State and local laws.

[Ord. 558]

77. **Non-residential wind energy system** - A non-residential wind energy system is a device which converts wind energy to mechanical or electrical energy and which is permitted as an accessory use and structure in non-residential districts only, in accordance with the following regulations.

- A. Wind system shall be permitted as an accessory use only.
- B. Uses for which the wind system is a permitted accessory use are: Agricultural Uses, Residential Uses, and Industrial Uses.
- C. No wind system shall be permitted in any open space area that has been set aside, either as part of a development or preserved through a township, county, state, federal, or conservancy preservation program.
- D. A wind energy system may be a freestanding pole structure or may be attached to another structure or building.
- E. Every proposed wind system, whether freestanding or attached to another structure, shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, for all proposed wind systems shall be submitted with applications for approval. If an attached system is proposed, these engineering studies shall demonstrate to the satisfaction of the township that the wind system shall not compromise the structural integrity of the building to which it is attached.
- F. Maximum Height – The maximum height of any wind system is seventy five (75) feet. This height shall include the pole or mounting structure and the blade when extended to its highest position. The pole or mounting device shall not exceed sixty (60) feet.
- G. All wind systems shall be set back a minimum of 2.5 times the height of the structure, including the blade as extended to its highest position, from any lot line, above-ground utility line or pole.
- H. All facilities shall meet the applicable electrical codes and shall be performed by a licensed electrical contractor.

- I. Nuisance standards – All wind systems shall be designed to avoid any adverse impacts on surrounding properties. No lights shall be permitted on the wind system. All applications shall contain information on the proposed color, orientation, design of the system, and any electrical interference effects.
- J. Access control – Access to the system shall be controlled by a fence with a height of eight (8) feet with locking portal. The ground level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing.
- K. A minimum of one sign shall be posted near ground level or on the tower structure warning of high voltage. The electric and utility lines to and from a wind system shall be underground.

78. **Residential wind energy system** - A residential wind energy system is a device which converts wind energy to mechanical or electrical energy and which is limited to use on residential lots. Each residential wind energy system shall generate energy exclusively for the underlying residential use, shall be permitted only as an attachment to an existing building and not as a stand-alone structure, shall have a maximum height equivalent to the maximum building height permitted in the zoning district in which it is located, and shall be subject to the safety standards set forth in subsection E of Use 77 Non-residential wind energy system.

79. **Accessory in-law dwellings** Accessory In-law dwellings are permitted as accessory uses only for use Single Family Detached Dwelling

- A. The minimum lot area for the use in the district in which the dwelling is located is required for the principal dwelling in order to be eligible to add an accessory in-law dwelling.
- B. A permit from the Bucks County Department of Health or other governmental agency with jurisdiction shall be required. Such permit shall indicate that the property can be served by either public sewers or by an adequate on lot septic system, prior to the issuance of a zoning permit.
- C. Only one accessory in-law dwelling shall be allowed per lot.
- D. Accessory in-law dwellings shall be part of the principal residence or may be contained in an existing accessory structure such as a garage provided that the garage or other structure is located within the building envelope for the district. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use unless the principal use is located on a lot which has a lot size which is 1.5 times the minimum lot size required for that use in the district within which the principal residence is located.
- E. Accessory in-law dwellings shall not be located in cellar or basement areas (area having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground) except where at least one wall of the accessory in-law dwelling is at grade level with direct access to the outside from the accessory in-law dwelling.
- F. There shall be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family detached dwelling or which otherwise detract from the single-family character of the neighborhood.

G. The height of the accessory building to be used for the accessory in-law dwelling shall not exceed the height of the principal dwelling.

80. Accessory drive-through facility

A. A drive-through facility is any vehicle-related commercial facility where a service is provided, or goods, food, or beverages are sold to the operator of or passengers in a vehicle without the necessity of the operator or passengers disembarking from the vehicle. Any facility which proposed a drive-through or drive-up window as an accessory facility to a retail, service, financial, restaurant, or other use where customers are served in their vehicles shall be subject to the requirements set forth in this Section.

B. General Standards. A drive-through facility is subject to the following standards:

1. The drive-through facility shall be designed so as not to impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts. A bypass lane/escape lane shall be provided for all drive-through facilities.
2. To minimize the impact of drive-through facilities located adjacent to residential uses, hours of operation shall be set as a condition of approval of the use.
3. Frontage requirements. Minimum lot frontage on at least one street shall be one hundred fifty (150) feet for all principal uses with accessory drive-through facilities to ensure adequate room for access drives.
4. The driveway entrance and exit lane of a drive-through facility must be set back at least one hundred (100) feet from an intersection.

C. Stacking Distance.

1. A stacking area, separated from other traffic circulation on the site, is to be provided for vehicles waiting for service in the drive-through lane.
2. The stacking distance shall be as follows:

Use	Maximum Number Vehicles	Lane Length (feet)
Eating Place	6	132

Bank	6	132
Car Wash	10	220
Dry Cleaner	2	44
Pharmacy	7	154
Other Uses	6	132

Part 17
Floodplain Conservation District

§1700. Declaration of Legislative Intent. The intent of this Part with respect to Floodplain Conservation Districts shall be to protect areas of floodplain subject to and necessary for the containment of flood waters, and to prevent excessive development in areas unfit by reasons of flooding, unsanitary conditions, and related hazards. In advancing these principles and the general purposes of this Chapter the following shall be the specific objectives of the Floodplain Conservation District:

A. To combine with present zoning requirements, certain restrictions made necessary for floodprone areas to promote the general health, welfare, and safety of the Township.

B. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.

C. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplied adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.

D. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above, or below their locations along the floodplain.

E. To protect those individuals who might choose, despite the flood dangers, to develop or occupy land on a floodplain.

F. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters.

G. To protect the entire Township from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well being of the Township.

H. To maintain undisturbed and ecological balance between those natural systems, elements, including wildlife, vegetation and marine life, dependent upon water courses and water areas.

I. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.

J. To provide areas for the deposition of flood-borne sediment.

K. To require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage.

(Ord. 161, 12/19/1967, §1401A; as added by Ord. 277, 12/9/1974)

§1701. Definition of Floodplain Conservation District

2. The identified floodplain area shall be those areas of the Township of Warminster which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated May 18, 1999, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. [Ord. 559]

3. The Floodplain Conservation District shall be comprised of three (3) subparts as follows:

A. Floodway Area (FW) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. [Ord. 559]

B. Flood-Fringe Area (FF) - the remaining portion of the one hundred (100) year floodplain in those areas identified as and AE Zone in the Flood Insurance Study where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study. [Ord. 559]

C. Special Floodplain Area (FE) 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. [Ord. 559]

D. General Floodplain Area (FA) -the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. [Ord. 559]

4. The Floodplain Conservation District, as herein above defined, shall be shown on a map or maps designated as the Potential Floodplain Warminster Township, which shall be available to the public at the Township office and which is made a part hereof.

5. Any change in the Floodplain Conservation District as may from time to time be determined to be proper shall be forthwith reflected on the map designated as Potential Floodplain Warminster Township. All changes in the delineation of the Floodplain Conservation District shall be subject to review and approval of the Federal Insurance Administration (FIA). [Ord. 559]

(Ord. 161, 12/19/1967, §1402A; as added by Ord. 277, 12/19/1974; as amended by Ord. 342, 2/27/1978, §2; and by Ord. 559, 6/10/1999)

§1702. Overlay Concept. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

A. Should the Floodplain Conservation District be declared inapplicable by legislative or administrative actions or judicial discretion, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this Part.

B. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.

C. In any zoning district, the minimum setback of all structures from the top of bank of all watercourses shall 50 feet plus the required front, rear or side yard requirements in the applicable Section of this Chapter, except where such conditions as defined in §1701 herein prescribe a greater setback.

(Ord. 161, 12/19/1967, §1403A; as added by Ord. 277, 12/9/1974)

§1703. Dispute of Floodplain Boundaries

1. In case of any dispute concerning the boundaries of a Floodplain Conservation District, an initial determination shall be made by the Zoning Officer.

2. Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the Floodplain Conservation District as defined in §1701, which may include the ground that the data referred to therein is or has become incorrect because of changes due to natural causes, may appeal to the Warminster Township Zoning Hearing Board.

3. The burden of proof shall be on the appellant.

[Ord. 161, 12/19/1967, §1404A; as added by Ord. 277, 12/9/1974; and amended by Ord. 342, 2/27/1978, §2)

§1704. Uses Permitted in a Floodplain Conservation District

1. Cultivation and harvesting crops according to recognized soil conservation practices.

2. Pasture and grazing of animals according to recognized soil conservation practices.

3. Outdoor plant nursery or orchard according to recognized soil conservation practices.

4. Wildlife sanctuary, woodland preserve, arboretum and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.

5. Game farms, fish hatchery, or hunting and fishing reserve for the protection and propagation of wildlife, but permitting no structures.

6. Forestry, lumbering and reforestation according to recognized natural resources conservation practices.

7. Front, side and rear yards and required lot area in any district, provided such yards are not to be used for onsite sewage disposal systems and further provided that no land in the Floodplain Conservation District shall qualify in computing the minimum district area where specified in this Chapter.

8. Normal accessory uses (excepting enclosed structures, fences and swimming pools) permitted under the usual zoning in residential, commercial and industrial districts.

9. Development Which May Endanger Human Life.

A. In accordance with the Pennsylvania Floodplain Management Act, the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: [Ord. 578]

(1) Will be used for the production or storage of any of the following dangerous materials or substances.

(2) Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

(3) Will involved the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions-of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- a. Acetone.
- b. Ammonia.
- c. Benzene.
- d. Calcium carbide.
- e. Carbon disulfide.
- f. Celluloid.
- g. Chlorine.
- h. Hydrochloric acid
- i. Hydrocyanic acid.
- j. Magnesium.
- k. Nitric acid and oxides of nitrogen.
- l. Petroleum products (gasoline, fuel oil, etc.).

- m. Phosphorus.
- n. Potassium.
- o. Sodium.
- p. Sulphur and sulphur products.
- q. Pesticides (include insecticides, fungicides and rodenticides)
- r. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway (FL) any structure of the kind described in this subsection (A) (1), above, shall be prohibited.

C. Where permitted within any Floodway Fringe (FR2), any structure of the kind described in subsection A. above, shall be:

- (1) Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

D. Within any Floodplain Conservation District any structure of the kind described in subsection (A) (3) (1) above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

E. Except for a possible modification of the freeboard requirements involved, no variance or special exception shall be granted for any of the other requirements of this subsection (9).

[Ord. 434] (Ord. 161, 12/19/1967, §1405A; as amended by Ord. 277, 12/9/1974; by Ord. 342, 2/27/1978; by Ord. 434, 4/9/1984, §1; and by Ord. 578, 6/13/2002, §1)

§1705. Uses Not Permitted The following uses shall not be permitted in the Floodplain Conservation District:

A. All freestanding structures, manufactured homes, and trailers (where residential or nonresidential), buildings and retaining walls, with the exception of flood retention dams, culverts and bridges as approved by the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. [Ord. 559]

B. The filling of or removal of topsoil from all floodplain lands as defined in §1702.

C. The alteration and relocation of any watercourse without approval by the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands and the Board of Supervisors of Warminster Township which shall first have

received the comments of the Township Planning Commission and the Natural Resources Conservation Service, U.S. Department of Agriculture, thereon. If approved, the Township shall notify adjacent communities and the applicable Commonwealth agency prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator. The developer shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. [Ord. 559]

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

E. Onsite sewage disposal systems.

F. Private water supply wells.

G. Any other use not expressly permitted in either §1704 or by special exception in §1706 of this Chapter.

H. Commencement of Construction.

(1) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- a. Hospitals.
- b. Nursing homes.
- c. Jails or prisons.

