

ARTICLE VIII**USE REGULATIONS****§800. Applicability of Regulations.**

Except as provided by law or in this Ordinance, in each district no building, structure, or land shall be used or occupied except for the purpose permitted in the zoning districts as indicated in Articles III, IV, V, VI, and VII herein.

(as readopted effective 6/23/2007 by *JMZO Ord. 2007*; adopted 6/18/2007)

§801. Uses Subject to Other Regulations.

All uses permitted by right, conditional approval, or special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and such other provisions as are specified in other Articles herein.

In particular, the laws of the Commonwealth and the regulations of the Bucks County Department of Health regarding waste disposal shall be adhered to. Further, no zoning permit shall be issued until approval is obtained from the Bucks County Department of Health for sewage disposal, unless the premises are served by public water and/or sewage facilities.

(as readopted effective 6/23/2007 by *JMZO Ord. 2007*; adopted 6/18/2007)

§802. Temporary Accessory Uses.

A. *Temporary Residential Use.* No garage or other accessory building, partial structure, or temporary structure shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary zoning permit. Such permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that the authorized structure is to be vacated upon the expiration of a specified time limit, not to exceed one (1) year. On receipt of the zoning permit, the applicant shall certify that he has knowledge of the terms of the permit and the penalty that can be invoked for violation.

B. *Nonconforming Temporary Use.* Nonconforming temporary buildings or uses incidental to a building development and reasonably required for such development may be granted temporary zoning permits, according to the provisions of §803, Temporary Structure, Use H-7.

(as readopted effective 6/23/2007 by *JMZO Ord. 2007*; adopted 6/18/2007)

§803. Use Regulations.

A. *Principal Agricultural Uses.* Agriculture is an ever-evolving industry. It is the intention of this Section to allow all normal agricultural operations including, but not limited to, the following: [*JMZO Ord. 2006-04*]

A-1 Agriculture and Horticulture. Agriculture and horticulture shall include uses such as tilling of soil; raising of livestock, horses, or poultry; growing trees, shrubs, flowers, or vegetables; and related farmhouses and usual farm buildings,

provided:

1. *Farm Unit*. Single-family detached dwelling for the sole use of individuals, and their immediate families, engaged in agricultural employment on the same site, or for the immediate family of the landowner. This use is subject to the following provisions:

a. One (1) dwelling unit per full time employee is permitted, at a net density of .033 dwelling units per acre, with a maximum of three (3) dwelling units per one hundred (100) acres.

b. One (1) dwelling unit per immediate family member is permitted, at a net density of .04 dwelling units per acre, with a maximum of four (4) dwelling units per one hundred (100) acres. Immediate family members shall be limited to fathers, mothers, brothers, sisters, sons and daughters.

c. This use shall require a minimum lot size of one (1) acre. The municipality shall deduct one (1) acre from the gross site area upon the issuance of a building permit for each such use. Each dwelling shall be separated from the next by a minimum of one hundred (100) feet. No dwelling shall be constructed closer than fifty (50) feet to any property line.

d. When this use is proposed, the maximum number of units permitted pursuant to (a) and (b) shall be determined. The remaining gross site area shall be deed restricted to those uses permitted in the CM District; and to the maximum number of Farm Units permitted less the number of Farm Units proposed. Said deed restriction shall be approved by the municipal solicitor.

2. *Accessory Farm Buildings*. All buildings associated with this use, i.e., barns, sheds, silos, etc., shall be permitted provided:

a. Animal shed, manure storage, or like use shall not be located any closer than one hundred (100) feet to any property line or closer than two hundred (200) feet to any street line or dwelling other than a farm unit.

b. Other accessory farm buildings shall be located no closer than seventy-five (75) feet to any property line.

3. *Livestock and Poultry*.

a. *Livestock*.

(1) Livestock shall not be permitted to over-graze any property in the Jointure Municipalities except during the winter months of November through February. Over-grazing shall be defined as grazing to the point of removing all or almost all vegetative growth from the ground, leaving only one inch (1") or less of cover.

(2) The keeping of animals other than pets on ten (10) acres or more of contiguous land shall be governed by Pennsylvania Act 38 of 2005, as may be amended, known as the Agriculture, Communities and Rural Environment Act ("ACRE").

(3) The keeping of grazing animals including, but not limited to, horses, cows, goats and sheep, on contiguous land consisting of less than ten (10) acres but greater than three (3) acres, shall be limited

to no more than one (1) unit of grazing animals as defined on the first three (3) acres of contiguous land, and one (1) unit of grazing animals per acre for each contiguous acre over three (3) acres.

(4) The keeping of non-grazing animals including, but not limited to, pigs, on contiguous land consisting of less than ten (10) acres but greater than three (3) acres, shall be limited to no more than five (5) head of non-grazing animals on the first three (3) acres of contiguous land, and five (5) head of non-grazing animals per acre for each contiguous acre over three (3) acres.

(5) The keeping of non-grazing animals, including but not limited to pigs, on contiguous land consisting of three (3) acres or less shall be limited to five (5) head of non-grazing animals.

(6) The keeping of both grazing and non-grazing animals on the same acreage described above will be limited to the maximum number of grazing and non-grazing animals for the acreage provided in the preceding paragraphs.

(7) Riding academies, livery or boarding stables, and commercial dog kennels, and the raising of fur-bearing animals are not included in this provision and must meet the requirements of uses A-4 or A-5, as applicable, herein.

(8) All pastures for grazing livestock shall be fenced along paddock lines of sufficient height and type to contain livestock on the property. The maximum height provisions governing fences in the front yard set forth in §§803.H-3.1.a. and 803.H-3.1.e. of this Ordinance shall not apply to the keeping of livestock.

(9) All non-grazing animals shall be kept in defined enclosures or areas of a type to contain the non-grazing animals on the property.

(10) Commercial livestock operations involving more than the number of head of livestock provided for in §803.A-1.3.a shall be regulated as Intensive Agriculture, use A-2.

b. *Poultry.*

(1) The keeping of poultry shall be limited to lots which contain at least 3 acres of land, and shall be limited to no more than 25 head of poultry for the first 3 acres and up to 25 additional head of poultry per acre up to 10 acres.

(2) Commercial poultry operations involving more than 25 head of poultry per acre shall be regulated as Intensive Agriculture, use A-2.

(3) All poultry shall be kept in defined enclosures or areas of a type to contain the poultry on the property. The maximum height provisions governing fences in the front yard set forth in §§803.H-3.1.a and e. shall not apply to the keeping of poultry.

c. *Exemption.* Members of youth programs sponsored and organized for the purpose of agricultural education and involving traditional agricultural animals, are hereby exempted from the provisions of this

subsection 3, during the keeping and raising of traditional agricultural animals within the parameter of the youth programs.

d. *Pets, Accessory to Residential Use.* The keeping of animals as pets, accessory to a residential use, will be governed by ordinance enacted by the participating municipalities.

[JMZO Ord. 2006-04]

4. *Parking.* No less than two (2) off-street parking spaces per dwelling unit and one (1) space per two employees.

5. *Aquaculture.* Aquaculture is defined as the farming of aquatic organisms including fish, mollusks, crustaceans and aquatic plants with some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Aquaculture also encompasses individual or entity ownership of the organism being reared, harvested and/or cultivated in contrast to capture fisheries in which aquatic organisms are exploited as a common property source, irrespective of whether harvest is undertaken with or without exploitation rights. Aquaculture is permitted as part of an agriculture and horticulture use; provided that:

a. A minimum 100 foot setback shall be provided between any adjoining property/structure and any tank, pond, body of water or other structure built or used in relation to an aquaculture operation activity.

b. All required federal, state, and county permits have been obtained to the satisfaction of the Township.

[JMZO Ord. 2004-14]

A-2 Intensive Agriculture. Intensive agriculture, including but not limited to feedlots, confinement livestock, or poultry operations taking place in structures or closed pens, shall be permitted subject to the following: [JMZO Ord. 2006-04]

1. The minimum site area for such use shall be ten (10) acres.

2. Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for Agriculture and Horticulture, Use A-1.

3. The maximum permitted impervious surface ratio of the site shall be twenty (20) percent.

4. All applicable regulations of the Pennsylvania Department of Environmental Protection shall be met.

5. If any stream or swale is present, it shall be buffered by a twenty (20) foot strip outside of the outer edge of the floodplain or alluvial soils. An engineering study shall be required insuring the stream is adequately protected from pollution.

6. *Parking.* No less than one (1) off-street parking space per two (2) employees.

A-3 Forestry.

1. *Policy; Purpose.* In order to preserve forests and the environmental and economic benefits they provide, it is the policy of the Participating Municipalities to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber,

recreation, wildlife and amenity values. The forestry regulations contained herein are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

2. *Scope; Applicability.* A zoning permit shall be required for all forestry activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of normal home maintenance and upkeep, and the following activities are specifically exempted from the permit requirement:

- a. Removal or diseased or dead trees.
- b. Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
- c. Removal of up to five (5) trees per single acre of woodlands per year which are twelve (12) inches or more in diameter, measured at a point four (4) feet above grade, and not covered by the exemptions in the foregoing two (2) subsections.
- d. When a building permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use, or within thirty (30) feet of such building, structure or use, and all space within ten (10) feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system, or permitted accessory uses.
- e. Pulp farming, in checkerboard fashion not to exceed fifty (50) percent of the total area of the forest on the lot. The areas cut shall be reforested.
- f. Christmas tree farming.
- g. Orchard operations.
- h. Removal of Nursery Stock.

3. *Definitions.* As used herein, the following terms shall have the meanings given them in this Section.

- a. *“Clear Cutting”* means the removal and cutting of an entire timber stand.
- b. *“Felling”* means the act of cutting a standing tree so that it falls to the ground.
- c. *“Forestry”* means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Clear cutting or selective cutting of forest lands for a land use change are excluded from this definition.
- d. *“Landing”* means a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

e. “*Litter*” means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

f. “*Lop*” means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

g. “*Operator*” means an individual, partnership, company, firm, association or corporation engaged in forestry activities, including the agents, subcontractors and employees thereof.

h. “*Landowner*” means an individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer forestry activities.

i. “*Precommercial timber stand improvement*” means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which

does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

j. “*Skidding*” means dragging trees on the ground from the stump to the landing by any means.

k. “*Slash*” means woody debris left in the woods after logging, including logs, chunks, bark, shavings, woodchips, branches, uprooted stumps and broken or uprooted trees or shrubs. Stumps shall be cut to within six (6) inches of the ground.

l. “*Stand*” means any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

m. “*Stream*” means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

n. “*Timber harvesting*,” “*Tree harvesting*,” or “*Logging*” means the processing of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

o. “*Top*” means the upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

4. *Permit; Preparation of a Forestry/Logging Plan.*

a. *Permit.* All forestry operations shall require a zoning permit from the Township and shall meet all requirements of subsections 4 and 5 of this Article before issuance of the permit.

b. *Notification of Commencement or Completion.* For all forestry operations the landowner shall notify the Township Enforcement Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. The landowner whose land is to be harvested shall provide at least fourteen days written notice to all property owners within five hundred (500) feet of the site of the harvest. No forestry operations shall occur until the notices have been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and/or completion dates of the operation.

c. *Logging Plan.* Every landowner on whose land forestry operations is to occur shall prepare a written logging plan in the form specified by this Ordinance. No forestry operation shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Enforcement Officer upon request.

d. *Responsibility for Compliance.* The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

5. *Contents of the Forestry/Logging Plan.*

a. *Minimum Requirements.* As a minimum, the logging plan shall include the following:

(1) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landing;

(2) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;

(3) Design, construction and maintenance of stream and wetland crossings;

(4) The Forestry Management Plan must provide for a selective cut which will maintain the diversity of species, age and height of the forest with emphasis on the preservation of endangered native tree species.