(2) The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision. [Ord. 578]

(Ord. 161, 12/19/1967, §1406; as amended by Ord. 277, 12/9/1974; by Ord. 342, 2/27/1978, §2; by Ord. 434, 4/9/1984, §2; by Ord. 559, 6/10/1999; and by Ord. 578, 6/13/2002, §1)

§1706. Uses Permitted by Special Exception. The following uses may be permitted by a special exception from the Zoning Hearing Board.

A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures, excepting toilet facilities but permitting piers, docks, floats or unenclosed shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.

B. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations with the approval of the Township Engineer, appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, Bureau

of Dams, Waterways and Wetlands, when accompanied by documentation as to the necessity for locating with the boundaries of the Floodplain Conservation District. [Ord. 559]

C. Sealed public water supply wells with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. [Ord. 559]

D. Dams, culverts and bridges with the approval of appropriate authorities with jurisdiction such as the Commonwealth of Pennsylvania Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. [Ord. 559]

E. Impoundment basins, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Protection Bureau of Dams, Waterways and Wetlands. [Ord. 559]

F. Roads, driveways and parking facilities.

G. Grading or regrading lands, including the deposit of topsoils and the grading thereof. The application for a special exception for such a use shall be accompanied by the following:

(1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question.

(2) An application for amending the boundaries of the Floodplain Conservation District if the boundaries are affected by the grading or regrading of land.

(3) A plan indicating the depositing of any fill or materials proposed to be deposited by the grading or regrading of land; such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading.

H. Similar uses to the above which are in compliance with the intent of this Part.

(Ord. 161, 12/19/1967, §1407; as amended by Ord. 277, 12/9/1974; by Ord. 342, 2/27/1978, §2; and by Ord. 559, 6/10/1999)

§1707. Additional Requirements in the Floodplain Conservation District

1. New and replacement water supply and waste treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, all other new and replacement utilities and facilities shall be designed to minimize or eliminate flood damage.

2. All new construction and substantial improvements of structures or substantial improvements to nonconforming structures within the Floodplain Conservation District shall

have the finished floor elevated up to, or above, the base flood elevation plus one and one-half (1.5) feet of freeboard, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. [Ord. 559]

- a. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent or the market value of the structure either (a) before the improvement of repair is started, or (b) if the structure has been damaged, and is being restored, before the damages occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with the existing State or local health sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Registry of Historic Places or a State Inventory of Historic places.

3. For all development and uses adequate drainage shall be provided to minimize or eliminate flood damage.

- a. Development shall include, but not be limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes, streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or material and subdivision of land. [Ord. 559]

4. All buildings or structures shall be firmly anchored with the accepted engineering practice to prevent flotation, collapse, or lateral movement.

5. A registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Base Flood is defined as the elevation of the one hundred (100) year flood as profiled in the Flood Insurance Study. Within the approximated floodplain the base level shall be established as a point on the boundary of the approximated floodplain which is closest to the construction site in question.

6. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exist of floodwaters.

7. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. 161, 12/19/1976, §1408A; as amended by Ord. 342, 2/27/1988, §2; by Ord. 458, 5/18/1987, §1; and by Ord. 559, 6/10/1999)

§1708. Special Exceptions and Variances. Requests for special exceptions or variances in the Floodplain Conservation District shall be considered by the Zoning Hearing Board in accordance with Part 26 of this Chapter, Pennsylvania Floodplain Management Act, Act 166 of 1978, 32 P.S. 679.101-679-601, and the Pennsylvania Department of Community and Economic Development regulations, codified at 12 Pa. Code Ch. 113, and the following procedures, in addition to those provided by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.:

A. An affirmative decision shall not be issued by the Zoning Hearing Board within the designated floodway if any increase in the flood levels during the one hundred (100) year flood discharge would result.

B. Affirmative decision shall only be issued by the Zoning Hearing Board upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the appeal would result in exceptional hardship to the applicant, and (iii) a determination that the granting of an appeal would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

C. Affirmative decision shall only be issued upon determination that it is the minimum necessary, considering the flood hazards, to afford relief.

D. The Zoning Hearing Board shall notify the applicant, in writing, that (i) the issuance of a decision to allow construction of a structure below the one hundred (100) year flood elevation will result in increased premium rates for flood insurance, (ii) such construction of a structure below the one hundred (100) year flood elevation increases the risk to life and property. Such notification shall be maintained with a record of all decisions as required in subsection (E) of this Section.

E. The Zoning Hearing Board shall (i) maintain a record of all such decisions including justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

(Ord. 161, 12/19/1967, §1409Ai as amended by Ord. 342, 2/27/1988, §2)

§1709. Notice to Purchasers

1. Prospective purchasers of any property located either entirely or partially within the Floodplain Conservation District as defined in §1702 above shall be advised by the owners of such property or their authorized agents or representatives that such property is so located within the Floodplain Conservation District.

2. Actual purchasers of any property located either entirely or partially within the Floodplain Conservation District shall signify in writing that they have been advised that the property to be purchased is located either entirely or partially within the Floodplain Conservation District. A signed copy of such writing shall be delivered and received by the Township before settlement of the property has taken place.

3. All deeds of conveyance or property located either entirely or partially within the Floodplain Conservation District shall contain the following provision:

A. "This property is located either entirely or partially within a Floodplain Conservation District as defined by the Zoning Ordinance of Warminster Township, Bucks County, Pennsylvania."

(Ord. 161, 12/19/1967, §1411A; as amended by Ord. 342, 2/27/1978)

§1710. Board of Supervisors Review. Notwithstanding the provisions of this or other sections of this Chapter of this Chapter, the Zoning Officer shall not issue a permit for any structure within a distance of one hundred (100) feet from the Floodplain Conservation District and shall not approve any plans for the development of a recreational or utility use within or adjacent to the Floodplain Conservation District until the Board of Supervisors has made a determination in favor of such proposed use. Prior to the issuance of any permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made. (Ord. 161, 12/19/1967, §1412; as amended by Ord. 342, 2/27/1978, §2; and by Ord. 559, 6/10/1999, §(I) (13))

§1711. Changes in the Floodplain Conservation District. The delineation of the Floodplain Conservation District boundaries as shown on the Warminster Township Floodplain Conservation District map can be revised and modified by the Board of Supervisors pursuant to Part 28 of this Chapter, where there are changes, through natural or other causes in the Floodplain Conservation District or where changes in the original classification are warranted, which changes can be validated by further detailed engineering studies employing onsite survey

techniques as approved or recommended by the U.S. Army Corps of Engineers, Philadelphia District, or any other governmental agency. All changes in the delineation of the Floodplain Conservation District shall have the review and comments of the Federal Insurance Administration. (Ord. 161, 12/19/1967, §1413; as amended by Ord. 342, 2/27/1978, §2; and by Ord. 559, 6/10/1999)

§1712. Municipal Liability. The grant of a zoning permit or approval of a subdivision plan in the Floodplain Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its employees, or officials. (Ord. 161, 12/19/1967, §1414A; as amended by Ord. 342, 2/27/1978, §2)

Part 18
Historic Overlay

Section 1800 Historic Hartsville and Johnsville Overlay

A. Historic Overlay for Buildings within Hartsville and Johnsville- The historic villages of Hartsville and Johnsville contain valuable resources that reflect the historic architectural and development patterns of the township. To protect this unique village and its architectural and historic resources, the following regulations shall apply and are enacted in accordance with Section 605.2 (vi) of the Pennsylvania Municipalities Planning Code.

B. Applicability - Historic Hartsville and Johnsville Overlay District includes the tax map parcels shown on the Zoning Map.

C. Additional Use Opportunities - Within the Historic Overlay District the following additional use opportunities are permitted by right and in accordance with the following regulations:

1. In addition to other uses permitted under this Chapter buildings or lots within the district shall have the following additional uses permitted by right:

Library or Museum
Business or professional Office
Bed and Breakfast

2. The lot must be of sufficient size and dimension to accommodate the proposed use and meet all the area and dimensional requirements of the this Chapter for the proposed use.

3. The additional uses permitted under paragraph 1 above are subject to the following additional restrictions and limitations:

- a. The use is restricted to the principal historic structure on any lot and must be within the footprint of such structure.
- b. The use shall preserve distinguishing original qualities of the Historic Structure and the building setting.
- c. Signs for the use shall be limited to one unlit sign not to exceed 8 square feet per side.
- d. No retail sales incidental to the permitted use or otherwise are permitted.
- e. Parking: (i) shall be situated to the rear of the historic structure; (ii) shall not exceed 1 space for every three hundred (300) square feet of building space dedicated to the use; (iii) shall not be within twenty five (25) feet of any property line; and (iv) shall provide buffering for neighboring properties of such density and height as to shield neighboring properties from automobile headlight glare.

- f. Any historic structure containing a use permitted under paragraph 1. above wholly or partially destroyed by fire, explosion, flood or other natural phenomenon, or legally condemned, may be reconstructed and used for the same use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned, shall be carried on without interruption and shall constitute an historically accurate restoration or rebuilding matching the original in terms of size, design, materials, color, texture and appearance. A bronze plaque shall be placed in a prominent location on the rebuilt structure noting the date of the destruction and the date of the rebuilding and restoration. No further expansion of the original use will be permitted.

Part 19
OPAS - Off-Premises Advertising Sign Overlay

§1900. Purpose and Intent. The OPAS – Off-Premises Advertising Sign Overlay District is an overlay zoning district whose purpose is to provide an area for the placement of off-premises advertising signs, a/k/a billboards, in the Township; to provide regulations for such signs -- defined as signs which advertise other than the business transacted, services rendered, goods sold or produced on the premises, name of the business, or the name of the person, firm or corporation occupying the premises -- to provide standards for construction of such signs, and to locate such signs so that they are not adverse to the health, safety and general welfare of the residents of Warminster Township.

§1901. Use Regulations.

A. An off-premises advertising sign, also known as a billboard, shall be permitted in the OPAS Off-Premises Advertising Sign Overlay District subject to the following requirements.

1. Size of Sign. An off-premises advertising sign may not exceed six hundred seventy two (672) square feet per side in area, with a maximum length of forty (48) feet and a maximum width of fourteen (14) feet.
2. Height and Location of Sign. The maximum height of an off-premises advertising sign shall be the minimum necessary in order for the sign to be reasonably viewed by the intended motorists and in no event higher than thirty (30) feet measured to the top of the sign. Off-premises advertising signs shall be located no closer than twenty (20) feet from any property line.
3. Spacing. Off-premises advertising signs may not be located closer than twenty five (25) feet from any street measured from the ultimate right-of-way of such street. Off-premises advertising signs may not be located closer than three hundred (300) feet from another off-premises advertising sign measured linearly.
4. Number of Signs per Lot. There shall be no more than one (1) off-premises advertising sign per lot.
5. Content. Off-premises advertising signs shall not contain advertisements for gentlemen's clubs, adult entertainment or adult businesses.
6. Lighting. Lighting for off-premises advertising signs is permitted provided that the light is restricted from shining onto other properties located within Warminster Township, and that such lighting shall not take place between 12:00

midnight and sunrise. Lighting fixtures must be placed above the sign and aimed downward, rather than at the bottom of the sign aimed upward toward the sky. All lighting fixtures must be aimed and controlled so as to place their light output only on the face of the sign and not projected past the sign. Internal illumination and computer-controlled electronic displays are prohibited in the OPAS Off-Premises Advertising Sign Overlay District.

7. Lot Size. The minimum lot size for a property on which an off-premises advertising sign may be located is ten thousand (10,000) square feet.
8. Maintenance of Sign. All off-premises advertising signs shall be structurally sound and maintained in good condition. If the signs are not structurally sound or are in poor condition, the signs shall be immediately removed at the sole cost and expense of the owner of the sign, in accordance with the provisions of this section. If an off-premises advertising sign is not structurally sound or remains in poor condition, Warminster Township shall notify the owner of the property on which the sign is located and provide the owner sixty (60) days written notice by certified mail, sent to the owner's last known address, to remove the sign. If the sign is not removed within sixty (60) days from the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is erected. Warminster Township may file a lien against the property or take any action authorized by law to collect the cost of removal if it is not paid by the owner of the property.
9. Landscaping. Landscaping shall be provided at the base of all off-premises advertising signs in order to shield from view the base, structural elements and foundation of the sign. Trees and shrubbery including evergreen and flowering trees of sufficient size and quantity shall be used to achieve the purpose of this section. A landscaping plan which meets the following minimum requirements shall be submitted, reviewed and approved by the Township Engineer:
 - (a) Five (5) evergreen trees with a height of five feet (5') to six feet (6') planted within a forty foot (40') radius on the sides and rear of the base of the sign;
 - (b) Four (4) flowering trees with a height of eight feet

(8') to ten feet (10') planted within a fifty foot (50') radius on the sides and rear of the base of the sign; and

- (c) One (1) shrub tree with a height of three feet (3') to four feet (4') for each three (3) lineal feet of road frontage along the parcel or forty (40) shrubs, whichever is greater, to be placed in front of the sign.

§ 1902. Additional Regulations. All off- premises advertising signs shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal Regulations, including, but not limited to, the Warminster Township Building Code and all applicable Pennsylvania Department of Transportation regulations.

Part 20
General Requirements Applicable to all Uses and Districts

§2000. Compliance All uses and activities established after the effective date of this Chapter shall comply with the following standards.

§2001. Noise All uses and activities shall comply with the Township Noise Ordinance.

§2002. Smoke No smoke shall be emitted from any chimney or other source of visible gray opacity.

§2003. Dust, Fumes, Vapors and Gases

1. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.

2. No emission of liquid or solid particles from any chimney or otherwise shall exceed three tenths (0.3) grams per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air in stack at full load.

(Ord. 161, 12/19/1967, §1903)

§2004. Heat

1. No use shall produce heat perceptible beyond its lot lines. (Ord. 161, 12/19/1967, §1904)

2. No use shall emit odorous gases or other odorous matter in such quantities as to be detectable at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Odor Thresholds in Air, "Research on Chemical Odors: Part I – Odor Thresholds for Commercial Chemicals," October 1968, or most recent edition, Manufacturing Chemists Association, Inc., Washington, D.C.

§2005. Vibrations. No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments with the exception of that vibration produced as a result of construction activity. [Ord. 161, 12/19/1967, §1907)

§2006. Buffer Yards

A. A completely planted visual barrier or landscape screen of sufficient density and height to constitute an effective screen shall be provided and maintained in the following locations:

1. between any nonresidential district and any residential district or residential use;
 2. between any multifamily residential use or mobile home park use and any other residential district or residential use;
 3. or for any other use required by Part 16, Use Regulations, to provide a buffer.
- B. The buffer shall be planted along the property lines and may be located within the required side or rear yard setbacks. Additional plantings may not be required where existing planting, topography, or man-made structures are deemed acceptable for screening purposes by the Board of Supervisors.
 - C. The buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line.
 - D. The buffer yard may be coterminous with required front, side or rear yards, and in case of conflict, the larger yard requirements shall apply.
 - E. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles may be permitted in that portion of the buffer yard exclusive of the exterior fifty (50) foot width.

(Ord. 161, 12/19/1967, §1908)

§2007. Storage and Waste Disposal

1. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices or appliances, located and operated on the same lot as the tanks or drums of fuel.
2. All outdoor storage facilities for fuel, raw materials and products; and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(Ord. 161, 12/19/1967, §1909)

§2008. District Regulations. The regulations for each district pertaining to maximum overall density, minimum lot area, minimum lot are per dwelling unit, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum height, maximum impervious surface, and maximum building coverage are set forth for each district in Parts 4-15. No principal building or use shall be erected or established except as permitted in the appropriate Part of this Chapter for the district involved.

§2009. Lot Area

1. Where a minimum lot area is specified no principal building or use shall be erected or established on any lot of lesser area, except as may be permitted by the terms of this Chapter.

2. The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Chapter. No required lot area and yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this Chapter if such property was part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

(Ord. 161, 12/19/1967, §1603)

§2010. Minimum Lot Width. Where a minimum lot width is specified no principal building shall be erected on any part of a lot which has a width of less than is specified, except as may be permitted by the terms of this Chapter.

§2011. Exceptions to Minimum Lot Areas and Lot Widths

1. The provisions of this Chapter shall not prevent the construction of a single-family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Chapter was in separate ownership duly recorded by plan or deed, provided that such lot is not less than seven thousand (7,000) square feet and provided it is permitted by special exception by the Zoning Hearing Board in accordance with Part 26 of this Chapter. [Ord. 578]

2. This exception shall not apply to any two (2) or more contiguous lots in a single ownership as of or subsequent to the effective date of this Chapter in any case where a replotting or replatting could create one (1) or more lots which would conform to the above provisions.

(Ord. 161, 12/19/1967, §1605; as amended by Ord. 578, 6/13/2002, §1)

§2012. Traffic Visibility at Corners

A. The following clear sight triangles shall be provided and maintained at all intersections, as measured in all directions from centerline intersections. No existing or proposed structures or plantings, between two (2) feet and seven (7) feet above road centerline shall be permitted in the clear sight triangle area.

1. For thirty (30) to fifty (50) foot rights-of-way: Seventy five (75) feet clear sight triangle.
2. For greater than fifty (50) foot rights-of-way: One hundred thirty (130) foot clear sight triangle.

B. At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two (2) feet above street grade.

(Ord. 161, 12/19/1967, §1607)

§2013. Spacing of Nonresidential Buildings on the Same Lot. Where two (2) or more main buildings for other than residential uses are proposed to be built upon property in one (1) ownership, front, side and rear yards are required only at lot lines abutting other property. (Ord. 161, 12/19/1967, §1609)

§2014. Front Yard Regulations

- A. Where a minimum depth of front yard is specified, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure. (Ord. 161, 12/19/1967, §1610)
- B. Where other requirements of this Chapter or the Township Subdivision and Land Development Ordinance require a larger front yard setback, the larger dimension shall apply.
- C. Projections Into Front Yards. Ground story bays and porches not over half the length of the front wall may project into any front yard three and one-half (3 ½) feet. Chimneys, flues, columns, sills, and ornamental features may project not more than one (1) foot and cornices and gutters not more than two (2) feet, over a required front yard. (Ord. 161, 12/19/1967, §1612)
- D. Fences and Terraces in Front Yards. Front yard requirements shall not apply to front fences, hedges, or walls less than three (3) feet high above the natural grade in the required front yard nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the level of the floor of the ground story. (Ord. 161, 12/19/1967, §1613) [Ord. 635, 11/10/2005]
- E. Front Yard Reduction. When there is an existing building on each of two (2) lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this Chapter, and when both such existing building are within one hundred (100) feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected. (Ord. 161, 12/19/1967, §1615)

§2015. Side Yard Requirements. Where a minimum width of side yard is specified, no building or structure shall be erected within the specified distance from either side lot line, except as permitted by this Chapter. (Ord. 161, 12/19/1967, §1616)

- A. Projections into Side Yards. Bays, balconies, chimneys, flues, fire escapes may project into a required side yard not more than one-third ($\frac{1}{3}$) of its width, and not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any side yard three and one-half ($3\frac{1}{2}$) feet. (Ord. 161, 12/19/1967, §1617)
- B. Fences and Terraces in Side Yards. Side yard requirements shall not apply to fences, hedges, or walls less than six (6) feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three (3) feet high above the floor of the ground story. (Ord. 161, 12/19/1967, §1618)

§2016. Rear Yard Requirements. No building or structure shall be built within the minimum depth from the rear lot line specified, except as provided by this Chapter.

- A. Rear Yard Requirements for Triangular Lots. In the case of a triangular lot with no rear lot line, the distance between any point on the building and corner of the lot farthest from the front lot line shall be at least twice the minimum depth specified in the applicable District regulations. (Ord. 161, 12/19/1967, §1620)

§2017. Maximum Height of Buildings

- A. Unless otherwise provided in the Warminster Township Subdivision and Land Development Ordinance, no building shall exceed the maximum height of thirty-five (35) feet unless otherwise stated for a specific use or district.
- B. Height Exceptions of Maximum Regulations. Height limits specified in this section may be exceeded by one (1) foot for each foot by which the width of the front, rear and side yards is increased beyond the minimum yard requirements, up to a maximum of eighty (80) feet. (Ord. 161, 12/19/1967, §1622) This exception is applicable only in non-residential zoning districts.

[Ord. 635, 11/10/2005]

§2018. Fences

1. No fence shall be erected in Warminster Township without the issuance of a permit from the Warminster Department of Licenses and Inspections, and the payment of any applicable fee as set forth in the Township's Fee Schedule.

2. Prior to the issuance of a permit, a plan depicting the proposed fence, as well as the height, location on the property and materials of the proposed fence shall be submitted with the applicable permit application to the Warminster Department of Licenses and Inspections.

3. No fence shall be erected in a front yard unless such fence is located a minimum of fifteen (15) feet from the edge of the adjacent cartway.

4. No fence exceeding a height of six (6) feet shall be erected, unless otherwise permitted under this Chapter.

§2019. Special Setbacks – In addition to the setbacks and yards required by the terms of this Chapter, the following special setbacks are required:

- A. Setbacks from resource-protected lands - On lots which include lands with resource restrictions, the minimum building setbacks shall be measured from the limit of the resource-protected lands rather than from the lot lines so that the required minimum yard is free from resource restricted lands.
- B. Setbacks from York Road and Street Road - This section shall apply to all uses with lot frontage on Street Road and York Road and shall apply whenever an application for land development, subdivision, zoning permit or a building permit is made.
 - a. Setback from the street line for all buildings and structures shall be a minimum of one hundred (100) feet.
 - b. Setback from the street line for parking areas shall be a minimum of fifty (50) feet, provided appropriate landscaping and screening is provided in accordance with the Subdivision and Land Development Ordinance.
 - c. The streetscape design shall include berms, landscaping, pedestrian circulation and access

§2020 Lighting

- A. **General Standards** - Outdoor lighting for all residential and nonresidential uses shall be designed to minimize undesirable off-premises effects.
 - 1. No use shall produce glare off the premises by illumination originating on the premises. Glare is defined as the sensation produced by light within the visual field that is sufficiently greater than the light to which the eyes are adapted and which cause annoyance, discomfort, or loss in visual performance or visibility, for any period of time, no matter how short in duration.
 - 2. No bare or direct light source shall be visible beyond the lot lines. All lights shall have a full cutoff fixture, which is defined as a light fixture with light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture. This applies to all pole-mounted lights, building mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. These standards shall not apply to holiday lights that are temporarily displayed during holiday seasons.
- B. **Types of Pole-Mounted Lights Permitted** - Lighting shall be provided outside the Historic Districts by fixtures with a height above finished grade not more than the height specified in the Subdivision and Land Development Ordinance, and shall be limited to no more than fourteen (14) feet within the historic districts.