(5) Copies of all required permits shall be submitted as an appendix to the plan;

(6) Proof of current general liability and/or worker's compensation insurance;

(7) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable;

(8) Copy of Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.

b. *Map.* Each forestry/logging plan shall include a site map containing the following information:

(1) Site location and boundaries, including both the boundaries of the property on which the forestry will take place and the boundaries of the proposed harvest area within that property;

(2) Significant topographic features related to potential environmental problems;

(3) Location of all earth disturbance activities such as roads, landings and water control measures and structures;

(4) Location of all crossing of waters of the Commonwealth; and

(5) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.

c. *Compliance with State Law.* The forestry/logging plan shall address and comply with requirements of all applicable state laws and regulations including, but not limited to, the following:

(1) Erosion and sedimentation control regulations contained in 25 Pa.Code, Chapter 102, promulgated pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.*;

(2) Stream crossing and wetlands protection regulations

contained in 25 Pa.Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*; and

(3) Stormwater management plans and regulations issued pursuant to the Storm Water Management Act, 32 P.S. §680.1 *et seq.*

d. *Compliance with Federal Law / Regulations.* The forestry/logging plan shall address and comply with the requirements of all applicable federal laws and regulations including, but not limited to, the Best Management Practices (BMPs) as set forth at 33 CFR 323.4(a)(6)(i-xv).

e. *Compliance with County and Township Regulations and Ordinances.* The forestry logging plan shall verify compliance with the applicable Township's Stormwater Management Ordinance, as well as all erosion and sediment control measures set forth in the Ordinances of the Township as well as erosion and sediment control requirements of the Bucks County Conservation District.

6. *Forestry Practices.* The following requirements shall apply to all forestry operations in the applicable Township.

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

b. No harvest area shall be located within fifty (50) feet of a property line, or within fifty (50) feet of a public or private road other than a driveway owned and used exclusively by the owner of the property on which the harvest will be conducted.

c. No tops, slash, or woodchips shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

d. All tops, slash, and woodchips between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

e. No tops, slash, or woodchips shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

f. Litter resulting from a forestry operation shall be removed from the site before it is vacated by the operator.

g. Any soil, stones and/or debris carried onto public roadways must be removed immediately.

h. No forestry/logging use shall be permitted within areas with slopes of eight (8) percent or greater.

i. When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and

mulched as necessary to establish stable groundcover.

j. Clear cutting of woodlands as defined by this Ordinance shall be prohibited.

7. Financial security shall be established in a manner acceptable to the applicable Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pa.Code, Chapter 189, the applicable Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.

8. *Enforcement.*

a. *Inspections.* The applicable Township Enforcement Officer may go upon the site of any timber harvesting operation before, during or after active logging to: (1) review the logging plan or any other required documents for compliance with this Ordinance; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of this Ordinance.

b. *Violation Notices, Penalties.* Upon finding that a forestry operation is in violation of any provisions of this Ordinance, or is operating without a permit as required by this Ordinance, the Township shall issue the operator and the landowner an enforcement notice in accordance with §616.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10616.1, as amended. Any landowner or operator who violates any provision of this Ordinance shall be subject to a fine in accordance with §1700.E. of this Ordinance.

[JMZO Ord. 2002-1]

A-4 Riding Academy. Riding academy, livery, or boarding stable, subject to the following provisions:

1. A lot area of not less than ten (10) acres shall be required.
2. Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for Agriculture and Horticulture, Use A-1.
3. On sites of less than fifteen (15) acres, no more than one (1) horse per acre shall be permitted.
4. Horse shows shall be permitted only by special exception.
5. *Parking.* No less than one (1) off-street parking space shall be provided for every three (3) persons present at such facilities when they are used to capacity.

A-5 Kennel. The keeping of more than six (6) dogs that are more than six (6) months old for breeding, training, selling, or boarding for a fee is permitted, provided the following conditions are met:

1. Minimum lot size shall be twenty-five (25) acres.
2. No animal shelter or runway shall be located closer than three hundred (300) feet to any residential building other than the owner's.

3. The total number of dogs on the property shall not exceed five (5) dogs per acre, excluding dogs under six (6) months old.

4. Parking. No less than one (1) off-street parking space for each employee plus (1) space for each eight (8) animals in capacity except for training where one (1) space shall be provided for each three (3) animals.

A-6 Commercial Nursery and Greenhouse. The growing of plants, shrubs, or trees, either from seed or from immature plants that are raised to marketable size.

1. This use does not include a retail garden center. A retail garden center shall be considered to be use E-1 or E-2 and shall meet the zoning requirements for use E1 or E2, whichever is applicable.

2. Commercial Nursery uses shall meet the following requirements:

a. Minimum lot size - three (3) acres

b. Maximum impervious surface - ten (10) percent

c. All structures and buildings shall meet the yard and setback requirements for the use B-1 for the district in which the nursery is located.

d. Sales of items grown at the nursery shall be conducted in accordance with H-15.A, Roadside Stands for Sale of Agricultural Products Grown on Site.

e. For nursery uses on lots of ten (10) acres or more, the use is eligible for additional accessory use H-15.B., Agricultural Sales of Farm Products, provided that all the requirements of use H-15.B are met.

f. Parking shall be provided in designated areas. Driveways shall be paved and shall include a tire-cleaning area at the entrance to the nursery if the parking area is not paved.

3. Commercial Greenhouse uses shall meet the following requirements:

a. Minimum lot size - five (5) acres

b. Greenhouses include any structure for indoor or enclosed growing of plants, including permanent buildings, hoop houses, and temporary enclosures.

c. Maximum impervious surface - ten (10) percent

d. Sales of items grown shall be conducted in accordance with H-15.A, Roadside Stands for Sale of Agricultural Products Grown on Site.

e. For greenhouses uses on lots of ten (10) acres or more, a Township approved stormwater management plan is required. All stormwater management facilities as required by the stormwater management plan and the installation of the same shall meet applicable Township standards.

[JMZO Ord. 2006-07]

B. *Residential Uses.*

B-1 Single-family Detached. A single-family detached dwelling shall include a single dwelling unit with a front, rear, and two side yards provided:

1. *Parking.*

a. Except in PRDs and Performance Subdivisions, no less than two (2) off-street parking spaces shall be provided on any lot on which a dwelling is hereafter erected.

b. Parking in PRDs and Performance Subdivisions. See §803.B-15.7.c.(2).

B-2 Village House. A village house is a single-family detached dwelling on a separate lot. It differs from other forms of single-family detached housing in its lot size and its placement on the lot, which are similar to houses found in the historic villages and towns. The house is placed very close to the street and is additionally distinguished from other single-family houses by planting or architectural treatments.

1. Each unit shall require a minimum of one (1) of the following characteristics:

a. Intentionally left blank.

b. An unenclosed porch, running across at least three-quarters ($\frac{3}{4}$) of the house front and being at least seven (7) feet in width;

c. A front yard raised above sidewalk grade by at least eighteen (18) inches with a retaining wall of at least eighteen (18) inches at the sidewalk line;

d. A front yard enclosed by a permanent wall or fence of wood or masonry construction at least thirty (30) inches in height;

e. A hedge across the width of the front yard, except for locations where crossed by driveways, pedestrian path, or sidewalks. One (1) of the following or similar species per eighteen (18) inches:

- | | |
|----------------------|--------------|
| (1) Azalea species | 5-18 inches |
| (2) Berberis species | 15-18 inches |
| (3) Buxus species | 12-18 inches |
| (4) Ligustrum | 2-3 feet |
| (5) Taxus species | 18-24 inches |
| (6) Viburnum species | 18-24 inches |

2. Parking. See §803.B-15.7.c.(2).

B-3 Intentionally left blank.

B-4 Atrium House. An atrium house is a single-family attached dwelling set on an individual lot with two or more of the building walls set on the side and rear property lines and with walls set on the remaining side and the rear property lines to form a private outdoor enclosure.

1. A private yard, herein called an atrium, shall be included on each lot. The minimum area of the atrium shall be thirty-five (35) percent of the area of the lot or two hundred and eighty-eight (288) square feet, whichever is greater. The minimum dimension shall be sixteen (16) feet.

2. Any lot or part of a lot line not enclosed by a building wall shall be

enclosed by a wall or fence at least five (5) feet six (6) inches high.

3. A row, cluster, or grouping of attached atrium houses shall not exceed four (4) units.

4. Parking. See §803.B-15.7.c.(2).

B-5 Twin House. A twin house is a single-family semi-detached dwelling within a two-dwelling building, with only one wall in common with another dwelling, provided:

1. *Parking.*

a. Except in PRDs and Performance Subdivisions, no less than two (2) off-street parking spaces shall be provided on any lot on which a dwelling is hereafter erected. A garage shall not count as a parking space.

b. Parking in PRDs and Performance Subdivisions. See §803.B-15.7.c.(2).

B-6 Duplex. A duplex house is a detached dwelling within a two-dwelling unit building, with one dwelling above the other, provided:

1. *Parking.* No less than two (2) off-street parking spaces per dwelling unit shall be provided on any lot on which a dwelling is hereafter erected.

B-7 Intentionally left blank.

B-8 Townhouse. A townhouse dwelling is a single-family attached or semi-detached dwelling within a multi-dwelling building, with only one dwelling from ground to roof, and not more than two walls of each dwelling in common with other such dwellings, provided:

1. An average of five (5) dwelling units in a row shall be permitted, with no more than eight (8) dwelling units in a group.

2. Townhouses shall be arranged in groups or clusters and not in long rows parallel to street lines. No more than eight (8) such buildings may be so attached in any one group. No more than five (5) such buildings shall be in a row and the total length of the row shall not exceed one hundred twenty (120) feet.

3. To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials and design shall be encouraged. In any case, a minimum of two (2) feet variation in setback shall occur at least every third (3rd) dwelling.

4. *Parking.* See §803.B-15.7.c.(2).

B-9 Multiplex. A multiplex dwelling is an attached dwelling within a three-to-five dwelling building and with one dwelling above, side-by-side, or back-to-back with another dwelling. The building has yards on all four (4) sides.

1. Groups of multiplex units shall average no greater than four (4) units per structure.

2. *Parking.* See §803.B-15.7.c.(2).

B-10 Garden Apartment. A garden apartment dwelling is an attached dwelling within a six (6)-to sixteen (16)-dwelling building and with dwellings above, side-by-side, or back-to-back with other dwellings. The building has setbacks on all four (4)

sides.

1. The maximum length of such a building shall be one hundred and twenty (120) feet.

2. Garden apartments shall be arranged in groups or clusters and not in long rows parallel to street lines.

3. To create architectural interest in the layout and character of housing fronting streets, variations in setbacks, materials, and design shall be encouraged. In any case, a minimum of a six (6) foot variation in setback shall occur at least every forty (40) feet.

4. *Parking.* No less than three (3) off-street spaces shall be provided per dwelling unit, with buffering as required in §1001.F.6.

B-11 Intentionally left blank.

[*JMZO Ord. 2004-17*]

B-12 Single-family Detached Cluster. A single-family detached cluster use shall include single-family detached dwellings on individual lots that are clustered to preserve open space, provided:

1. In the R-1 and R-2 Districts, the provisions of Planned Residential Development, Use B-15 shall apply.

2. *Parking.* See §803.B-15.7.c.(2).

B-13 Mobile Rome Park. A parcel of land in a PRD which has been planned and improved for the placement of mobile homes for non-transient use, provided:

1. For mobile home parks the provisions of the Planned Residential Developments, Use B-15, shall apply.

2. No mobile home shall be located closer than sixty (60) feet to an existing abutting public street or road.

3. No mobile home lot shall be located closer than thirty (30) feet to any abutting property line. Planted buffers shall be provided in accordance with §1003.

3.1. Where a mobile home park is provided with privately owned internal streets, which are not to be dedicated to the municipality, no street rights-of-way are required for the internal streets. Setback lines may be measured from the edge of the street cartways or curbs of the internal streets.

4. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.

5. No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.

a. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.

b. The pad, at least six (6) inches in thickness, shall be constructed from concrete, asphalt concrete, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the

weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six (6) tie-downs such as concrete “dead men,” screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

c. Each mobile home shall be set level on sturdy and substantial supports.

6. *Service Buildings.* Within a mobile home park non-residential uses such as a management office, storage facilities for the park residents, laundry facilities, maintenance buildings and storage areas for park maintenance equipment, and a community building for the use of the park residents may be constructed subject to the following standards:

a. A maximum of ten (10) percent of the base site area may be used for these purposes. Included in computing the area shall be the buildings, parking, and all required setbacks.

b. All buildings must comply with the required buffer yard requirements.

c. All buildings must be set back at least fifty (50) feet from adjacent mobile homes.

d. All buildings must be set back fifty (50) feet from interior streets in the mobile home park.

e. All buildings must comply with the requirements of §905 Floodplain District.