Height shall be measured from the ground to the uppermost point of the light fixture. Light fixtures shall be fully shielded fixtures where the light source is not visible from the property line.

- C. **Lighting Plan Required** - Any outdoor lighting such as pole-mounted, building, sign, canopy, or sidewalk illumination, and driveway lights, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow.
- D. **Light at the property line** - Illumination from light originating on the site shall comply with Section 524 of the Subdivision and Land Development Ordinance.
- E. **Maximum Lighting Levels**- The maximum lighting level at areas within each Township property shall not exceed five (5) footcandles at building entrances and three (3) footcandles elsewhere on the lot.

§2021. Bus Shelters. Notwithstanding any provision of this Chapter to the contrary, a bus shelter shall be a permitted use in any zoning district subject to the following criteria:

- A. The use shall be permitted only on established bus routes.
- B. The use shall be permitted only on arterial roads.
- C. No advertising, signs, placards or other printed matter shall be permitted to be displayed on the exterior or interior of a bus shelter except information pertaining to the applicable bus route.

§2022. Maximum Impervious Area. Maximum impervious area may exceed the impervious surface ratio as specified in Parts 4 through 10 of this Chapter, up to ten percent (10%), if the design follows “Pervious Hardscaping System” as detailed in Chapter 26, Appendix C.

Part 21
Open Space and Environmental Protection Standards

§2100. Purpose. The purpose of this Part is to insure that environmentally sensitive features are protected and that adequate open space to serve the residents of Warminster Township is provided. (Ord. 161, 12/19/1967, §2000A; as amended by Ord. 306, 6/-/1976; and by Ord. 372, 10/23/1979)

§2101. Definitions.

FLOODPLAINS - areas adjoining any streams, ponds or lakes which are subject to a one hundred (100) year recurrence interval flood as delineated by one (1) of the following studies, or a study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines and approved by the Township.

- A. Southampton Creek. "Floodplain Information, Report on the Pennypack Creek, Montgomery County, Pennsylvania." Corps of Engineers, U.S. Army District, Philadelphia, March, 1973; Flood Insurance Rate Maps (FEMA); Study of Pennypack Creek Watershed prepared by Temple University, latest versions.
- B. Little Neshaminy Creek. "Floodplain Information, Report on Little Neshaminy Creek, Bucks County, Pennsylvania." Corps of Engineers, U.S. Army District, Philadelphia, November 1973; Flood Insurance Rate Maps (FEMA); Stormwater management Plan for the Little Neshaminy Watershed (1996), by Bucks County Planning Commission, latest versions.

FOREST - areas, groves or stands of mature or largely mature trees (i.e. greater than six (6) inches caliper) covering an area greater than one-quarter (1/4) acre; or groves of mature trees (greater than twelve (12) inches caliper) consisting of more than ten (10) trees.

LAKES AND PONDS - natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams, or may result from excavation. The shoreline of such waterbodies shall be measured from the maximum condition rather than permanent pool if there is any difference.

STEEP SLOPES - areas where the average slope exceeds eight (8) percent .

WETLANDS - Areas that are inundated or saturated by surface water or groundwater 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.

(Ord. 161, 12/19/1967, §2001A; as amended by Ord. 306, 6/-/1976)

§2102. Open Space Requirements

A. The amount of land to be provided for open space purposes shall be supplied by residential land developers for all single-family residential developments in excess of the ten (10) homes and multifamily residential developments of twins, apartments, townhouses, etc., as

follows. Any uses listed in Part 16 that are required to provide open space shall set aside open space in accordance with that Part. If more than one requirement exists for open space, the standard requiring the higher level of open space protection shall be followed. In addition, these ratios are minimums. If, in order to meet the environmental protection standards of Section 2103 a larger area of land is required for open space, then the larger area shall be set aside as open space.

<u>Dwelling Units Per Gross Acre</u>	<u>% of Total Gross Area to be set aside as open space</u>
Less than 1	0
1 to 1.99	10%
2 to 2.99	20%
3 to 4.99	30%
5 or more	40%

However, in no event shall the open space provided be less than one (1) acre. [Ord. 372]

B. Open Space Purposes and Uses

1. Open space land means land that will be used for any of the following purposes. All plans shall designate the use of open space, the type of maintenance to be provided and a planting plan.

a. To conserve natural or scenic resources, including but not limited to streams, wetlands, floodplains, forests. Areas designated as open space to preserve natural resources as required by this Chapter shall remain undisturbed and in a natural state.

b. To augment recreation or public open space opportunities - An area designated for open field play or fields for active recreation may be designated where the land does not contain natural resource restrictions and where such use is recommended by the Township Park and Recreation Board and approved by the Board of Supervisors and where the size, shape, topography, and soils make it suitable and usable for recreational use; or lands established as a common green which shall be accessible to the public and central to the proposed development.

1) Site or sites should be easily and safely accessible for all areas of the development to be served, have good ingress and egress and have access to a public road, however, no public road shall traverse the site or sites.

- 2) Site or sites should have suitable topography and soil conditions for use and development as a recreation and open space area.
- 3) Size, shape and location of the site or sites should be suitable for development as a particular type of park.
- 4) Site or sites should be free of fuel, power and other transmission lines, whether underground or overhead.
- 5) Site or sites should, to the greatest extent practical, be easily accessible to essential utilities, water, sewerage and powers.
- 6) Site or sites shall have usable a maximum slope of eight (8) percent.
- 7) Site or sites should be compatible with the objectives, guidelines and recommendations as set forth in the Warminster Comprehensive Recreation and Parks Study and the developer shall design and develop these areas in accordance with the standards and criteria established by the Comprehensive Recreation and Park Study.

- c. To preserve sites of historic, geologic, or botanic interest;
- d. To enhance the value of existing parks, forests, wildlife preserves, nature preserves, or other public open spaces by preserving land abutting such existing parks or open space serving these purposes listed in this subsection.

2. Minimum width buffer yards do not count as open space.
3. Required open space shall not include any area required by this Chapter for minimum yards, setbacks, special setbacks, or building separations.
4. Open space whose purpose or resulting effect is to enhance the private yards of individual lots shall not be considered to meet the requirements for open space set forth in this Chapter and shall not be counted in the calculation of minimum required open space. Narrow or irregular pieces of land which serve no public open space function or which are remnants leftover after the lots, streets, and parking areas have been laid out shall not be considered to meet the requirements for open space set forth in this Chapter and shall not be counted in the calculation of minimum required open space.

C. Open space shall include the areas required for environmental protection, as required by Section 2103.

D. Administration

1. The developer may offer for dedication the land to be retained as open space to Warminster Township upon the completion of the necessary and agreed upon changes, modifications, or improvements to the land needed to make it usable for park and recreation purposes. When the Board of Supervisors deems it to be in public interest to accept dedicated land, such acceptance shall be by means of a signed resolution to which a property description of the dedicated recreation area shall be attached. All changes and agreements should eventually be listed directly on the signed drawing linens.

2. In the event that the land is not dedicated to the Township, a plan for the administration and maintenance of all such open space shall be presented to the Township Supervisors as part of the overall development plan. Such plan shall take one (1) or more of the following forms:

A. The owner or developer of the development containing the open space shall post an escrow bond or cash escrow with the Township to insure the administration and maintenance of the open space. The interest which accrues to the bond shall be used by the Township for the maintenance of the open space.

B. A homeowners association may maintain and administer common open space, but are required to post an escrow bond or cash escrow with the Township to insure such maintenance. The association may not dissolve itself, or dispose of the common open space without first offering to dedicate the same to the Township or to an organization, specifically conceived and established to own and maintain the open space per the original organization's commitment.

3. If the homeowners association desires to dissolve and offers the land and equipment to Warminster Township, the Parks and Recreation Board shall review the land condition and maintenance costs and provide budgetary inputs to the Board of Supervisors. The Board of Supervisors shall then determine whether they wish the land to be dedicated to the Township or whether the homeowners association is free to dispose of the land. The Board of Supervisors shall require that the land be used for open space or recreational purposes and such land shall not become a further extension of the original building development or any subsequent development.

§2103. Environmental Standards. The developer shall determine what environmental or natural features are present on the lot and shall meet the following standards of environmental protection. For any lot proposed for development to which the provisions of the Subdivision and Land Development Ordinance do not apply, the environmental standards of this section shall apply. Site alterations, including regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses prior to the submission of plans for development, shall be a violation of this Chapter. Where alterations occur, restoration of the lot to its original condition shall be required. The provisions of this Section shall apply to all zoning districts including nonresidential districts. For any lot proposed for development subject to the Subdivision and Land Development Ordinance, such lot shall not be subject to the provisions of

this section but rather shall meet the environmental standards set forth in the Subdivision and Land Development Ordinance.

A. Floodplains. All such lands shall remain as permanent open space, except that roads may cross the floodplain where design approval is obtained from the Pennsylvania Department of Environmental Protection. [Ord. 578]

B. Steep Slopes. In areas of steep slopes, i.e. those above eight (8) percent, the following standards shall apply:

1. Eight (8) to Fifteen (15) Percent. No more than forty (40) percent of such areas shall be developed and/or regraded or stripped of vegetation.
2. Fifteen (15) to Twenty-five (25) Percent. No more than thirty (30) percent of such areas shall be developed and/or regraded or stripped of vegetation.
3. Twenty-five (25) Percent or More. No more than fifteen (15) percent of such areas shall be developed and/or regraded or stripped of vegetation.

C. Forest. No more than thirty (30) percent of such forests may be cleared or developed. The remaining seventy (70) percent shall be maintained as permanent open space.

D. Lakes, Ponds, Wet Lands or Watercourses. These areas shall be left as permanent open space. No development, filling, piping or diverting shall be permitted except for required roads.

E. Riparian Buffer. No land disturbance shall be permitted within any riparian buffer except as permitted below. The measurement of the riparian buffer shall extend a minimum of one hundred (100) feet from each defined edge of an identified watercourse or surface water body at bankfull flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The buffer area will consist of two (2) distinct protection zones.

1. Zone 1. This buffer area will begin at the edge of the identified waterway (which includes wetlands and intermittent watercourses) and occupy a margin of land with a minimum width of fifty (50) feet measured horizontally on a line perpendicular to the edge of water at bankfull flow.
 - (a) Open space uses that are primarily passive in nature may be permitted in Zone 1, including:
 - (b) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas for public or private parklands, and reforestation.
 - (c) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks County Conservation

District and a nutrient management plan in accordance with State requirements, if applicable.

- (d) Regulated activities permitted by the Pennsylvania Department of Environmental Protection and the Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as approved by the Township.
- (e) Vegetation management in accordance with streambank stabilization plan, an approved landscape or open space management plan.

Runoff or wastewater to be buffered or filtered by Zone 1 will be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows prior to entering Zone 1.

- 2. Zone 2. This buffer zone will begin at the outer edge of Zone 1 and occupy a minimum width of fifty (50) feet in addition to Zone 1. However, where the width of the 100-year floodplain extends greater than one hundred (100) feet from the waterway, Zone 1 shall remain a minimum of fifty (50) feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the 100-year floodplain.

Uses permitted in this buffer area include open space uses that are primarily passive in nature including:

- (a) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, passive areas for public or private parklands, recreational trails and reforestation.
- (b) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks County Conservation District.
- (c) Regulated activities permitted by the Pennsylvania Department of Environmental Protection and the Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as approved by the Township.
- (d) Recreational activities or uses not involving impervious surfaces such as ball fields or golf courses.
- (e) Naturalized stormwater management facilities provided the entire facility is located a minimum of fifty (50) feet from the defined edge of the identified water course and situated outside the 100-year floodplain.

3. Prohibited Uses. Any use or activity not authorized within Subsection A. or B. above shall be prohibited within the riparian buffer. The following activities and facilities are specifically prohibited:
 - (a) Clear cutting of trees and other vegetation.
 - (b) Selective cutting of trees and/or the clearing of other vegetation, except where such clearing is necessary to prepare land for a use permitted under Subsection A. or B. above or where removal is necessary as a means to eliminate dead, diseased or hazardous trees. Removal is subject to revegetation by native plants that are most suited to the riparian corridor.
 - (c) Storage of any hazardous or noxious materials.
 - (d) Roads or driveways, except as permitted as corridor crossings by Pennsylvania Department of Environmental Protection and the Township.
 - (e) Parking lots.
 - (f) Subsurface sewage disposal areas.

4. Revegetation of Riparian Area. In cases where a major subdivision or land development is proposed, replanting of the riparian corridor shall be required where there is little or no existing streamside vegetation. Native vegetation approved by the Township must be used in replanting efforts. Three (3) layers of vegetation are required when replanting the riparian corridor. These layers include herbaceous plants that serve as ground cover, understory shrubs, and trees that form an overhead canopy. The revegetation plan shall be prepared by a qualified professional such as a landscape architect or engineer and shall comply with the following minimum requirements, unless modified by the Board of Supervisors upon recommendation of the Planning Commission:
 - (a) Ground Cover. Ground cover consisting of a native seed mix extending a minimum of twenty-five (25) feet in width from the edge of the stream bank must be provided along the portion(s) of the stream corridor where little or no riparian vegetation exists. Appropriate ground cover includes native herbs and forbs exclusive of noxious weeds as defined by the Pennsylvania Department of Agriculture. This twenty-five (25) foot wide planted area shall be designated on the plan as a “no mow zone” and shall be left as natural cover except in accordance with the maintenance instructions stated on the plan.
 - (b) Trees and Shrubs. These planting layers include trees that form an overhead canopy and understory shrubs. Overstory trees are deciduous or evergreen trees that include oak, hickory, maple gum, beech, sycamore, hemlock, pine and fir. Evergreen and deciduous

shrubs should consist of elderberry, viburnum, azalea, rhododendron, holly, laurel and alders. These plants shall be planted in an informal manner clustered within Zone 1 of the riparian buffer as indicated in Subsection A. above. These plants shall be provided at a rate of at least one (1) overstory tree and three (3) shrubs for every twenty (20) linear feet of waterway.

- (c) Exceptions. These planting requirements shall not apply to existing farm fields located within the riparian buffer if farming operations are to be continued and the required nutrient management plan is met.

§2104. Required protection

A. Areas with environmental restrictions due to slopes, woodlands, wetlands, floodplains, streams, watercourses, and riparian buffer areas shall be left undisturbed to the extent specified herein and not occupied by structures, driveways, parking areas, or other improvements. No portion of the building envelope or yard areas in which parking or accessory structures are permitted shall be occupied by environmental resources as defined above.

B. Areas outside of the building envelope of the lot for single family detached dwellings only (the area of the lot excluding all required yard areas, setbacks, and easements) may contain environmental resources as defined herein, provided that those areas so affected must be identified on the recorded plans for the subdivision or land development or on the building permit application and shall be subject to a deed restriction to prevent any disturbance or development of these areas.

(Ord. 161, 12/19/1967, §2004A; as amended by Ord. 306, 6/-/1976; and by Ord. 578, 6/13/2002, §1)

§2105. Fee in Lieu of Open Space.

1. Where the Board of Supervisors agree with the developer that because of the size, shape, location, access, topography or other physical features of the land that it is impractical to set aside land for recreational and/or open space area as required by this Chapter, the Supervisors shall require a payment of a fee in lieu of the provision of such land which shall be payable to the Township prior to approval of each final section of the overall plan by the Board of Supervisors.

2. The amount of the fee shall be substantially equal to the value of the land that would have been set aside, and shall be paid to the Township prior to the approval of the final plot. The land shall be valued in its unimproved state. In the event that Township and the developer are unable to agree on the value, the value will be determined by arbitration before three (3) disinterested persons, one (1) thereof to be appointed by the Township, one (1) by the developer, and the third by the two (2) appointed as aforesaid, and the award of such three (3) persons, or any two (2) of them, shall be final and conclusive.

3. All monies paid to the Township pursuant to this Chapter shall be kept in a capital reserve fund. Monies in such fund shall be used only for the acquisition of recreation and open space land or capital improvements for open space and park and recreation purposes within the Township.

(Ord. 161, 12/19/1967, §2006A; as amended by Ord. 306, 6/-/1976)

Part 22
Off-Street Parking and Loading

§2200. Off-Street Parking Space Requirements

A. Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each use established, erected, enlarged or altered for any of the following purposes in any district. Where the computation of required parking space results is a fractional number, it shall be rounded up to the next higher number. Handicap parking shall be required in accordance with the Americans With Disabilities Act.

1. Use 1 Agriculture – No required parking unless there is retail sale of farm products, in which case adequate off-road parking shall be provided for patrons.
2. Use 2 Lawn and Garden Center - One (1) space per one thousand (1,000) square feet of gross floor area.
3. Uses 3, 4, 5, 6, 8 All residential uses except Transit oriented development (Use 9) and Mobile home park (Use 7) (see Use regulations in Part 16) – Two (2) spaces per dwelling unit. Garage spaces do not count as required parking spaces.
4. Use 10 Place of worship - One (1) off-street parking space for each one hundred-fifty (150) square feet provided for patron use in the main assembly area.
5. Use 11 Public or private school:
 - a. Kindergarten, elementary and middle school – One (1) space for every teacher and employee, plus one (1) space per every three (3) classrooms.
 - b. High School - One (1) space for every teacher and employee, plus one (1) space per every ten (10) students of school capacity. Additional parking shall be required to accommodate special events, athletic meets, and other school activities. The amount shall be determined in consultation with the Board of Supervisors.
6. Use 12 Library or Museum - One (1) space per five hundred (500) square feet of gross floor area available for patron use.
7. Use 13 Public Recreational Facility – To be determined by Board of Supervisors based on facility use and design.
8. Use 14 Golf course - One (1) off-street parking space per four (4) people of total capacity, which is defined as the total for all uses based on the maximum capacity of the course plus capacity of the restaurant.
9. Use 15 Private club or lodge, One (1) space for each one hundred (100) square feet of total floor area.

10. Use 16 Community Center - One (1) space for each one hundred (100) square feet of total floor area.
11. Use 17 Day Care Center and Use 18 Adult Day Care- One (1) space for each teacher, administrator, and maintenance employee plus one space for every five persons receiving care which can be accommodated at the center.
12. Use 19 Hospital campus – One (1) space for each bed or treatment space in the facility.
13. Use 20 Nursing Home/Personal Care Facility – One (1) space for every three (3) beds.
14. Use 24 Medical/dental/veterinarian office or clinic – One (1) space per two hundred fifty (250) square feet of gross floor area.
15. Use 25 Business, professional, or governmental offices - One (1) space for each three hundred (300) square feet of gross floor area.
16. All Retail and consumer service uses, except for those uses where another parking requirement is specified – One (1) space per two hundred fifty (250) square feet of gross floor area.
17. Use 30 Restaurant - One (1) off-street parking space per two hundred fifty (250) square feet of gross floor area. If the use is take-out only and provides no seating, the parking requirement for retail use shall be met.
18. Use 32 Mortuary or funeral home - One (1) space for each two hundred (200) square feet of gross floor are used or intended to be used in the operation of the establishment.
19. Use 33 Hotel - One (1) off-street parking space for each rental room or suite.
20. Use 45 Bed and Breakfast – One (1) off-street parking space for each rental room or suite. If special events are permitted, parking to accommodate attendees, at a rate of ne space per every two attendees of capacity, shall be provided.
21. Use 34 Indoor Commercial Entertainment and Use 36 Adult Business - One (1) space for each two hundred (200) square feet of gross floor area.
22. Use 35 Outdoor Private Recreation - One (1) space for each five (5) persons of total capacity.
23. Use 43 Kennel – One (1) space for every 10 animals of capacity in the kennel.
24. Use 38 Motor Vehicle Fueling Station. One (1) off-street parking space for every one hundred (100) square feet of gross floor area devoted to convenience commercial sales plus two (2) off-street parking spaces for each service bay. Off-

street parking spaces shall not be part of, nor interfere with, access to fueling pumps.

25. Use 39 Car Wash – One (1) space per employee on duty at any one time, not counting those spaces required for a car wash for stacking area.
26. Use 40 Motor Vehicle Sales. One (1) off-street parking space for each one hundred (100) square feet of interior sales area plus six (6) spaces for each service bay. Spaces within service bays or show rooms shall not count as required parking spaces. These spaces shall be differentiated on all plans submitted for review and approval.
27. Use 41 Motor Vehicle Repair Garage. One (1) off-street parking space for every two hundred (200) square feet of gross floor area devoted to retail activities, plus six (6) off-street parking spaces for each service bay, plus one (1) space for each employee. Spaces within service bays shall not be used to meet off-street parking requirements.
28. Use 42 Trade or Professional School - One (1) off-street parking space per faculty member and employee plus one (1) space per five students expected to be present at a time.
29. Use 49 Equipment rental or motor vehicle leasing – One (1) space per two hundred fifty (250) square feet of gross floor area.
30. Use 50 Emergency Services - For uses with a community room or training room, one space for every four (4) persons of capacity.
31. Use 51 Municipal Uses - Off street parking shall be determined by the Board of supervisors based on anticipated use for the type of facility involved.
32. Use 52 Railway/transportation station- Off-street parking spaces as the Board of Supervisors shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises.
33. Use 64 Truck Terminal - Off-street parking spaces as the Board of Supervisors shall determine adequate to serve customers, employees, visitors, and vehicles normally parked on the premises.
34. All Industrial uses - One (1) space per three thousand (3000) square feet of gross floor area.
35. Use 70 No-impact home based business - No additional parking required.
36. Use 71 Accessory office. Three (3) off-street parking spaces in addition to spaces otherwise required.

§2201. Modification of Parking Requirements

In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of non-residential uses, the Board of Supervisors may permit a reduction of parking space if the following conditions are satisfied:

- A. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this Chapter. The plan shall also illustrate the layout for the total number of parking spaces.
- B. The reduction shall provide for the establishment of not less than seventy (70) percent of the required number of parking spaces, as specified in this Chapter.
- C. The balance of the parking area reserved shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Chapter. The developer shall provide a landscaping plan for the reserved area with the land development plan.
- D. The developer shall enter into a written agreement with the Board of Supervisors guaranteeing that the additional parking spaces shall be provided at the developer's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular land development. This decision shall be made at the sole discretion of the Board of Supervisors.
- E. At the time of the above stated agreement, the developer or owner shall post securities to cover the cost of installing the required parking. The Board of Supervisors shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.