7. *Parking.*

a. There shall be no less than three (3) parking spaces of which no more than one (1) may be off-site, provided for each mobile home unit.

b. There shall be no parking on collector streets on which there are no dwelling unit frontages.

c. Roads shall be widened by six (6) feet on each side on which parking is to be used to meet the three (3) parking space requirement.

d. All parking spaces and driveways shall be at least five (5) feet from any side or rear mobile home site line.

e. *Accessory Building or Use.* The number of parking spaces to be provided will depend upon the type of facilities proposed and the extent of those facilities. The parking requirements of this Ordinance for similar uses will be used to determine the number of spaces required.

B-14 Performance Subdivision. A performance subdivision shall include a subdivision in which a mixture of types of residential dwelling units is encouraged to promote sound land planning and to provide a variety of housing choices and in which cluster development is encouraged to preserve open space, provided that the following regulations are met:

1. *General Regulations.*

a. Performance Subdivisions shall be of a scale that will maintain the character of the appropriate district.

b. The adjacent properties shall be safeguarded by a minimum

buffer of one hundred (100) feet.

c. The development shall consist of a harmonious grouping of buildings, service and parking area circulation, and open spaces, planned as a single unit, in such manner as to constitute a safe, efficient, and convenient residential site.

d. There shall be adequate provision for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the site.

e. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the site without undue congestion to or interference with normal traffic flow within the Region.

f. Adequate off-street parking and loading space shall be provided as an integral part of the plan.

g. If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and intent of this Ordinance shall be fully complied with by the development at the completion of any stage.

h. The provisions for the design and maintenance of open space shall conform with the Open Space Performance Regulations in §1005 herein.

2. *Administration.* The administration procedures for the application and approval of a performance subdivision shall be in accordance with Article V of the Pennsylvania Municipalities Planning Code, Act 247 as amended, and the municipal subdivision and land development ordinance.

3. *Required Dwelling Unit Mix.* All performance subdivisions shall conform to the minimum standards for a mix of dwelling unit types as set forth below. Dwelling unit types are specified for each district and are designated in subsection B-14.4 below.

Number of Dwellings in Development	Minimum Required Number of DU Types	Minimum Percent Any DU Type	Minimum Percent Any DU Type
1-60	1	100	10
61-120		70	10
121+	3	40	10

4. *Dwelling Unit Types Per District.* The following dwelling unit types shall be permitted in any mix in accordance with subsection B-14.3 herein, and with the following table delineating the dwelling types permitted for each district. From time to time new dwelling units evolve which are appropriate to the area. These are intended to be incorporated with the listed types, subject Joint Planning Commission and adopted by the local governing bodies.

Dwelling Unit Type	Country Residential Low Density	Country Residential Medium Density
Single-family Detached, use B-1	P	P
Village House, use B-2	P	P

Dwelling Unit Type	Country Residential Low Density	Country Residential Medium Density
Atrium, use B-4	P	P
Twin House, use B-5	P	P
Townhouse, use B-8	N	P
Multiplex, use B-9	P	P
Garden Apartment, use B-10	N	P

P = Permitted

N = Not Permitted

[JMZO Ord. 2008-09]

5. Open Space shall conform with the Open Space Performance Standards, §1005 herein.

6. *Parking.* See §803.B-15.7.c.(2).

B-15 Planned Residential Development.

1. A planned residential development (PRD) shall include a development in which a mix of dwelling unit types is encouraged by providing:

- a. Increased flexibility in the laws governing such development in accordance with new technology and market demands;
- b. Procedures for efficient administration;
- c. Regulations for open space;
- d. The opportunity for more efficient use of public facilities; and
- e. An increase in density over conventional single-family development which will be justified by the increased public and private amenities that are achieved by the plan.

2. *Administration.* The administration procedures for the application and approval of a planned residential development shall be in accordance with Article VII of the Pennsylvania Municipalities Planning Code, Act 247 as amended, and the municipality's subdivision and land development ordinance.

3. *Conditions for Planned Residential Development.* The following are prerequisite conditions for consideration of a planned residential development:

- a. Any tract of land so developed shall be contiguous and in one ownership; or, in case of multiple ownership of the tract, evidence shall be presented of a written agreement between the parties involved that development will be in accordance with a single plan with common authority and common responsibility;
- b. In order to qualify as a planned residential development, such development shall provide for a minimum of twenty-five (25) dwelling units and shall be located on tracts of at least the minimum size specified in §§404.B. and 405.B., herein, Zoning Standards for PRD; and
- c. All planned residential developments shall be served by public water and sewer systems.

4. *Use Regulations.* The uses permitted in a planned residential development shall be limited to:

a. PRD - Single-family Detached Cluster, Use B-12, which shall be permitted as provided in both R-1 and R-2 Residential Districts.

b. PRD - mixed residential developments, which shall be permitted with any mix of dwelling units in accordance with Use B-15.6.d herein and the following table delineating the dwelling types permitted for each district: [JMZO Ord. 2004-17]

Dwelling Unit Types	Residential Medium Density R-1	Residential High Density R-2
Single-family Detached, use B-1	P	P
Village House, use B-2	P	P
Atrium, use B-4	P	P
Twin House, use B-5	P	P
Townhouse, use B-8	N	P
Multiplex, use B-9	P	P
Garden Apartment, use B-10	N	P

P = Permitted
 N = Not Permitted

c. PRD - Mobile Home Park, Use B-13, which shall be permitted as provided in the R-2 Residential District.

d. Intentionally left blank.

5. *General Regulations for PRD Developments.*

a. Common facilities, sewer plant, heating plant, maintenance buildings, and electric substations may be provided.

b. Common Open Space to be set aside shall be of two types. Undeveloped Open Spaces are those designated areas of Common Open Space on the site upon which no recreational development or only limited development, as specified below, is permitted. Developed Open Space refers to that segment of Common Open Space in which intensive recreational facilities, as specified below, are permitted to be developed.

(1) Common Open Space set aside under the provisions of this Ordinance as Undeveloped (Passive) Open Space may be used in whole or in part in any of the following ways or any manner similar thereto which preserves the aesthetic and ecological attributes of the area:

- (a) Boating and fishing
- (b) Golf course
- (c) Hiking and horseback riding
- (d) Parks

- (e) Picnic areas
- (f) Woodland
- (g) Lakes and ponds, but not including detention basins
- (h) Agriculture and horticulture
- (i) Buffers

(2) Common open space set aside under the provisions of this Ordinance as Developed (Active) Open Space may be used in whole or in part in any of the following ways or any manner similar thereto:

- (a) Playfields
- (b) Playgrounds
- (c) Skating rinks
- (d) Swimming pools
- (e) Tennis courts
- (f) Detention basins

(3) All open space shall meet the regulations of §1005, herein.

c. *Required Dwelling Unit Mix:*

	R-1 Medium Density	R-2 High Density
Minimum Percent Single-Family Detached Dwellings	30%	30%
Maximum Percent Multi-Family Dwellings	40%	40%

In a phased development, a sufficient number of single family dwellings must be constructed in each phase to maintain, at the end of that phase, the percentage of single family homes required for the total development.

For example, if there are forty (40) percent single family homes in the entire development, at least forty (40) percent of the total number of homes built by the end of each phase must be single family homes.

6. *Density.* The following standards shall govern the density of dwelling units on the land within a planned residential development:

a. The maximum density computed over the entire PRD shall be as given for each PRD type within the R-1 and R-2 Residential Districts (§§404.B and 405.B). Maximum gross density in any PRD District is only obtainable under conditions which permit an optimum mix of housing types. The governing body with jurisdiction shall recognize that the higher densities permitted under planned residential development over conventional single-family development, may be justified by additional private amenities and by increased efficiency in public services to be achieved by the amount, location, design, and type of dwelling units. The governing body shall, in its determination, also consider that the physical characteristics of the site may make the increased densities appropriate in the particular location.

b. The Minimum Open Space required shall be as specified in §§404.B and 405.B herein. The densities set forth in those tables are

maximum densities and the Open Space requirements are minimum; therefore, subject to the provisions of this Use B-15, the governing body may approve a planned residential development at a density below the maximum. Reduction in density shall be in response to site and plan characteristics.

(1) The provision of Open Space is one primary factor in encouraging this type of development. It is the intent of this Ordinance that Open Space shall provide amenity, protect and preserve parts of the natural environment, provide recreational space, and avoid developing land which is not suited for development, in accordance with the natural resource protection standards in Article IX of this Ordinance. Where all these aspects are not provided for in a proposed plan, the governing body may require a lower density.

(2) Minimum Developed Open Space shall be provided as required in Article IX, §902.B.3 herein.

c. In the case of a PRD proposed to be developed over a period of years, a variation in each section to be developed from the density of use established for the entire PRD may be permitted. A greater concentration of density of land use within some section or sections of development may be allowed whether it be earlier or later in the development than others. The approval of such greater concentration of density of land use for any section to be developed shall be offset by a smaller concentration in any completed prior state or by an appropriate reservation of Common Open Space on the remaining land by a grant of easement or by covenant in favor of the municipality, provided that such reservation shall, as far as practicable, defer the precise location of such Common Open Space until an application for final approval is filed, so that flexibility of development, which is a prime objective of this PRD, can be maintained.

d. For each unit made available to qualified low-income families, as defined under the current federal or state programs, the developer will be allowed to exceed the maximum number of apartments allowable by two (2) units up to a maximum limit of a ten (10) percent increase in the proportion of apartments to other dwellings (i.e., fifty (50) percent of PRD may be in apartments), a ten (10) percent increase in total gross density for the PRD, and ten (10) percent decrease in the minimum percentage of one-family dwelling units (i.e., the minimum percentage of one-family dwelling units may be twenty (20) percent in R-1 and R-2 Districts only).

e. Maximum gross density in any PRD district is obtainable only under conditions which permit an optimum mix of housing types.

f. Tracts of up to ten (10) percent less than the prescribed minimum coverage, which meet all other requirements, may be used if open space is provided at least equal to that required for the minimum tract size.

7. *Standards for Development.* The following standards shall govern the design of planned residential development:

a. *Site Considerations.*

(1) The finished topography of the site shall adequately facilitate

the proposed development without excessive earth moving, tree clearance, and destruction of natural amenities. Natural features such as lakes, streams, wooded areas, and slopes shall be preserved in accordance with Article IX herein and incorporated into the final landscaping of the development. The applicant shall demonstrate the means whereby trees and other natural features shall be considered when planning the open space, buildings, underground services, walks, paved areas, and finished grade levels.

(2) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the municipal engineer shall be required as per the municipal subdivision and land development ordinance.

(3) Seeding, sodding, and other planting shall be applied to stabilize the topsoil on steep slopes and to enhance the appearance of open areas as per the municipal subdivision and land development ordinance.

(4) Access is important to the PRD concept. Sites without adequate access to arterial and major collector thoroughfares will require a lower density than sites with good access. The number of dwelling units, number of streets to which access is available, number and spacing of access points, types of streets, and general site conditions must all be taken into consideration in determining the quality of access.

(5) Existing neighborhoods shall be given consideration in the design of a planned residential development. The plan must avoid juxtaposition of land uses or building types which would have a deleterious effect on existing neighborhoods. The use and location of open space should be such area as well as the planned residential development.

(6) Usable land is often different from total acreage. Where portions of a site are isolated by existing streets or streams or are of such shape as to be unsuitable for development, then lower densities may be appropriate.

b. *Housing Sites.*

(1) Single-family houses shall be arranged so as to provide for individual lots for each unit. Townhouses and apartments, where permitted, shall be constructed as rental, single owner, or as condominium units, but shall not be converted from one to the other unless the entire group of like units is converted. Sufficient yard areas shall be set aside and designated on the plan for each type of housing, so that on an average throughout the development the gross residential density shall not exceed the limits specified in the tables given in §§404.B and 405.B herein.

(2) It is the intention of this subparagraph that attached units or townhouses shall be arranged in groups or clusters and not in long rows parallel to street lines. (See the regulations for Townhouse, Use

B-8). To create architectural interest in the layout and character of housing fronting street, variations in setbacks, materials, and design shall be encouraged. In any case, a minimum of a two (2) foot variation in setback shall occur at least every third (3rd) dwelling.

(3) The developer shall make adequate provision for the maintenance of buildings and land within yard areas set aside for condominium development by the organization of a condominium corporation with the responsibility for collection of sufficient levies or fees to pay the cost of such maintenance.