§2202. General Regulations Applying to Required Off-Street Parking Facilities.

- A. Existing Parking - Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- B. 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.
- C. Shared Parking - Two (2) or more uses may provide for required parking in a common parking area if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total if it can be demonstrated to the Township that the hours or days of peak parking needed for the uses are different and that a lower total will provide adequately for all uses served by the facility.

Shared parking will be permitted under the following circumstances:

1. The uses subject to shared parking must be either part of a single lot, such as an office park, industrial park, or mixed use development; or the uses must be on lots that are physically adjacent to each other, with cross easements or other arrangements that allow for shared driveways and shared parking.

2. Owners or applicants for all uses proposing to use the shared parking arrangement must provide written agreements in a form acceptable to the Township outlining the terms of the shared parking arrangement.

3. Authority for shared parking shall be pursuant to conditional use approval granted by the Board of Supervisors.

D. Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served. If this requirement cannot be met, then the size or capacity of the proposed use must be reduced so that all parking requirements can be met.

E. Off-Site Parking - Parking may be provided off-site in accordance with the following requirements and only if approved as a conditional use by the Board of Supervisors.

1. The applicant shall provide an agreement in writing that the parking spaces are available and secured by lease or license, or applicant shall provide proof of the availability of the required parking spaces which are not needed to meet the requirements of another use which can be used for parking purposes by the applicant.

2. This option may be used to meet up to fifty (50) percent of the parking requirement.

3. The use for which off-site parking is provided shall be discontinued immediately upon loss of parking arrangements. Renewal of the lease or license shall be provided to the Township annually.

4. Off-site parking space arrangements are permitted only where the off-site parking is located no more than two hundred (200) feet from the property line of the use it serves and only for non-residential uses; or in the case where safe, protected pedestrian pathways are provided, the distance may be extended to three hundred (300) feet from the property line.

F. Maintenance of Parking Areas. All parking areas shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township to the extent necessary to prevent dust, erosion, and/or flow across streets or other property. All off-street parking spaces shall be marked so as to indicate their location.

§2203. Off-Street Loading

Suitable and safe off-street loading shall be provided for every facility where the use exceeds six thousand (6000) square feet. Loading docks, truck accessways, clearances, and turning radii shall be shown on all land development or zoning permit applications. If it is determined that the use will be served by trucks for loading and unloading, then loading spaces on site shall be provided in accordance with need. No on-street loading or unloading is permitted.

Part 23 Sign Regulations

§2300. Scope and Applicability. In all zoning districts within the Township of Warminster signs may be erected, altered, maintained, used, removed or moved only when in compliance with the provisions of this Chapter and all other ordinances and regulations of the Township of Warminster relating to the erection, alteration, maintenance, use, removal or moving of the signs and similar devices. (Ord. 161, 12/19/1967; §1800; as amended by Ord. 181, 11/18/1968; and by Ord. 441, 5/12/1985)

§2301. Sign Definitions and Regulations

ANIMATED SIGN - a sign with action or motion, flashing or color changes. Animated signs, except for barber shop poles, clocks, thermometers, time and temperature devices, shall be permitted only by special exception.

BACKGROUND AREA OF SIGN - the background area of a sign shall be the entire sign, including incidental or decorative trim. When computing the background area of a double faced, projection or free standing sign, only one (1) display shall be measured in computing the background area where the sign faces are parallel. When computing the background area of an irregularly shaped sign, the background area shall be the area of the smallest rectangle or circle which will totally encompass the sign. Where a sign is composed of individual letters affixed to the building, the background area shall be computed by drawing straight lines closest to the copy extremities, encompassing the first and last letter of each word or graphic element.

BUILDING FACADE - that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

CHANGEABLE COPY PANEL - a portion of the sign which is characterized by removable letters, words, numerals or characters, regardless of method of attachment. Changeable copy panels are permitted on the freestanding signs and marquees, but on no other types of signs. A changeable copy panel is a part of the larger freestanding signs and in no event shall be changeable copy panel portion be larger than fifty (50) percent of the actual sign of which it is part or of the area permitted for a sign on the premises in question. The restriction on area shall not apply to place of worship or school signs and shall not apply to temporary signs as described under this Chapter.

COMPUTER CONTROLLED ELECTRONIC DISPLAY - an electronic display whose changeable message is controlled by computer. The light-emitting source of the display may be lamp bulbs, LEDs, or reflected light with fluorescents. This type of sign is only permitted in nonresidential districts, provided that (a) the size of the display fits within the permitted square footage, (b) the character size of letters and numerals on the display will be no smaller than fourteen (14) inches in height, (c) messages shall not move across the display, left or right or right to left, or be animated, (d) messages shall not blink or flash, (e) messages do not change at less than thirty (30) second intervals.

DIRECTIONAL SIGN – on-premises incidental signs, designed to guide or direct pedestrians or vehicular traffic. Directional signs shall not contain advertising.

FASCIA SIGN - a sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than sixteen (16) inches from the building or structure wall and which does not extend above the parapet, eaves or building facade of the building on which it is located. Also includes signs affixed to architectural projections; canopies or marquees which project from a building facade, provided the copy area of such signs remains parallel to the building facade and which does not extend above the parapet, eaves, or building facade on the building on which it is located.

FREESTANDING SIGN - a sign which is supported by one (1) or more columns, uprights or braces, and its affixed permanently in the ground.

ILLUMINATED SIGNS - a sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

MARQUEE SIGN - a sign attached to a permanently roofed structure, which in turn is attached to, and supported by, the building and is projecting over a sidewalk or right-of-way. A marquee sign shall be permitted for a theater. Other uses shall be permitted only by special exception.

OFF-PREMISES SIGN – see applicable regulations in Part 19 of this Chapter.

ON-PREMISES SIGN - a sign which carries advertisements incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

PROJECTING SIGN - a sign which uses a building wall as its major source of support and projects more than sixteen (16) inches from the building or structure wall, or which hang beneath a roof overhang.

REVOLVING SIGN - a sign which revolves three hundred sixty (360) degrees or back and forth. Revolving signs shall not be permitted.

ROOF SIGN - a sign erected upon or above a roof or parapet wall of a building which is wholly or partially supported by said building. No roof sign shall be permitted.

SIGN - any display, and all parts thereof, which is used to identify or advertise a place of business and/or products, goods or serves.

SIGN STRUCTURE - any structure which supports, or is capable of supporting, any signs as defined in this Chapter. A sign structure mayor may not be an integral part of the building.

TEMPORARY SIGN - a sign or other special device, such as banner, flags, pennants, etc., which are intended to advertise community or civic projects, construction projects, store openings, sales, political candidates, or other special events on a temporary basis.

(Ord. 161, 12/19/1967, §1801; as amended by Ord. 441, 5/12/1985)

§2302. Location, Use and Size Regulations

1. Residential Districts. The following types of signs shall be permitted and no other.

A. Official highway route number signs, street name signs, and directional and other official traffic signs may be erected and maintained in the interest of public safety of for the regulation of traffic.

B. Signs advertising the sale or rental of the premises upon which sign has been erected, or sign indicating that said premises have been sold or rented, provided that:

(1) Such signs shall be erected only on the premises to which they relate.

(2) The area of any such sign shall not exceed twelve (12) square feet.

(3) Not more than one (1) such sign shall be placed on each street frontage of any property held in single and separate ownership.

(4) Such signs shall be removed within twenty (20) days after sale or rental.

C. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained provided that:

(1) The size of such sign shall not exceed sixty-four (64) square feet.

(2) Not more than one (1) sign shall be placed upon any property held in single and separate ownership, unless such property fronts upon more than one (1) public street in which event one (1) such sign may be erected on each street frontage.

(3) Such sign shall be removed within twenty (20) days after the last dwelling has been occupied.

D. Signs of mechanics, contractors and artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that:

(1) The size of any such sign shall not exceed twelve (12) square feet.

(2) Not more than one (1) sign for each such mechanic, contractor, or artisan shall be placed on anyone (1) property on which such person is performing work, unless such property fronts upon more than one (1) street, in which event

each such mechanic, contractor or artisan may erect one (1) such sign or each street frontage.

(3) Such signs shall be removed promptly upon completion of work by the mechanic, contractor or artisan.

E. Identification signs for schools, colleges, places of worship, hospitals, nursing homes, and other institutions of a similar nature may be erected and maintained on the property to which they relate, provided that:

(1) The size of any such sign shall not exceed seventy-five (75) square feet.

(2) Not more than one (1) such sign is placed on any premises held in single and separate ownership, unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage.

F. Trespassing sign or signs indicating the private nature of a road, driveway, or premises, may be erected and maintained, provided that the size of any such sign shall not exceed four (4) square feet.

G. Signs for a permitted accessory office indicating the profession, activity, or name of the occupant of a dwelling, provided that:

(1) The size of such sign shall not exceed two hundred eighty-eight (288) square inches.

(2) Not more than one (1) such sign shall be erected for each permitted use or dwelling unit.

(3) Any such sign shall be erected only on the premises wherein the permitted accessory office is located.

H. Directional, informational or public service signs, such as signs advertising the availability of restrooms, telephone or similar facilities of public convenience, so long as they do not exceed four (4) square feet. Signs advertising meeting times and places of nonprofit service or charitable clubs and organizations, may be erected and maintained, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services, except those of public utilities, and such sign shall not exceed twelve (12) square feet in size.

I. Signs advertising a legal nonconforming use, when located on the lot where such use is conducted, may be maintained, or modernized, without increasing their size, provided that such signs have been erected prior to the adoption of this Chapter.

2. All Nonresidential Districts. The signs erected in these districts shall comply with the following regulations:

A. Permitted Signs.

(1) Single Occupancy. One (1) building sign for each street frontage and one (1) freestanding sign for each street frontage shall be permitted on anyone (1) premise under single and separate ownership or tenancy and not leased or used for multiple occupancy. The building sign may be either a fascia sign or a projecting sign.

(2) Multiple Occupancy. One (1) freestanding sign, advertising the shopping center, industrial park, etc., per street frontage shall be permitted. Building signs shall be permitted for each individual tenant, and total square footage allowed shall be in accordance with §2302(2) (B) (4) of this Chapter. There may be more than one (1) building sign per tenant within the allowable square footage. The building sign may be either a fascia sign or a projecting sign. The freestanding sign may be a directory sign; however, at least twenty (20) percent of the freestanding sign shall advertise the name of the shopping center, industrial park, etc. The remainder of the sign may be a directory of the individual tenants in plaques, modules, or other method of displaying the individual tenant names on the sign.

(3) Directional Signs. In addition to the above, additional signs of four (4) square feet or less are permitted for traffic control as required.

B. Height and Size Limitations.

(1) Freestanding Sign. For each street frontage, a minimum of seventy-five (75) square feet of background sign area and one (1) additional square foot of background sign area for each two (2) feet of lineal street frontage in excess of one hundred (100) feet, up to a maximum of two hundred (200) square feet of background sign area, shall be permitted. Lineal footage, where a property fronts on two (2) or more streets, may not be tacked except as otherwise provided in this subsection.

(2) Building Sign.

(a) Single Occupancy. The background area of fascia sign that advertise an individual tenant or occupant (see §2303.2.A(1)) may not exceed fifteen (15) percent of the building facade (wall area) on which the sign is to be placed, but in no case shall a sign exceed 32 square feet.

(b) Multiple Occupancy. The background area of building signs for tenants or occupants of multiple business properties may not exceed fifteen (15) percent of the building facade or the tenant or occupant's portion of the building, measured from the front of the establishment.

(3) Maximum height above grade of any freestanding sign shall be fifteen (15) feet.

(4) Where any building sign, if placed on the front entrance of the premises, cannot be seen from the street upon which the premises is located, the building sign may be placed on the side or rear building facade that faces said street.

C. All uses permitted by right, by conditional use or by special exception in the I-O District shall be governed by the sign provisions of this subsection governing signs in all nonresidential districts. [Ord. 558]

(Ord. 161, 12/19/1967, §1802; as amended by Ord. 181, 11/18/1968, §4; and by Ord. 441, 5/12/1975; and by Ord. 558, 6/10/1999, §9)

§2303. Temporary Signs

1. Temporary signs advertising carnivals, fairs, dances or similar events, may be erected and maintained in any district, provided that:

A. The size of any such sign is not in excess of four (4) square feet.

B. The erector of such signs, or an authorized agent of the erector of such signs, applies for and obtains a permit from the Township Zoning Officer and, at the time of application, supplies to the Township Zoning Officer:

(a) An alphabetical list of the street on which the signs shall be erected and the number of signs which shall be erected on each street.

(b) A permit from the utility company involved, if the erector of such signs or his agent intends to erect the signs on telephone or utility poles.

(c) A deposit of fifty (\$50.00) dollars per each one hundred (100) such signs, or a fraction thereof, as a guarantee that all such signs will be removed at the end of the thirty (30) day period, the Township shall have them removed and keep the full sum deposited to reimburse the Township for expenses incurred.

2. Other temporary signs and special devices, such as banners, balloons, pennants, advertising flags, portable signs, etc., may be utilized in other than residential districts, subject to the following:

A. Illuminated or electrical signs must conform to the same requirements and standards that cover permanent electrical signs under the current Uniform Construction Code [Chapter 5]. UL number, affixed to each sign, shall be provided on all temporary sign permit applications. Signs not conforming to these requirements are prohibited. Portable signs which require electrical service shall have a positive connecting device on

the sign. Electrical service lines to the sign shall be protected from damage from all anticipated traffic.

B. An individual or business may use such a sign for a maximum period of thirty (30) days each calendar year.

C. Permits for temporary signs must first be obtained from the Zoning Officer before placement of the sign on location. In addition to permit fees, all applicants with one (1) or more temporary signs in the Township must provide a one hundred (\$100.00) dollars refundable cash deposit as a guarantee that the temporary sign or signs shall be promptly and completely removed at the end of the period authorized. Zoning officer shall have the powers to provide for the removal of any sign in violation of the thirty (30) day limitation, and any cash deposit shall be forfeited and used to cover the expenses incurred by the Township to remove the sign.

D. The individual or business applying for a temporary sign permit shall state on the permit how many days the temporary sign will be utilized on location.

E. No temporary sign shall be greater than fifty (50) square feet in size per side, and the fifty (50) square feet shall be in addition to any square footage already permitted under this Chapter.

F. Temporary signs on location at the time of the enactment of this Chapter in violation of any provision of this Chapter or the previous ordinance shall have sixty (60) calendar days to completely remove the sign or apply for a permit under this Chapter.

(Ord. 161, 12/19/1967, §1803; as amended by Ord. 441, 5/12/1985)

§2304. General Sign Regulations

1. Sign Location. Freestanding or projecting signs must be placed at least twenty (20) feet from the side property line, or in the center of the property, if the aggregate street footage is less than forty (40) feet.

2. Sign Location; Obstruction. No sign shall be placed in such a position that it will cause danger to traffic on a street obscuring the view. In no case shall any sign, other than official highway or traffic signs, be erected within the official right-of-way of any street. All signs over four (4) square feet in size, other than those permitted within the street right-of-way, shall be considered structures and shall be in conformance with all other provisions of this Chapter, except for front yard requirements, and with the Warminster Township Building Code [Chapter 5]. No sign shall be located within fifteen (15) feet of the edge of a cartway. No signs shall be erected or maintained within a distance of fifty (50) feet from the intersection of any street lines or the intersection of a street line and the edge of a private accessway, unless the location of the sign is situated at least eight (8) feet above the level of the street centerline. [Ord. 578]

3. Sign Illumination-Residential Zone. Signs which face an occupied dwelling located in a residential zone may not have an exposed source of illumination, if the sign is located within two hundred (200) feet of such residential dwelling.

4. Sign Service; Insurance Requirements. It shall be unlawful for any company or individual to erect, repair or maintain electrical signs, regardless of size or location in the Township, or nonelectrical signs which are higher than twelve (12) feet at the highest point above grade or larger than thirty-two (32) square feet, without submitting a Certificate of Insurance to the Building Inspector's office in the amount of one hundred thousand (\$100,000) dollars and three hundred thousand (\$300,000) dollars liability and twenty-five thousand (\$25,000) property damage.

5. Sign Permit UL Requirements. It shall be a requirement before a permit is issued, for the bonded contractor to provide the Underwriters' Laboratory label number for such sign and to construct said sign in accordance with Underwriters' Laboratory specifications.

6. Materials.

A. Every sign permitted in this regulation must be constructed of durable materials and must be kept in good condition and repair.

B. Only materials as permitted by the current Uniform Construction Code, including all supplements, shall be used in the manufacture and construction of signs.

C. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in the current Uniform Construction Code [Chapter 5], including all supplements.

D. All electrical wiring shall be contained in rigid conduit or enclosed in poles or raceways. All electrical sign components, connections and installations shall conform to specifications of the National Electrical Code and Underwriters' Laboratories. It shall be illegal to install any electric sign without the UL prominently affixed thereon.

7. Prohibited Sign Information. No sign shall be erected, containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter in the Zoning District in which the property to which the sign relates is located.

8. Zoning Permit Required. A zoning permit shall be secured prior to the erection, alteration, or replacement of any sign within the Township. For the purpose of obtaining such permit, the applicant shall make application on the form provided by the Township and shall present plot and construction plans as required by the Zoning Officer, indicating on said plot plan all existing structures, including signs, and setting forth in his application all necessary facts with respect to signs already existing on the property in order to ascertain whether the proposed erection or alteration of the sign to which the application relates complies with the provisions of this Chapter.

9. Plans Required. Detailed plans, showing supporting structural members and foundations must be submitted to the Township office in the form of scaled drawings and wind load calculations, with the seal of a registered engineer in the Commonwealth of Pennsylvania before a permit is issued on any freestanding sign over one hundred fifty (150) square feet on one (1) side, or any sign where the highest portion is to be erected more than twenty-five (25) feet above grade, or any wall sign where the area of any individual portion or section exceeds a total area of one hundred fifty (150) square feet.

10. Painted Signs. No sign shall be painted on or otherwise directly applied to the walls or other exterior surfaces of any building.

11. Direct Replacement. Direct replacement of the background area of a sign face (plastic, metal, aluminum, wood, or any substance to which the copy of the sign is attached) shall be permitted without permit application, fee, or notice to the Township provided that no part of the existing sign body or structure is altered or enlarged, repairs, performed at the same time that faces are replaced, are permitted.

(Ord. 161, 12/19/1967, §1804; as amended by Ord. 181, 11/18/1968, §5; by Ord. 441, 5/12/1985; and by Ord. 578, 6/13/2002, §1)

§2305. Inspection. Any sign that is not maintained in accordance with the provisions of this Chapter or the building code [Chapter 5] and/or becomes unsafe or dilapidated is hereby declared a public nuisance and this Township by its duly authorized representatives may remove any nuisances if the nuisance is not removed within ten (10) days written notice to the violator and remove or cause to be removed the same, and thereafter may collect the cost of such removal from the violator. The property owner, or his duly authorized representative may appeal the determination that a sign has become a nuisance to the Zoning Hearing Board. (Ord. 161, 12/19/1967, as amended by Ord. 320, 3/29/1977; and by Ord. 441, 5/12/1985)

1. Any sign that was legal when erected, existing at the time of passage of this Chapter, that does not conform with these regulations shall be considered a nonconforming sign. If the nonconforming sign is removed pursuant to a sale of the premises, any new sign or signs shall conform to the requirements of this Chapter. If the sign is destroyed, the sign shall lose its nonconforming status unless it is replaced within three (3) months; however, it may be repaired, replaced or repainted without loss of a nonconforming status.

2. If any illegal, nonconforming sign shall be removed by reason of a street widening or any other municipal or governmental improvements, the owner of such sign may replace it, provided, however, that the new sign does not exceed the dimensions or size of the preexisting sign.

(Ord. 161, 12/19/1967, §1806; as amended by Ord. 441, 5/12/1985)

Part 24
Nonconformities

§2400. Continuation. The lawful use of any structure or land existing at the effective date of this Chapter may be continued although such use does not conform with the provisions of this Chapter except as otherwise provided in this Part. This provision does not apply to any use of land or structure unlawful under this Chapter. (Ord. 161, 12/19/1967, §2001)

§2401. Alteration or Extension

A. **Nonconforming Structures.** Nonconforming structures may be altered, reconstructed, or enlarged provided that such alteration, reconstruction or enlargement does not increase the extent of the nonconformity existing on the effective date of this Chapter. In the case of a nonconforming structure which is used by a nonconforming use such alteration, extension, or enlargement shall also meet the requirements of subsection (3) of this Section.

B. **Nonconforming Lots.** Nonconforming lots are subject to the applicable dimensional regulations for the zoning district in which such lots are located.

C. **Nonconforming Uses.** Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

(1) Such alteration, reconstruction, extension or enlargement shall be permitted only by special exception approved by the Zoning Hearing Board. [Ord. 578]

(2) Such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence at the date the uses became nonconforming.

(3) Any increase in volume or area, of the nonconforming use shall not exceed an aggregate of more than twenty-five (25) percent (of said volume or area) during the life of the nonconformity.

(Ord. 161, 12/19/1967, §2002; as amended by Ord. 578, 6/13/2002, §1)

§2402. Restoration. No structure damaged by fire or other natural causes to the extent of more than sixty (60) percent of the structure, shall be repaired, reconstructed or used except in conformity with the regulations of this Chapter. Structures with damage to the extent of sixty (60) percent or less of the structure may be reconstructed, repaired, or used for the same nonconforming use subject to the following provision:

A. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided in this Part.

B. Reconstruction shall begin within one (1) year from the date of damage and shall be carried on without interruption.

(Ord. 161, 12/19/1967, §2003)

§2403. Abandonment. Whenever a nonconforming use has been discontinued for a period of one (1) year and such use has been abandoned, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Chapter. (Ord. 161, 12/19/1967, §2004)

§2404. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may not be changed to another nonconforming use.

(Ord. 161, 12/19/1967, §2005; as amended by Ord. 578, 6/13/2002, §1)

§2405. Displacement. No nonconforming use shall be extended to displace a nonconforming use. (Ord. 161, 12/19/1967, §2006)

§2406. District Changes Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein. (Ord. 161, 12/19/1967, §2007)

§2407. Nonconforming Uses Permit Required. Nonconforming use permits shall be issued by the Zoning Officer for all nonconforming uses existing at the effective date of this Chapter. To qualify as a lawful nonconforming use under the terms of this Chapter, the owner of a nonconforming use existing at the effective date of this Chapter shall apply for a nonconforming use permit within ninety (90) days of the effective date of this Chapter. (Ord. 161, 12/19/1967, §2008)

Part 25
Administration

§2500. Zoning Officer; Duties and Powers. The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Board of Supervisors.