(4) All housing shall be designed with regard to topography and natural features of the site. The effects of prevailing winds, seasonable temperatures, and hours of sunlight on the physical layout and form of the proposed land uses and buildings shall be taken into account.

(5) All housing shall be sited so as to provide privacy and to ensure natural light in all principal forms.

(6) Building height in all residential districts shall be limited to a maximum of three (3) stories. [*JMZO Ord. 2004-17*]

(7) Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from privacy.

(8) The approximate location and arrangement of buildings and open spaces must be shown to the governing body on tentative plans so that it may review the intensity of land use and serve the public interest by protecting neighboring land uses.

(9) The following requirements shall apply, yard requirements notwithstanding:

(a) No structure except fences, walkways, drive- ways, and parking pads, shall be placed in the front yard.

(b) No dwelling unit shall be placed within thirty (30) feet of a different dwelling unit type.

(10) No structure shall be closer than one hundred (100) feet to any boundary of the development or to the ultimate right-of-way where a street is a boundary.

(11) It is the intention of this subparagraph to encourage good quality development by taking into consideration the appearance of all elevations and layouts of buildings and external spaces and materials used therein.

(12) Screening shall be in accordance with §1003.B.

(13) In order to promote good design of dwellings and structures, the governing body may vary the terms of these requirements when and where appropriate.

c. *Streets and Parking.*

(1) Streets within a planned residential development shall be

related to land uses and to adjacent street systems. Streets shall be designed in accordance with the terms of the municipal subdivision and land development ordinance.

(2) *Parking.*

(a) There shall be no less than three (3) parking spaces, not including garages, of which no more than one (1) may be on-street, provided for each dwelling unit.

(b) There shall be no parking on collector streets on which there are no dwelling unit frontages.

(c) Roads shall be widened by six (6) feet on each side on which parking is to be used to meet the three (3) parking space requirement.

(d) Parking lots shall be landscaped, lighted, and designed in accordance with the provisions of Article X and with buffering as required in §1001.F.6, herein.

d. *Landscaping.* Landscaping shall be regarded as an essential feature of every planned residential development. In addition to the preservation of natural features, trees, and slopes of the site, careful attention shall be given to landscaping of parking spaces and providing street trees as required by §1003.C herein and by the applicable sections of the municipal subdivision and land development ordinance.

e. *Supplementary Project Facilities.*

(1) Swimming pools and other recreational areas shall be located so as not to interfere with the residential character of adjacent districts and dwelling units.

(2) Refuse stations must be designed and screened as in commercial areas, be in locations convenient for collection and removal, and not be offensive or visible to the occupants of adjacent residential districts and uses.

(3) Adequate lighting must be provided to the outdoor areas used by residents after dark. Appropriate lighting fixtures must be provided for walkways and to identify streets, steps, ramps, directional changes, and signs. Lighting shall be located to avoid shining directly into habitable room windows in the PRD or into private yard areas associated with dwelling units. The requirements for the quantity of lighting may be modified by the governing body where the density of development may not justify its use.

(4) All utilities shall be underground within a planned residential development, and all transformers shall be located on public ground.

(5) The portion of the site devoted to a mobile home park shall be surrounded, except for portions abutting access streets to which these uses have access, by a thirty (30) foot buffer strip. Such buffer strips shall be so designed that a screen of planted trees, shrubs or other plant material, or a natural area of forest provides a barrier to

visibility, airborne particles, glare, and noise. Such a barrier shall meet the following requirements:

(a) Plant materials used in the screen planting shall be of such species and sizes as to produce, within three (3) years, a good visual screen of a height and type acceptable to the municipal planning commission pursuant to their consideration of the architecture proposed and other site considerations.

(b) The screen planting shall be maintained permanently, and any plant material which does not live for one year shall be replaced.

(c) Screen planting shall be so placed that at maturity it will not be closer than three (3) feet to any street or property line. Clear sight triangles or visibility across corners as specified in this Ordinance shall be maintained.

8. *Application for Approval for Planned Residential Development.*

a. *General.*

(1) Application for approval of a PRD may include an initial sketch plan stage but shall include a tentative plan stage and a final plan stage.

(2) Procedures for filing the above plans and their required contents shall be as specified in the municipal subdivision and land development ordinance.

b. *Additional Requirements for PRD Sketch Plan Submission.*

(1) The sketch plan may be submitted at the option of the applicant. No filing fee is required with the submission of sketch plans, and no official action will be taken concerning them. However, informal comments will be made to the developer or owner as is deemed appropriate by the municipal planning commission and/or governing body.

(2) Revised sketch plans may be resubmitted by the applicant, at his option, to clarify any issues raised during discussions with the municipal planning commission or governing body.

(3) It is recommended that sketch plans be submitted to the municipal planning commission at least ninety (90) days in advance of the filing of tentative plans. The sketch plans may be considered by the municipal planning commission at one or more public meetings or executive sessions at its discretion and convenience. The filing date may be taken to be the date of the first public meeting of the municipal planning commission after receipt of the sketch plans complete with all required information. The governing body may be notified of all municipal planning commission meetings for sketch plan consideration.

(4) Sketch plans should include the information suggested in the municipal subdivision and land development ordinance. Particular attention should be given to the accurate representation of slopes,

surface and ground water, soil classifications and suitability for the intended use, and ground cover, including the location and identification of all trees of greater than fifteen (15) inches girth measured at a height of four (4) feet above grade and the listing and location of all historic, topographic, or other natural features of interest, including wildlife habitats. Trees need not be individually identified in wooded areas declared to be set aside for Undeveloped Open Space. Sketch plans should also include a description of the types of dwelling units to be built, their number, densities, and approximate dimensions.

(5) Additional information as required for submission of tentative plans may be included with the sketch plans at the owner's option.

c. Additional Requirements for PRD Tentative Plan Submission:

(1) Tentative plans for a PRD shall be required.

(2) Tentative plans for PRDs shall contain all information as required by applicable sections of the municipal subdivision and land development ordinance plus the additional items listed below:

(a) Preliminary designs of any bridges or culverts which may be required. Such design shall meet all applicable requirements of the Pennsylvania Departments of Environmental Protection (DEP) and Transportation (PennDOT);

(b) Preliminary drawings of typical apartment houses, townhouses, and single-family dwellings, including site improvements of proposed lots, such as landscaping, walls, fences, patios, walkways, and parking areas.

(c) A detailed preliminary plan of the extent, location, improvements, and use of all Common Open Space areas, including Undeveloped and Developed Open Space areas, as described in subsection B-15.5.c herein and including design of all recreational facilities with preliminary cost estimates;

(d) Where development plans call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted;

(e) Statement of the proposed financing of the plan. No plan shall be approved until the developer and the landowner shall have established to the satisfaction of the governing body their financial ability to proceed in an orderly fashion to the successful completion of the total project;

(f) The required modifications in the regulations otherwise applicable to the subject property;

(g) The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of the land,

buildings, and structures, including proposed easements for public utilities;

(h) Ten (10) copies of a written report prepared by the applicant setting forth the impact of the development with reference to projected population, increases in traffic, projected tax yields, projected municipal and school costs occasioned by the development; of maps and sketches illustrating relation to surrounding development; of letters of commitment for provision of all utilities including public sewer and water; and of a letter stating the reasons why, in the applicant's opinion, a PRD would be in the public interest and would be consistent with the Joint Municipal Comprehensive Plan;

(i) Overall site landscaping plan(s).

(3) The application for approval of tentative plans shall not be accepted or deemed duly filed until the local zoning officer, with such help as he may require from the municipal engineer, shall determine that the plans and all other required forms and documents are complete and in accordance with the requirements of the municipal subdivision and land development ordinance. After such determination has been satisfactorily made, the municipality shall within ten (10) days notify the applicant in writing that his tentative plans have been accepted for review and that the review period for tentative PRD plan approval provided by the Municipalities Planning Code shall have commenced.

d. *Time for Submission of Final Plans.* In the event a development plan is granted tentative approval, with or without conditions, the Board may set forth in its written decision the maximum time period within which an application for final plan approval of the development plan shall be filed. In the case of a development plan which provides for development over a period of years, the Board may set forth the maximum periods of time within which applications for final plan approval of each phase thereof shall be filed. Except upon the consent of the applicant, the maximum time period so established between grant of tentative plan approval and an application for final plan approval shall not be less than three (3) months. In the case of a development over a period of years, the maximum time period so established between applications for final plan approval of each phase of the plan shall not be less than twelve (12) months from the approval of the grant of tentative approval or from the approval of the previous phase, whichever is applicable.

e. *Additional Requirements for PRD Final Plan Submission.*

(1) Final plans for a PRD shall be required.

(2) In addition to the requirements of applicable sections of the municipal subdivision and land development ordinance, final plans for a PRD shall include the following:

(a) Final designs of any bridges or culverts which may be required;

(b) Final drawings of typical dwelling units of all types to be included in the PRD;

(c) Final plans of the extent, location, improvement, and use of all Common Open Space areas, including design of all recreational areas and facilities, with cost estimates;

(d) Final plans for computations prepared by a qualified registered professional engineer demonstrating to the satisfaction of the municipal engineer and governing body that the design of the stormwater drainage and impoundment system and the sanitary sewerage system will be adequate for the development; and

(e) Documentation of all points wherein the plan differs from the approved tentative plan.

(3) The application for approval of final plans shall not be accepted until the local zoning officer, with such help as he may require from the municipal engineer, shall determine that the plans and all other required forms and documents are complete and in accordance with the requirements of the municipal subdivision and land development ordinance and this Ordinance. Special attention shall be given to the determination of compliance of all proposed improvements with the applicable sections of the subdivision and land development ordinance. After such determination has been satisfactorily made, the municipality shall, within ten (10) days, notify the applicant in writing that his final plans have been accepted for review and that the review period for final PRD plan approval provided by the Municipalities Planning Code shall have commenced.

(4) *Time Limit for Commencing Construction.* In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall fail to commence and carry out construction of at least fifty (50) percent of the construction of the approved streets, buildings, and other improvements of the planned residential development within eighteen (18) months after final approval has been granted, or the developer fails to start work within one year, or has stopped work for one year, no development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this Ordinance in the manner prescribed for such amendments in Article XVI.

If, after development in accordance with a final plan is started, the landowner shall abandon such plan or the section thereof, as described above, or shall notify the governing body in writing of his intention to abandon, the governing body may require that the property be resubdivided and reclassified as provided above; or, if any portion of a planned residential development is substantially completed in accordance with final plans submitted and approved by the governing body, the governing body shall have the option of

recording the final plan and requiring subsequent construction to be within the framework of the plan unless substantial hardship can be demonstrated.

(5) *Issuance of Building Permits.* Two (2) copies of the final development plan shall be recorded and all conditions required in the development agreement prepared by the municipal solicitor shall be complied with before any building permits are issued pursuant to the approval of the final development plan.

9. *Enforcement and Modification of Provisions of the Plan.* Following approval of the final plan, the issuance of permits and substantial progress in the completion of twenty-five (25) percent of the density units thereof, the developer may petition for review in detail of the previously approved plans or units awaiting development or completion, stating his reasons therefore. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout, or advantages mutually affecting the interest of the municipality and the developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. The governing body, upon finding such reasons and petition to be reasonable and valid, may consider the redesign in whole or in part of any PRD and both parties shall follow in full the procedure and conditions herein required for original submission and review. However, to further mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement, or otherwise shall be subject to the following provisions:

a. The provisions of the development plan relating to:

(1) The use, bulk, and location of buildings and structures;

(2) The quantity and location of Common Open Space, except as otherwise provided in this Article; and

(3) The intensity of use or the density of residential units shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality without limitation on any powers of regulation otherwise granted the municipality by law.

b. All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan; and to that covenant, easement, or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of the

residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

c. All those provisions of the development plan authorized to be enforced by the municipality under this Section may be modified, removed, or released by the municipality, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

(1) No such modification, removal, or release of the provisions of the development plan by the municipality shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section.

(2) No modification, removal, or release of the provisions of the development plan by the municipality shall be permitted except upon a finding by the governing body, following a public airing thereon pursuant to public notice called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, is in conformance with the Joint Municipal Comprehensive Plan and this Ordinance, and the local subdivision and land development ordinance, and is not granted solely to confer a special benefit upon any person.

d. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove, or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the municipality to enforce the provisions of the development plan in accordance with the provisions of this Section.

10. *Other Ordinances.* If, in the case of planned residential developments, any provision of any other local municipal ordinance conflicts with any provision of this Section of this Ordinance, the latter shall take precedence.

B-16 Residential Conversion. Such use shall include the conversion of an existing dwelling into more than one (1) dwelling or the conversion of an accessory building into no more than one (1) dwelling, provided the building and accessory building to be converted had been in existence for a period of at least fifteen (15) years prior to the date of the adoption of the Joint Municipal Zoning Ordinance and further provided:

1. The yard requirements for the district in which the use is located shall be met.

2. The lot area per dwelling unit shall not be reduced to less than the minimum lot area required for a single-family detached dwelling within each residential district.

3. All conversions must comply with all applicable regulations of the Pennsylvania Department of Labor and Industry in addition to all building

codes and permit requirements of the Bucks County Department of Health.

4. The appearance of the conversion shall be in conformance with the existing structure regarding bulk size.

5. Exterior fire escapes and outside stairways shall be located at the rear or side of the building.

6. **Parking.** No less than two (2) off-street parking spaces shall be made available for each dwelling unit. In addition, the following standards shall be met:

a. No off-street parking shall be permitted in the front yard. Parking in the side and rear yards shall be visually buffered from the street and the adjacent yards.

b. The intensity of the development is to be contingent upon the parking permitted for any given lot. No parking shall be so extensive as to detract from the residential character of the community. The maximum impervious surface ratio for the district may not be exceeded.

c. All drainage on-site shall be handled in accordance with the recommendations of the municipal engineer.

7. The following minimum floor areas for each added dwelling unit shall be required:

	Minimum Floor Area
Efficiency	600 sq. ft.
One-Bedroom	700 sq. ft.
Two-Bedroom	950 sq. ft.

8. Residential conversion shall only be permitted by:

a. Conditional Use in CM - Conservation Management (non-cluster only); CR-1 - Country Residential/Low Density (non-cluster only); R-1 - Residential/Medium Density; and QA - Quarry/Agriculture

b. Special Exception in VR-1 - Village Residential/Low Density.

B-17 Elderly Housing. Elderly housing shall include a form of residential use that is designed and operated for mature adults with or without certain support facilities, provided:

1. Each applicant for conditional use approval to build and/or operate such housing shall submit to the governing body for its approval a proposed set of regulations to control such operation, including definition of age and income limitations of residents, any other restrictions to be placed upon the residents or their activities, admissions procedures, and security provisions, and setting forth the policy to be used in determining the amount of rental and other charges to the residents. The applicant must show, in order to qualify, that single prospective residents of apartment housing have attained the age of at least fifty- five (55) years or that families to occupy such units are elderly families (i.e., families whose heads or their spouses are at least fifty-five (55) years of age or are under a disability as defined in §223 of the Social Security

Act or in §1025 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970). A statement shall also be included with each application setting forth what particular features and facilities are being provided to serve specifically the needs and interests of the elderly.

2. The tract shall have ready access, by means of streets with sidewalks or alternate walkways, to existing commercial and professional areas.

3. All design and dimensional standards set forth in §405.C. of this Ordinance shall apply for all housing types permitted in the R-2 High Density Residential Districts.

4. Parking shall be provided in the ratio of one and one-half (1½) spaces per unit.

B-18 Intentionally left blank. [JMZO Ord. 2006-01]

B-19 Transitional Residential Development. This use shall be applied to those lots having a minimum of ten (10) acres which are located contiguous to the Borough of Newtown and contiguous to areas zoned O-LI - Office-Light Industrial and contiguous to areas zoned POS - Park and Open Space.

1. *Use Regulations.* The uses permitted in a Transitional Residential Development shall be limited to:

- a. B-4 Atrium House
- b. B-5 Twin House
- c. B-8 Townhouse
- d. A mix of more than one (1) residential use type shall not be required.

2. *General Regulations.*

a. A minimum seventy-five (75) foot building setback shall be provided along the perimeter boundary of the development and the ultimate right-of-way where a street is a boundary.

b. Section 405.C, Table of Area and Dimensional Regulations, as it pertains to Atrium House, Twin House, and Townhouse shall govern, except as modified below.

c. The minimum open space ratio shall be thirty (30) percent.

d. The maximum impervious surface ratio shall be forty (40) percent.

e. The maximum length of a building shall be seven (7) dwelling units and shall not exceed two hundred ten (210) feet.

f. Parking shall be provided at the ratio of three (3) spaces per dwelling unit. Two (2) may be permitted in a garage and one (1) may be permitted on a street interior to the development. Where a garage is provided at the rear of the dwelling unit, the minimum front yard may be reduced to ten (10) feet and the garage shall not be subject to the required side or rear yards.

[JMZO Ord. 2006-13]

C. Religious, Educational, Recreational, and Institutional Uses.

C-1 Place of Worship. Such use shall include a church, synagogue, or other

place of worship, provided:

1. Access shall be to a collector or arterial highway as delineated in this Ordinance.

2. Parking. One (1) off-street parking space for each three (3) seats provided for patron use, or at least one (1) off-street parking space for each forty (40) square feet of gross floor area used or intended to be used for service of patrons, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.

C-2 School. A school shall include a private school, religious or non-religious, and a public school which is not conducted as a private, gainful business, and is licensed under the proper governmental authority, provided:

1. In the JM, CM, RI, RI-A and QA Districts, the minimum lot area for a college, junior college, or high school shall be fifty (50) acres plus one (1) acre for each one hundred (100) full-time students. The minimum lot area for any other school in the JM, CM, RI, RI-A and QA Districts or a college, junior college, or high school in any other district shall be forty (40) acres plus one (1) acre for each one hundred (100) full time students. The minimum lot area for any other school shall be twenty-five (25) acres plus one (1) acre for each one hundred (100) full-time students. Where two (2) or more schools are proposed as a combined development or as the joint use of property, the minimum lot area required shall be the sum of the minimum lot area requirements for each school use.

2. Access shall be into an arterial or collector road as delineated on the Highway Classification Map, which is part of this Ordinance.

3. Outdoor athletic fields, courts, or play areas shall be provided with setbacks, buffering, and screening so as to protect adjacent areas from inappropriate noise and other disturbances, as follows. Where there are multiple facilities or areas owned, maintained, or managed by a single entity or related entities within a development, the entire property shall be considered for the purpose of this Section.

a. An outdoor field, court, or play area of greater than four thousand (4,000) square feet, that is provided with lights on poles or structures of fifteen (15) feet in height or taller, shall be located no closer to any lot line or street line than five hundred (500) feet. Lights for streets, parking areas, and pedestrian ways shall not be considered as applicable under this Section.

b. Any other outdoor athletic field, court, or play area shall be located no closer to any lot line or street line than two hundred (200) feet.

c. An outdoor athletic field, court, or play area shall be provided with planted screening material, except at entrances to the field, court, or play area which shall be no wider than fifty (50) feet, as follows:

(1) The buffer yard shall be located within one hundred (100) feet of the outdoor athletic field or play area.

(2) The buffer yard shall be provided with plant material that is required per linear foot, under §1003 of this Ordinance. Plant material shall be placed within the minimum width of the buffer yard. The Board of Supervisors may permit staggering or grouping of plant material if a satisfactory buffer is achieved. The applicant may select among the following options:

(a) Option A: One (1) canopy tree per forty (40) feet; plus one (1) evergreen tree per twenty (20) feet; plus one (1) shrub per four (4) feet.

(b) Option B: One (1) flowering tree per forty (40) feet; plus one (1) evergreen tree per twenty (20) feet; plus one (1) hedge plant per three (3) feet.

(c) Option C: One (1) canopy or flowering tree per forty (40) feet; plus one (1) evergreen tree per twenty (20) feet; plus a berm four (4) feet high for the length of the property.

d. Outdoor athletic fields, courts, or play areas shall be illuminated only in the EIR District and, when such lights are located within eight hundred (800) feet of a property line or street line, the facilities shall not be illuminated after 10:00 pm.

4. No parking area shall be closer to any lot line or street line than one hundred (100) feet and shall be screened as provided in this Ordinance.

5. A school use may be an accessory use to another principal use where the floor area used for school purposes is no greater than thirty (30) percent of the total first floor area of the principal use. As an accessory use, the school use shall be governed by the area, dimensional and other standards for the principal use. However, the accessory school use is permitted only by conditional use approval. The requirements of subsection 3. above shall be met.

6. A preschool or child care facility may be permitted as an accessory use to Use C-2 School and shall be governed by the area, dimensional and other standards for the principal use. A preschool or child care facility not accessory to another principal use shall be governed by the requirements of Use C-10 Child Care Facility.

7. *Parking.*

Kindergarten, Nursery School, Elementary School, Junior High School or Middle School. No less than one (1) off-street parking space for each faculty member and employee plus two (2) additional spaces per classroom.

Senior High School. No less than one (1) off-street parking space per faculty member and employee, plus one (1) space per two (2) students of projected building capacity.

College, Junior College, Community College, Professional School, or Graduate School. No less than one (1) off-street parking space per faculty member and employee, plus two (2) spaces for each three (3) classroom, laboratory, and auditorium seats.

C-3 Commercial School. Such use shall include a trade, professional, music, or

dancing school, provided:

1. A commercial school that includes an outdoor athletic field, court, or play area shall meet the requirements of §803.C-2.3.

Parking. No less than one (1) off-street parking space per faculty member and employee, plus two (2) spaces per three (3) students. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.

C-4 Library or Museum. Such use shall include a library or museum open to the public or connected with a permitted educational use and not conducted as a private, gainful business, provided:

Parking. No less than one (1) space per five (5) seats or one (1) space per two hundred and twenty (220) square feet of gross floor area where no seats are provided, plus one (1) space for every employee. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.

C-5 Recreational Facility. Such use shall include a recreational facility or park, owned or operated by the municipality, other governmental agency, or homeowners association, provided:

1. No outdoor active recreational area shall be located nearer to any lot line than one hundred (100) feet.
2. Outdoor play areas shall be sufficiently screened and isolated so as to protect the neighborhood from inappropriate noise and other disturbances.
3. *Parking.* No less than one (1) off-street parking space for each five (5) persons of total design capacity of the facility. Parking areas shall be adequately screened when situated next to land zoned for or in residential use.

C-6 Athletic Facility. Such use shall include a recreational facility owned or operated by a nongovernmental agency, including buildings for indoor court games played with a ball such as racquetball, handball, squash, tennis, basketball, and volleyball, and facilities related thereto, provided:

1. A minimum lot size of five (5) acres is required.
2. The use shall not permit amusement parks, wild animal parks, or zoos.
3. An athletic facility that includes an outdoor athletic field, court, or play area shall meet the requirements of §803.C-2.3.
4. Intentionally left blank.
5. *Parking.*

Driving range - No less than one (1) off-street parking space for every tee, plus one (1) space for each employee.

Other facilities - No less than one (1) off-street parking space for each five (5) persons of total design capacity of the facility, or at least one (1) off-street parking space for each fifty (50) square feet of floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

C-7 Golf Course. A golf course may include a club house, restaurant, and other accessory uses, provided these are clearly accessory to the golf course, and is subject to the following provisions:

1. A lot area of not less than sixty (60) acres shall be required.
2. No building shall be closer than one hundred (100) feet to any lot line
3. A buffer shall be provided, in accordance with the provisions of Article X, along side and rear property lines, where abutting properties are in any residential district.
4. *Parking.* One (1) off-street parking space per four (4) people of total capacity, including accessory uses, plus one additional space per employee.

C-8 Private Club. A private club is a nonprofit association which is supported by dues or fees imposed on a uniform basis upon all members and paid at least in part for membership status rather than for periodic use of the club's facilities; included, but is not limited to, fraternal, school, athletic, or other associations, with rules, by-laws, charter, or local or national affiliation; is based on membership of persons with common interest, pursuits, or purposes; and is subject to the following additional provisions:

1. The use shall be for members and their authorized guests only.
2. A private club that includes an outdoor athletic field, court, or play area shall meet the requirements of §803.C-2.3
3. *Parking.* No less than one every five (5) members of facility or at least one (1) off-street parking space for total design capacity of the (1) off-street parking space for each fifty (50) square feet of floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

C-9 Community Center. A community center shall include an educational center or other similar facility operated by an educational, philanthropic, or religious institution, subject to the following additional provisions:

1. The use shall not be conducted as a private, gainful business.
2. A community center that includes an outdoor athletic field, court, or play area shall meet their requirements of §803.C-2.3.
3. *Parking.* No less than one (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

C-10 Child Care Facility.