A. Appointment and Powers

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
2. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
3. 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.
4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
5. It shall be the duty of the Zoning Officer and he shall have the power to:
 - a. Receive, and keep a record of, all applications for zoning permits.
 - b. Process zoning permit applications .
 - c. Issue permits only where there is compliance with the provisions of this Chapter, with other Township ordinances, and with the laws and regulations of the Commonwealth of Pennsylvania and the United States of America. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors shall be issued only after receipt of approval from the Board of Supervisors.
 - d. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - e. Following refusal of a permit, to receive applications for interpretation appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - f. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.

- g. Institute in the name of the Township any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- h. Revoke, by order, a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter.
- i. Issue enforcement notices, to order and require the abatement forthwith or otherwise of a violation of the provisions of this Chapter.
- j. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be public records.
- k. Maintain a map or maps showing the current zoning classification of all land in the Township.
- l. Prepare and maintain a list of nonconforming uses when directed to do so by the Board of Supervisors.
- m. Upon the request of the Board of Supervisors, the Planning Commission, or the Zoning Hearing Board, present facts, records, or reports to assist such body in making decisions.
- n. Be available to testify in all proceedings before the Zoning Hearing Board to present facts and information to assist the Zoning Hearing Board in reaching a decisions

§2501 Enforcement Notices. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided by this Chapter, Part 27. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

(Ord. 161, 12/19/1967, §2100; as amended by Ord. 319, 2/28/1977, §2; by Ord. 334, 10/26/1977, §9; and by Ord. 578, 6/13/2002, §1)

§2502. Zoning Permits Required. Hereafter, no use may be established or changed; no structure shall be erected, constructed, reconstructed, altered, removed and no building used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving of structures the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in

conformity with the provisions of this Chapter. (Ord. 161, 12/19/1967, §2101; as amended by Ord. 319, 2/28/1977, §2)

§2503. Application Requirements for Zoning Permits

A. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include four (4) copies of the following information:

1. A statement as to the proposed use of the building or land.
2. A site layout drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
3. The location, dimensions, and arrangements of all open spaces and yards and buffer yards, including methods to be employed for screening.
4. The location, size arrangement and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
5. The dimensions, location, and methods of illumination for signs if applicable.
6. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
7. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
8. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.
9. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
10. In the case of application for interpretation, variances and special exceptions, the additional information specified in this Chapter, Zoning Hearing Board.
11. Any other data deemed necessary by the zoning Officer, Planning Commission or Board of Supervisors to enable them to determine the compliance of the proposed development with the terms of this Chapter.

B. No permit for any new use or construction which will involve the onsite disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the lot shall be issued until a certificate of approval has been issued by the Bucks County Department of Health or any other agency with jurisdiction.

(Ord. 161, 12/19/1967, §2102; as amended by Ord. 319, 2/28/1977)

§2504. Fees. All applications for zoning permits, special exceptions, and interpretation and variance appeals, shall, at the time of making application, pay to the Zoning Officer for use of the Township a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors upon the enactment of this Chapter or as such schedule may be amended by resolution of the Board of Supervisors. (Ord. 161, 12/19/1967, §2103; as amended by Ord. 319, 2/28/1977)

§2505. Life of a Permit. Any erection, construction, reconstruction, alteration or moving of the building or other structure, including a sign authorized by a zoning permit shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken within one (1) year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without payment of additional fee for an aggregate period of not more than three (3) years; provided, that the construction pursuant to said permit has commenced within the first one (1) year period. (Ord. 161, 12/19/1967; as amended by Ord. 319, 2/28/1977)

§2506. Conditional Uses

A. The Board of Supervisors shall have the power to approve conditional uses at a public hearing following public notice for any of the uses for which this Chapter requires the obtaining of such approvals and for no other use or purpose. Application to the Board of Supervisors shall be made on the form approved by the Board of Supervisors and shall be accompanied by the fee set by the Board of Supervisors.

B. In granting a conditional use, the Board of Supervisors shall make findings of fact consistent with the provisions of this Chapter. The Board shall not grant a conditional use except in conformance with the conditions and standards outlined in this Chapter.

C. General Requirements and Standards Applicable to all Conditional Uses. The Board shall grant a conditional use only if it finds adequate evidence that any proposed use submitted for a conditional use will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall among other things require that any proposed use and location be:

- (1) In accordance with the Warminster Township Comprehensive Plan and consistent with the spirit, purpose and intent of this Chapter.

(2) The best interest of the Township, the convenience of the community, the public welfare and be a substantial improvement to property in the immediate vicinity.

(3) Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

(4) Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.

(Ord. 161, 12/19/1967; as amended by Ord. 346, 5/8/1978, §2)

Part 26
Zoning Hearing Board

§2600. Zoning Hearing Board

1. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*

2. The membership of the Board shall consist of five (5) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 161, 12/19/1967, §2200 - 2203; as amended by Ord. 319, 2/28/1977, §2; by Ord. 493, 2/10/1992; and by Ord. 578, 6/13/2002, §1)

§2601. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices

shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the lot or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 161, 12/19/1967, §2212 - 2214; as amended by Ord. 578, 6/13/2002, §1)

§2602. Jurisdiction

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said

ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. 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.

D. Appeals from a determination by the Township engineer or the zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. 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 VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 161, 12/19/1967; as added by Ord. 578, 6/13/2002, §1)

§2603. Powers and Duties; Interpretation. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any questions:

A. Involving the interpretation of any provisions of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Where it is alleged there is error in any order, requirements, decision or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this Chapter.

(Ord. 161, 12/19/1967, §2203; as amended by Ord. 319, 2/28/1977, §2)

§2604. Powers and Duties; Variances

1. Applicability. Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the dimensional requirements of this Chapter, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Chapter or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition on such piece of property, the strict application of any regulations enacted under this Chapter would result in peculiar and exceptional and undue hardship upon the owner of such property, but in no other case.

2. Condition. In general, the power to authorize a variance from the terms of this Chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.

3. Requirements and Standards. No variance in the strict application of the provisions of this Chapter shall be granted by the Board unless the Board finds that the requirements and standards are satisfied. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted, in particular, the applicant shall establish and substantiate that the appeal for the variance is in conformance with all the requirements and standards listed below:

A. That the granting of the variance shall be in harmony with the general purpose and intent of this Chapter, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

B. That the granting of the variance will not permit the establishment within a district of any use which is not permitted in that district.

C. There must be proof of unique circumstances. There are, special circumstances or conditions, fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of such land or buildings.

D. There must be proof of unnecessary hardship. If the hardship is general, that is, shared by neighboring property, relief can be property obtained only by legislative action or by court review of an attack on the validity of this Chapter.

E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one (1) who purchases with or without knowledge of restrictions, it must result from the application of the Chapter; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

4. The Board may prescribe any safeguard that it deems necessary to secure the substantially the objectives of the regulation or provision to which the variance applies.

(Ord. 161, 12/19/1967, §2204; as amended by Ord. 319, 2/28/1977)

§2605. Powers and Duties; Special Exceptions

1. Applicability. The Zoning Hearing Board shall have the power to approve special exceptions when this Chapter specifically requires the obtaining of such approval and for no other use or purpose.

2. Conditions and Standards. In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this Chapter. The Board shall

not approve a special exception except in conformance with the conditions and standards outlined in this Chapter.

3. General Requirements and Standards Applicable to all Special Exceptions. The Board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board shall, among other things, require that any proposed use and location be:

A. In accordance with the Warminster Township Comprehensive Plan and consistent with the spirit, purposes and the intent of this Chapter.

B. In the best interest of the Township, the convenience of the community, the public welfare, and be a substantial improvement to the property immediate vicinity.

C. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

D. In conformance with all applicable requirements of this Chapter.

E. Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

F. In accordance with sound standards of subdivision practice where applicable.

4. The Zoning Hearing Board may impose whatever conditions regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Chapter.

(Ord. 161, 12/19/1967, §2205; as amended by Ord. 319, 2/28/1977, §2)

§2606. Expiration of Special Exception and Variances and Refiling of Application for a Special Exception or Variance

1. A special exception or variance shall expire if the applicant fails to obtain a zoning permit within six (6) months of the date of the granting of the special exception or variance.

2. No person shall refile an application for a special exception or variance for one (1) year after an application for substantially the same relief has been denied by the Zoning Hearing Board.

(Ord. 161, 12/19/1967, §2206; as amended by Ord. 319, 2/28/1977, §2)

§2607. Powers and Duties; Challenge to the Validity of Part or Map. The Board shall hear challenges to the validity of this Chapter or map, except as indicated in the Pennsylvania

Municipalities Planning Code, Act 247, §§1003 and 1004 (1) (b). In all such challenges, the Board shall take evidence and make a record thereon as provided in §2601. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record to the court. (Ord. 161, 12/19/1967, §2207; as amended by Ord. 319, 2/28/1977, §2)

§2608. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or 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 the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; 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 subdivision and land 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 Board by any landowner or any tenant with the permission of such landowner. (Ord. 161, 12/19/1967, §§2208 2210; as amended by Ord. 319, 2/28/1977, §2; and by Ord. 578, 6/13/2002, §1)

§2609. Time Limitations

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (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 to 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 had 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. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

(Ord. 161, 12/19/1967, §2210; as amended by Ord. 319, 2/28/1977, §2; and by Ord. 578, 6/13/2002, §1)

§2610. Stay of proceedings

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the 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 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 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 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 respondent 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.

(Ord. 161, 12/19/1967; as added by Ord. 578, 6/13/2002, §1)

§2611. Fees. The applicant for any hearing before the zoning Hearing Board shall, at the time of making application, pay to the Zoning Officer, for the use of the Township, a fee in accordance with a fee schedule adopted by resolution of the Township Supervisors upon enactment of this Chapter or as such schedule may be amended from time to time. (Ord. 161, 12/19/1967, §2215; as amended by Ord. 319, 2/28/1977, §2)

Part 27
Enforcement

§2700. Enforcement Notice

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided herein.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 161, 12/19/1967, §2402; as amended by Ord. 256, 11/5/1973, by Ord. 319, 2/28/1977, §4; and by Ord. 578, 6/13/2002, §1)

§2701. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, 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, landscaping or 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 thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of

Supervisors. No such action may be maintained until such notice has been given. (Ord. 161, 12/19/1967; as added by Ord. 578, 6/13/2002, §1)

§2702. 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 five hundred (\$500.00) dollars 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 the 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 (1) such violation until the fifth (5th) 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.

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.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

Part 28 Appeals and Amendments

§2800. Enactment of Zoning Part Amendments

1. The Board of Supervisors may amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, shall be followed.

2. Before voting on the enactment of an amendment, the Board of Supervisors 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 perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. All other posting and notification requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607 shall be met.

3. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. 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 Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 161, 12/19/1967, §3001-3012; as amended by Ord. 319, 2/28/1977, §3; and by Ord. 578, 6/13/2002, §1)

§2801. Procedure for Landowner Curative Amendments

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the

hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 161, 12/19/1967, §§2300-2310; as amended by Ord. 319, 2/28/1977, §3; and by Ord. 578, 6/13/2002, §1)

§2802. Procedure for Township Curative Amendments

1. If the Township determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Township shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome

such invalidity. Within thirty (30) days such declaration and proposal the Board of Supervisors shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses which requires revision; or,

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1) (A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 161, 12/19/1967, §§2300-2310; as amended by Ord. 319, 2/28/1977, §2; and by Ord. 578, 6/13/2002, §1)