1. Such use shall include the following uses:
 - a. Intentionally left blank [*JMZO Ord. 2006-12*]
 - b. *Family Day Care Home.*
 1. A home-based premises in which child day care is provided at any one time to four (4), five (5) or six (6) children who are not

relatives of the care giver. Any individual operating a family day care home is required to have a registration certificate issued by the Pennsylvania Department of Public Welfare.

c. *Group Day Care Home.*

1. Any premises in which child day care is provided simultaneously for not less than seven (7) nor more than eleven (11) children who are not relatives of the care givers. At least two (2) care givers are required at all times at a Group Day Care Home. Any individuals operating a Group Day Care Home must be licensed by the Pennsylvania Department of Public Welfare.

2. This Use 803.C-10.1.c shall be permitted in residential districts only as an accessory use to a primary residence and only when operated by a person or persons residing on the premises.

d. *Day Care Center.*

1. Any premises in which child day care is provided simultaneously for twelve (12) or more children. There must be at least one (1) care giver per six (6) children. Operators must be licensed by the Pennsylvania Department of Public Welfare.

e. *Employer Day Care*

1. A day care center as defined in subsection d. above, when used as an accessory use to a non-residential use, provided that all children cared for are children of employees of the non-residential use.

2. Age. "Children" as used in this Section shall mean any persons under the age of sixteen (16) years. [JMZO Ord. 2004-14]

3. Permits. Prior to the issuance of a permit by the zoning officer for any use in this Section, the applicant must obtain a registration certificate or be licensed by the Pennsylvania Department of Public Welfare.

4. *Dimensional Requirements.*

a. For Uses C-10.1.b through C-10.1.e, above, a minimum of forty (40) square feet of indoor space, and a minimum of sixty-five (65) feet of accessible outdoor play area shall be provided per child. [JMZO Ord. 2002-13]

b. The lot area and all yard setback requirements for all child care facilities except babysitting shall be the minimum required for other uses within the applicable zoning district in which the child care facility is located.

c. The calculation of accessible outdoor play area shall not include any impervious surface or parking areas. In addition, outdoor play areas shall only be permitted in the rear and/or side yard of the property.

d. Where a Day Care Center (Use 803.C-10.1.d) is proposed in any residential zoning district, a minimum lot size of five (5) acres is required.

5. *Parking.*

a. Child care facilities, other than babysitting, which occur in

residences, shall provide, in addition to the off-street parking required within the zoning district in which the residence is located, at least one (1) additional off-street parking space for each employee other than the employees who reside at the premises.

b. Child care facilities not occurring in residences shall provide at least one (1) off-street parking space per six (6) children receiving day care, plus one space per employee or volunteer. Parking shall be screened in conformity with the zoning district in which the child care facility is located.

6. *Traffic.*

a. The loading and unloading of children at any day care facility shall not obstruct the normal flow of traffic. The property owner shall take all precautions possible to protect the safety of children arriving and leaving the day care facility.

b. As to Day Care Center (Use 803.C-10.1.d) and Employer Day Care (Use 803.C-10.1.e), a traffic impact study may be required at the discretion of the Board of Supervisors of the municipality where the use is proposed. The traffic impact study shall conform to the provisions of the Subdivision and Land Development Ordinance of the municipality in which the use is proposed.

c. The applicant for a child care facility shall establish to the satisfaction of the governing body of the municipality in which the use is proposed, that traffic generated by the child care facility will provide a safe means of access to and from the site and will not cause undue congestion, create traffic hazards or otherwise pose a threat to public safety.

7. *Signs.*

a. Signs for child care facilities located in residential zoning districts shall comply with the regulations governing signs for home occupations.

b. Signs for child care facilities located in nonresidential zoning districts shall meet the minimum requirements for signs permitted in the zoning district in which the child care facility is located.

8. *Lighting.* Lighting used in conjunction with a child care facility shall be in conformity with the provisions of §1004 of this Ordinance.

9. *Hours of Operation.* Hours of operation for all child care facilities shall be decided on a case-by-case basis by the Board of Supervisors as part of the conditional use application.

10. *Water and Sewer.* Prior to the issuance of a permit for a child care facility, the applicant therefore shall certify that he or she has sufficient water and sewer capabilities to handle the proposed child care facility.

11. *Fencing.* Each outdoor play area in child care facilities shall be completely surrounded by a fence which is at least four (4) feet in height and which does not allow access to or from the premises by a child.

C-11 Hospital. Such use shall include a licensed hospital, subject to the following additional provisions:

1. A lot area of not less than ten (10) acres shall be required.
2. Where the use adjoins existing residential uses, buffer planting shall be provided in a twenty-five (25) foot buffer yard. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
3. Such use shall take access from major collector or arterial highways.
4. *Parking.* No less than one (1) off-street parking space for every four hundred and fifty (450) square feet of gross floor area, plus one (1) space for each employee. Parking shall be adequately screened for land next to residential use.

C-12 Nursing Home. Such use shall include a licensed nursing or convalescent home, subject to the following additional provisions:

1. The minimum lot area in all VR Districts shall be one (1) acre plus one thousand (1,000) square feet for each resident patient beyond a total of twenty (20). In all other districts the minimum lot area shall be five (5) acres plus one thousand (1,000) square feet for each resident patient beyond a total of forty (40).
2. For any nursing home in any VR District the maximum number of resident patients shall be fifty (50).
3. *Parking:* No less than one (1) off-street parking space for every four hundred and fifty (450) square feet of gross floor area, plus one (1) space per employee.

C-13 Cemetery. A cemetery shall include a burial place or graveyard, including a mausoleum, crematory, or columbarium, provided:

1. *Cemetery Area and Bulk Regulations*
 - a. The minimum lot size shall be twenty-five (25) acres.
 - b. No more than ten (10) percent of the entire area, to a maximum of five (5) acres, may be devoted to above-ground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, bath-houses, greenhouses, work houses, repair shops, and the like. This restriction includes parking facilities.
 - c. For all accessory buildings the setback line requirement shall be the same as for single-family detached dwellings in the zone in which cemetery is located.
 - d. A twenty (20) foot buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.
 - e. The side yard for all accessory buildings shall be the same as that required for dwellings in the zone in which the cemetery is located.
 - f. If the cemetery area exceeds fifty (50) acres, one (1) dwelling, to be used for custodial personnel, may be permitted. If the cemetery area is less than fifty (50) acres, there shall be no dwellings.
2. *Cemetery Design Standards.*
 - a. The maximum height of monuments, headstones, grave markers,

etc. shall be ten (10) feet.

b. The maximum height of mausoleums, columbariums, and other burial structures shall be fifteen (15) feet.

c. The maximum height of accessory buildings, including dwelling units where permitted, shall be three (3) stories or thirty-five (35) feet. (See Use C-13. Cemetery, Section 1.b above for examples of accessory buildings.)

d. For all entrance features, including gates, fountains, statuary, identification signs, and the like;

(1) There shall be not more than two (2) identification signs at such entrance, and the same shall conform to Article XI.

(2) The main portion of entrance features shall be located at least ten (10) feet from the nearest right-of-way line of any public street.

(3) No such entrance features shall exceed twelve (12) feet in height.

e. Where interior roads are provided, they shall be paved according to municipal standards, shall have minimum width of twelve (12) feet if one-way and twenty (20) feet if two-way. There shall be no dead end roads, unless provided with a turn-around having a centerline radius of at least forty (40) feet.

f. *Parking.*

(1) Accessory buildings other than chapels. No less than one (1) space for each two hundred (200) square feet of floor area.

(2) Chapels, no less than one (1) space for each one hundred (100) square feet of floor area of auditorium or three (3) fixed seats, whichever requires the greater number of parking spaces.

C-14 Municipal Building. Such use shall include a municipal administration building, police barracks, library, parking lot or structure or road maintenance facility, provided:

Parking. No less than one (1) off-street parking space for every employee, plus one (1) space for every two (2) seats in meeting areas.

C-15 Community Treatment Facility. A Community Treatment Facility is a facility for the treatment of persons who have been committed to such facilities as the result of having committed a crime or having been adjudicated delinquent and are not handicapped as defined by the Federal Fair Housing Amendments Act, 42 U.S.C. §3602(h). The residents of a Community Treatment Facility do not constitute a “family” as defined in §233 of this Ordinance because residency is transient in nature. Such use shall meet the following requirements:

1. Occupation of a Community Treatment Facility shall be subject to confirmation by the Code Enforcement Office that sanitary facilities, whether on-lot or municipal, and potable water supply are sufficient to address the needs of all of the occupants of the Community Treatment Facility.

2. All Community Treatment Facilities shall have the appearance of a single-family dwelling. No external changes or modifications to a Community

Treatment Facility shall be made that indicate that it is anything other than a single-family dwelling.

3. All Community Treatment Facilities and all entities operating a Community Treatment Facility shall comply with any and all applicable local, state and federal ordinances, statutes, rules and/or regulations. Proof of compliance with such ordinances, statutes, rules and regulations shall be furnished to the Township as a condition of conditional use approval.

4. All Community Treatment Facilities housing six (6) or fewer occupants shall have a minimum of one thousand five hundred (1,500) square feet of indoor, heated living space, exclusive of garages, sheds, basements, attics, crawl spaces or similar areas. For Community Treatment Facilities housing more than six (6) occupants, an additional one hundred twenty-five (125) square feet of such living space shall be required for each additional occupant above six (6).

5. No more than two (2) persons shall sleep in any single bedroom in a Community Treatment Facility.

6. *Parking.* A minimum of one (1) off-street parking space shall be provided for each occupant of a Community Treatment Facility anticipated to have a motor vehicle, plus one (1) off-street parking space shall be provided for each support person, staff member or employee of the Community Treatment Facility.

7. *Buffering Requirements.*

a. Parking areas shall be visually secluded from adjacent properties via an evergreen planting screen in accordance with §§1001.F.6 and 1003.

b. Side and rear lot lines shall be planted with a minimum of one (1) canopy tree per forty (40) feet, plus one (1) evergreen tree per thirty (30) feet. Plantings may be installed in an informal arrangement, subject to approval of the Township.

c. Street trees shall be installed along all streets where suitable street trees do not exist.

d. All plant material, size, species, caliper, and arrangement shall be in accordance with the Township Subdivision and Land Development Ordinance and §1003 of this Ordinance.

8. The housing of an individual whose occupancy or tenancy in a Community Treatment Facility would constitute a direct threat to the health or safety of other individuals, or whose occupancy or tenancy would result in substantial physical damage to the property of others is prohibited.

9. The minimum lot size for this Use C-15 is ten (10) acres.

[JMZO Ord. 2006-01]

D. *Office Uses.*

D-1 Office. Business, professional, or governmental office other than Use D-2 Medical Office.

1. Such use shall be carried on wholly indoors and within the principal building.

2. No office building shall include a store, beauty shop, or other personal service shop.

3. No office building shall include a store front, a store window, or any other retail commercial characteristic which detracts materially from the character of the district or surrounding neighborhood.

4. Except in the TC Town Commercial District, no structure erected or renovated for office use shall include any dwelling unit or units.

5. *Parking.* No less than one (1) off-street parking space for every two hundred (200) square feet of gross floor area shall be provided. All parking shall be screened in accordance with §1001.F.6, herein.

D-2 Medical Office. Office or clinic for medical or dental examination or treatment of persons as outpatients and laboratories incidental thereto, provided:

Parking. No less than one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area shall be provided. All parking shall be screened in accordance with §1001.F.6, herein.

D-3 Intentionally left blank.

E. Retail and Consumer Services Uses.

E-1 Retail Stores. A retail store shall include a store selling apparel, baked goods, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, liquor, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, audio-visual equipment and supplies, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, plants, fabrics, beer, wine and non-alcoholic beverages, provided:

1. All products produced on the premises are sold on the premises.

2. Over-the-counter sales of alcoholic beverages intended for consumption on the premises is not permitted.

3. There shall be no sales of gasoline or motor vehicle fuel in any retail store. The sale of gasoline or motor vehicle fuel shall require the use to be classified as a Service Station, use E10, and shall meet the requirements of that use and shall only be permitted in zoning districts where the Service Station Use E10 is permitted.

4. Stores with a gross floor area in excess of ten thousand (10,000) square feet are not included. Retail stores in excess of 10,000 square feet must meet the requirements of use E-2, Large Retail Store, and are permitted only in districts where use E-2 is permitted.

5. Gasoline sales or motor vehicle fuel sales shall not be permitted as uses accessory to E-1 Retail Sales Uses.

6. *Parking:* In all zoning districts other than the TC Town Commercial Zoning District, no less than one (1) parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. In the TC Town Commercial Zoning District, no less than one (1) parking space for every two hundred (200) square feet of gross floor area. All parking shall be screened in accordance with §1001.F.6, herein.

[JMZO Ord. 2004-18]

E-2 Large Retail Store. A large retail store shall include a store with greater than ten thousand (10,000) square feet of floor area including, regardless of size, any variety store, supermarket, department store, and discount store, provided:

Parking. No less than one (1) off-street parking space for every two hundred and twenty (220) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-3 Service Business. A service business shall include such uses as a barber, beautician, laundry and dry cleaning (whether or not coin operated), shoe repair, tailor, photographer, newspaper, printer, and travel agency, provided:

1. Uses requiring large amounts of water shall be served by public water and sewers.

2. *Parking.* No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-4 Financial Establishment. A financial establishment shall include a bank, savings and loan association, credit union, or other financial establishment, provided:

1. When located within the LI Light Industrial District or the O-LI Office-Light Industrial District, such use shall be located on a local street and not within three hundred (300) feet of Newtown Bypass or Newtown-Yardley Road.

2. *Parking.* No less than one (1) off-street parking space for every one hundred (100) square feet of gross floor area. All parking shall be screened in accordance with §1001.F.6. herein.

E-5 Eating Place. An eating place shall include any place for the sale and consumption of food and beverages, provided:

1. Drive-in service is prohibited.

2. The sale of alcoholic beverages must be incidental to the sale and consumption of food.

3. When located within the LI Light Industrial District or the O-LI District, such use shall be located on a local street and not within three hundred (300) feet of Newtown Bypass or Newtown-Yardley Road.

4. *Parking.* No less than one (1) off-street parking space for every two (2) seats provided for use by patrons, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-6 Eating Place - Drive-in. Such use shall include cafeterias and eating establishments in which the principal business is the sale of foods and/or beverages in ready-to-consume state for consumption either within the restaurant building or for carry out with consumption off the premises, provided:

1. The use must have direct access to a collector or arterial street.

2. There shall be only one point of ingress and only one point of egress to the collector or arterial street.

3. Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of ten (10) cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.

4. A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no sidewalk, one shall be provided along the street frontage.

5. All such restaurants shall provide a trash storage area which is designed and constructed to be screened from the street and adjacent properties, to prevent trash from blowing from the area, and to permit safe and easy removal of the trash.

6. Trash receptacles shall be provided outside the restaurant for patron use.

7. *Parking.* No less than one (1) off-street parking space for each two (2) seats, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-7 Repair Shop. A repair shop shall include any business for the repair of appliances, lawn mowers, watches, guns, bicycles, locks, and small business machines, (but not including automobile, vehicle and motorcycle repairs,) provided:

Parking. No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-8 Motel, Hotel, and Inn. Such use shall include a building or group of buildings containing rooms for rent for the accommodation of transient guests, chiefly motorists, plus an eating place, use E-5, provided:

1. Within the Village Commercial VC Districts, the maximum number of such rented rooms shall be fifteen (15).

2. Within all permitted districts except the TC District:

a. Such use shall be located on a lot of not less than four (4) acres and shall have a continuous road frontage of at least three hundred (300) feet.

b. The use must have direct access to a collector or arterial street.

c. No building or structure shall be located closer than seventy-five (75) feet to any structure line or rear property line.

3. Within the TC Town Commercial District, the minimum lot area shall be one hundred thousand (100,000) square feet.

4. *Parking.* No less than one (1) off-street parking space for each guest room in addition to any parking required for any eating place, Use E-5, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-9 Entertainment. An entertainment facility shall include a bowling alley, skating rink, pool hall, movie theater, theater, video gaming/pinball arcade, or other similar use, provided:

1. Sound levels shall not exceed those shown in §904.B.2.e.(2).
2. An entertainment use that includes an outdoor athletic field, court, or play area shall meet the requirements of §803.C-2.3.

3. *Parking.* Theater - No less than one (1) off-street parking space for every three (3) seats in the auditorium, plus one (1) space for every employee. Bowling alley - No less than five (5) off-street parking spaces for every bowling lane, plus one (1) space for every employee. Video Gaming/Pinball Arcade - No less than one (1) parking space per machine plus one (1) per employee. Other uses - No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-10 Service Station. A service station shall include a building or group of buildings for the sale of petroleum products, tires, and automotive services, provided:

1. Except in the TC District, a minimum lot width of not less than two hundred and fifty (250) feet shall be provided along each street on which the lot abuts.
2. Except in the TC District, the minimum lot area shall be forty thousand (40,000) square feet.
3. Except in the TC District, access to roads shall be at least two hundred (200) feet from the intersection of any street.
4. All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
5. Except in the TC District, fuel pumps shall be at least twenty-five (25) feet from any ultimate street right-of-way.
6. All automobile parts and similar articles shall be stored within a building.
7. All refuse shall be stored within a building or enclosed area.
8. Paint-spraying or body and fender work shall not be permitted.
9. Lubrication, oil changes, tire changes, and minor repairs shall be permitted if entirely within a building.
10. Vehicles shall not be stored outdoors while awaiting repairs for more than thirty (30) days; all such stored cars shall be totally screened in accordance with §1001.F.6, herein.
11. Junk vehicles shall not be stored in the open at any time.
12. The sale or rental of automobiles, trucks, trailers, or other vehicles shall be prohibited.
13. *Parking.* No less than one (1) off-street parking space for every one-sixth ($\frac{1}{6}$) service bay, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-11 Automotive Sales. Automotive sales include the sale and lease of new or used automobiles, boats, motorcycles, trucks, trailers, farm machinery and travel campers, provided:

1. Within the TC Town Commercial District, the minimum lot area shall be eight-eight thousand (88,000) square feet.

2. *Parking.* No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-12 Automotive Repair and Car Wash. Such use shall include paint spraying, body and fender work, automotive repairs, and washing provided:

1. All such work is performed within a building.

2. All related automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.

3. A car wash shall include a water recycling facility.

4. *Parking.* No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein

E-13 Automotive Accessories. Such use shall include the sale of automotive accessories, parts, tires, batteries, and other supplies, provided:

1. The storage and installation of any parts shall be within an enclosed structure.

2. *Parking.* No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-14 Specialty-Cultural Shopping Facility. Such use shall include stores dealing in handicraft art, flowers, household goods, boutiques, antiques, etc., provided:

1. Only Uses E-1, E-3, E-4, E-5 and E-7 shall be permitted and only as far as they are in keeping with the spirit of this Section.

2. The facility shall contain no more than ten (10) acres of land.

3. Shop sizes shall be no larger than three thousand (3,000) square feet and shall average no greater than one thousand five hundred (1,500) square feet.

4. The facility shall be planned and designed as a single complex centering around a pedestrian street or common area.

5. *Parking:* No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-15 Community Shopping Center. A group of commercial, office, and related establishments which is planned, constructed, and managed as a total entity, where parking spaces, stormwater management facilities, access drives, lighting systems, and other improvements are shared by three (3) or more uses.

1. Such centers shall be at least four (4) acres in extent.
2. The majority of all parking shall be provided in separate areas surrounding any group of shopping buildings.
3. A major landscaped pedestrian and bicycle path system shall provide access to the adjacent community.
4. Parking lot landscaping shall be provided in accordance with §1001.
5. Lighting shall be provided in accordance with §1004.
6. Not less than sixty (60) percent of the total floor area within a Community Shopping Center shall be used for E. Retail and Consumer Services Uses. Upon request by the governing body of the municipality in which the Community Shopping Center is located, the owner or operator of the center shall provide to the governing body a list of occupants, a description of each establishment, and the total square footage occupied by the individual establishments.
7. Intentionally left blank.
8. Intentionally left blank.
9. *Parking.* No less than six and one-half (6½) parking spaces for every one thousand (1,000) square feet of gross floor area. All parking shall be screened in accordance with §1001.F.6, herein.

E-16 Commercial Conversion. Such use shall include the conversion of an existing structure or group of structures into a commercial use, provided:

1. Only Uses E-1, E-3, E-4, E-5, E-8, and E-20 are permitted.
2. *Parking.* Shall conform to the requirements of the particular use as specified in §803 of this Ordinance. All parking shall be screened in accordance with §1001.F.6, herein.

E-17 Tavern. Such use shall include an establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board, provided:

- Parking.* No less than one (1) off-street parking space for every two (2) seats intended for use by patrons, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-18 Intentionally left blank.

E-19 Funeral Home. Such use shall include a mortuary or funeral home, provided:

- Parking.* No less than one (1) off-street parking space for each two hundred (200) square feet of floor area used or intended to be used for serving customers, or one (1) off-street parking space per employee plus seven (7) additional spaces, whichever requires the greater number of parking spaces. All parking shall be screened in accordance with §1001.F.6, herein.

E-20 Veterinary Office or Clinic. Such use shall include the office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use. Such use shall be subject to the following provisions:

1. Such use shall require a minimum of ten (10) acres if it includes a

kennel or the outdoor boarding of dogs. In such event no animal runway or outdoor pen shall be located closer than three hundred (300) feet to any residential building other than the owners.

2. *Parking.* No less than one (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

E-21 Parking Lot or Structure. A lot, building, or structure used as the principal use of a property for the parking and storage of vehicles and is available to the general public, subject to the following criteria:

1. No sale, rental or repair of vehicles shall be performed.
2. Parking may be provided on a short-term or long-term lease basis.
3. An accessory use may include one (1) convenience retail use limited to a total floor area of not more than three thousand (3,000) square feet.
4. The parking areas design standards of this Ordinance and the municipal subdivision and land development ordinance shall be met.

E-22 Executive Inn/Conference Center. A multi-use structure containing lodging accommodations of not less than 60 rooms. An Executive Inn/Conference Center shall contain meeting rooms and shall contain a minimum of two (2) auxiliary service facilities such as restaurants, personal service shops, boutiques and recreational facilities. All rooms and auxiliary service facilities shall be served by common entrance and passage facilities.

[JMZO Ord. 2004-5]

E-23 Consumer Fireworks Facility. Facility permitting the sale of consumer fireworks provided:

1. Within QA-A Quarry/Agricultural - A District.
2. Access to facility must be taken from a roadway of a classification of a minor arterial roadway or greater.
3. Facility shall be a stand-alone building, no larger than four thousand (4,000) square feet.
4. Storage area shall be separated from wholesale and/or retail sales areas by appropriately rated fire separation.
5. Facility is located no closer than two hundred fifty (250) feet from any facility selling or dispensing gasoline, propane or other such flammable product.
6. Facility is located at least two hundred fifty (250) feet from any other E-23 facility.
7. *Parking.* No less than one (1) parking space for every one hundred and twenty (120) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

[JMZO Ord. 2006-20]

E-24 Specialty MSA Facility. Such use shall include single-family detached dwellings, certain agricultural uses, offices, medical offices, retail stores, service

businesses, etc., to promote agriculture and/or to provide for the protection, renovation, restoration, and/or adaptive reuse of buildings and structures within the MSA District, provided:

1. The requirements of Article XIII, Conditional Uses, of this Ordinance have been met.

2. This use shall only apply to structures existing on September 22, 2010, the date of adoption of this Ordinance.

3. Only the following uses shall be permitted in the MSA District, Uses A-1, B-1, C-4, C-9, D-1, D-2, E-1, E-3, H-1, H-2, H-3, H-9, H-15.B, and H-17 and only insofar as they are determined by the Board of Supervisors to support agriculture and/or provide for the protection, renovation, restoration and/or adaptive for use of buildings and structures on municipal open space.

4. Use E-1 Retail Sales shall be permitted only if such use is related to an agricultural use of the property or if at least twenty (20) percent of items offered for sale (based upon annual sales) are grown either on the premises or within Bucks County. An annual audit shall be presented to the municipality to demonstrate compliance with this requirement.

5. No structures (in existence as of September 22, 2010, the date of adoption of this Ordinance) are permitted to be removed or demolished unless approved as a part of the conditional use process.

6. Multiple uses (as identified in §803.E-24.3. above) are permitted on an individual lot, however the area and dimensional requirements of §704.1.C.1 shall be met.

7. *Parking.* The applicant for any lot, building, or structure proposed for Use E-24, or for any change in use of any lot, building, or structure proposed for Use E-24 shall demonstrate to the satisfaction of the Board of Supervisors at a conditional use hearing that adequate parking and/or loading facilities will be provided the proposed use.

8. All parking along arterial roadway currently known as Second Street Pike shall be screened in accordance with §1001.F.6 herein.

9. All parking facilities shall be located at least five (5) feet from any front lot line of a local street and at least five (5) feet from any front lot line of a principal arterial roadway.

10. All parking facilities shall be located at least five (5) feet from any side or rear lot line, unless a shared parking area with the adjacent lot is approved as part of a conditional use approval.

11. All buildings shall be located at least five (5) feet from any front lot line of a local street.

12. The production of alcoholic beverages may be permitted by conditional use if and only if the following conditions are met to the satisfaction of the Board of Supervisors:

a. It is specifically found by the Board of Supervisors that the proposed use will promote agriculture and/or provide for the protection, renovation, restoration and/or adaptive reuse of buildings and structures

on municipal open space.

b. Any applicant proposing such a use shall submit evidence that any and all required State and County permits have been obtained.

c. At least fifty (50) percent of the fruit or vegetation used in the production of alcoholic beverages shall be grown either on the site or within Bucks County.

d. Public and retail use may be permitted accessory to this use, if approved as a part of the conditional use, and if all of the applicable requirements of §803.H-17 of this Ordinance have been met.

[JMZO Ord. 2010-02]

F. All Common Carriers, Public Utilities, and Public Service Organizations.

F-1 Utility Operating Facility. Such use shall include a transformer station, pumping station, relay station, tower (transmission or relay), substation, sewage treatment plant, and any similar or related installation, not including a public incinerator and public or private landfill, and not including a Wireless Telecommunications Facility (Use 803.1), provided:

1. Such installation is essential to serve the immediate community.
2. No public business office or any storage yard or storage building is operated in connection with the use.
3. No facility nor projecting area thereof as viewed in the plan view shall occupy greater than ten (10) percent of the property upon which it is located.
4. A fifty (50) foot buffer yard shall be provided along all property lines in accordance with the buffer requirements in Article X herein.

Parking. No less than two (2) off-street parking spaces or one (1) space per employee, whichever requires the greater number of spaces. All parking shall be screened in accordance with §1001.F.6, herein.

F-2 Emergency Services. Emergency services shall include fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature, on parcels with a minimum size of three (3) acres, provided:

Parking. No less than one (1) off-street parking space for every employee on the two major shifts at maximum employment, or four (4) off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community room is provided, two (2) off-street parking spaces for each fire truck plus one (1) off-street parking space for each one hundred (100) square feet of gross floor area. All off-street parking requirements shall be determined by the number of trucks, if there is no community room on the premises, or the requirements for community rooms, if it applies. All parking areas shall be screened in accordance with §1001.F.6, herein.

F-3 Terminal. A terminal shall include a railway station, bus station, airport, or heliport, provided:

Parking. All off-street parking shall be adequate as determined by the municipal planning commission and governing body. All parking shall be screened in accordance with §1001.F.6, herein.

F-4 Utility Office. Such use shall include but not be limited to a telephone central administrative office, provided:

Parking. No less than one (1) off-street parking space for every four hundred and seventy (470) square feet of gross floor area, plus one (1) space for every employee. All parking shall be screened in accordance with §1001.F.6, herein.

G. Industrial Uses.

G-1 Manufacturing. Manufacturing uses shall include but not be limited to the production, processing, cleaning, and testing of materials, goods, foodstuffs, and products, and the commercial generation of electricity, provided:

Parking. No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-2 Research. Such use shall include a research or testing facility, and an experimental laboratory, provided:

Parking. No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-3 Wholesale Business, Wholesale Storage, Warehousing. Wholesale business, wholesale storage, or warehousing, with no retail sales, including a farm cooperative within a roofed structure.

Parking. No less than one (1) off-street parking space for every five hundred (500) square feet of gross floor area, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-4 Mini Storage. Such use shall include the storage of items, limited to personal property generally stored in residential structures, within a warehouse structure or mini warehouse structure, provided:

1. Such use shall be surrounded by a physical barrier measuring at least six (6) feet in height (see buffer standards in Article X).
2. The minimum driveway width between buildings shall be twenty (20) feet.
3. Each structure shall exceed six thousand (6,000) square feet in size.
4. No business activity other than leasing of storage units shall be permitted.
5. All storage shall be within enclosed buildings.
6. Explosive, radioactive, or highly flammable materials, as defined in Article IX herein, shall be prohibited.
7. *Parking.* No less than one (1) off-street parking space for each two thousand (2,000) square feet of gross floor area of storage; plus one (1) space for each company vehicle normally stored on the premises; plus one (1) space for each employee, to be located at the project office; plus one (1) space for each ten thousand (10,000) square feet of gross floor area of storage, to be located at the project office. All parking shall be screened in accordance with §1001.F.6, herein.

G-5 Printing. Such use shall include printing, publishing, and binding, provided:

Parking. No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-6 Contracting. Contracting shall include offices and supply shops such as building supplies, cement, electric, heating, plumbing, masonry, painting, and roofing, provided:

Parking. No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-7 Truck Terminal. A use of land and structures for the purpose of handling freight from one truck to another, including some short-term warehousing. Such use shall be permitted, provided:

1. The truck terminal is granted operating authority by the Pennsylvania Public Utilities Commission or the Interstate Commerce Commission.
2. The minimum lot size for such use shall be twenty-five (25) acres.
3. Such use shall be located no closer than one thousand (1,000) feet to a residential district;
4. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls.
5. *Parking.* No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square

feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-8 Planing Mill. A planing mill shall include facilities where wood products are processed to finished items such as molding, trim, etc., provided:

Parking. No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-9 Lumber Yard. Such use shall include a lumber yard and may include millworking as an accessory use, provided:

Parking. No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-10 Trades. Such use shall include a plumbing shop, carpentry shop, cabinet-making, furniture-making, provided:

Parking. No less than three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-11 Fuel Storage and Distribution. Such use shall include fuel storage and distribution tanks and related buildings, provided:

1. Maximum lot area shall be five (5) acres.

2. *Parking.* No less than one (1) off-street parking space for every employee, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein.

G-12 Recycling and Refuse Facility. Such use shall include an area of land, with or without buildings, that is used for the storage of used or discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, and parts thereof, with the dismantling, processing, salvage, sale, or other use or disposition of the same, two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or two (2) or more wrecked or broken vehicles, or major parts of two (2) or more such vehicles, provided:

1. The proposed use of an area shall not be detrimental to adjacent land uses.

2. There shall be a maximum lot size of five (5) acres.

3. Such use shall be a minimum of seven hundred (700) feet from any public road as measured from the centerline of the road.

4. The land area used for such purposes shall not be exposed to public view from any residence or public street or road.

5. Such use shall be entirely enclosed by a solid fence or wall, at least six (6) feet high and constructed of plank boards, brick, cinder block, or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in a uniform color.

6. A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four (4) to five (5) feet in height and planted on ten (10) foot staggered centers.

7. The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

8. There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.

9. The storage of paper shall be within a building.

10. The storage of toxic chemicals or nuclear wastes shall be prohibited.

11. Intentionally left blank.

12. All such uses shall be sealed from groundwater contamination and shall provide groundwater monitoring wells in accordance with the requirements of the municipality.

13. *Parking.* No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises. All parking shall be screened in accordance with §1001.F.6, herein

G-13 Radio or Television Transmitter. A radio or television transmitter shall include a transmitting tower and supportive buildings, provided:

1. Such transmitter requires licensing by the Federal Communications Commission.

2. Such transmitter shall be a minimum of fifty (50) feet or one and one-half (1½) times its height, whichever is greater, from its property line.

3. *Parking.* No less than ten (10) off-street parking spaces for every nine (9) employees, or one (1) space for every four hundred and seventy (470) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises.

G-14 Quarry. Such use shall include extractive operations for sand, clay, shale, gravel, topsoil, stone, and similar operations, including borrow pits (excavations for removing material for filling operations) subject to the following provisions:

1. No extraction shall be conducted closer than two hundred (200) feet to the boundary of any district in which extraction is permitted nor closer than three hundred (300) feet from the center line of any street, nor closer than four hundred (400) feet to the point of intersection of the center lines of two streets. The setback area shall not be used for any other use in conjunction with extraction except access streets, berms, screening, landscaping and signs.

Except where a railroad is a district boundary line, there shall be a berm

of average height of fifteen (15) feet and maximum height of fifty (50) feet. The slope of the sides of berm shall not exceed a one-to-one (1:1) ratio. Berms shall be planted and dusted, and erosion control measures shall be taken as may be approved by the U. S. Soil Conservation Service. Planting and berms shall begin at a point no closer to a street than the ultimate right-of-way line. No berm shall be constructed closer than fifty (50) feet to a district in which extraction is not permitted. The municipality may require additional planting pursuant to the standards of Article X herein.

2. A chain-link fence at least ten (10) feet in height, surmounted by three (3) strands of barbed wire, shall be required within the setback area at a point no closer than the ultimate right-of-way line, to be maintained in a constant state of good repair. Appropriate warning signs shall be mounted or posted along the fence at intervals of not more than one hundred (100) feet.

3. An adequate internal circulation pattern of streets shall be maintained between the excavation sites and processing areas. Use of public streets shall not be permitted for hauling between extractive and processing areas except where required in connection with such pattern or for access of vehicular traffic originating from or destined to points beyond the limits of such excavation sites and processing areas. Access shall be regulated in accordance with the municipal subdivision and land development ordinance.

4. No slope shall be maintained exceeding the normal limiting angle of slippage of the material in which the excavation or extraction is being made. No undercutting shall be permitted within the setback area except for tunnels to provide transportation of materials between extractive and processing areas.

5. All operations shall be conducted with sufficient lateral support to be safe with respect to: (1) hazard to persons, (2) physical damage to adjacent lands or improvements, or (3) damage to any street, sidewalk, parking area or utility by reason of slide, sinking or collapse.

6. Stockpiles shall not exceed one hundred (100) feet in height and shall not be located closer than two hundred (200) feet to any district boundary line nor closer than three hundred (300) feet to the centerline of any street except where a railroad is the district boundary line or where the contiguous district is a district in which extraction is permitted. All reasonable precautions shall be taken to prevent any materials or wastes deposited upon any stockpile from being washed, blown, or otherwise transferred off the site by normal causes or forces.

7. All drainage from the site of extractive operations shall be controlled by dikes, barriers, or drainage structures sufficient to prevent any silt, debris, or other loose materials from filling any existing drainage course or encroaching on streets and adjacent properties.

8. 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., §§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 or at the centerline of any street.

9. Intentionally left blank.

10. The operator shall, within six (6) months of the effective date of this Ordinance, obtain a use and occupancy permit as required within §1403 herein.

11. *Parking.* Off-street parking spaces shall be provided as the municipal governing body and planning commission shall determine as adequate to serve customers, employees, visitors, and vehicles normally parked on the premises.

G-15 Stripping of Soil. This use shall include the removal of soil for sale or for use other than on the premises from which the soil shall be taken, subject to the following provisions:

1. *Requirement of Permission.* No person shall excavate or otherwise remove soil without first having procured permission therefore from the governing body and established grading and erosion controls as recommended by the Bucks County Soil Conservation District. (See §1304 Conditional Uses, Special Considerations.)

2. *Conduct of Operation.*

a. If permission to remove the soil shall be granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits, or depressions and in such a manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines and grades as approved by the governing body.

b. The soil removal operation shall not be permitted within one hundred (100) feet of a property line.

c. The owner of the premises or the person in charge of the removal of soil, when permission has been duly granted, shall not remove from the premises the top layer or arable soil to the depth of six (6) inches, but such top layer or arable soil to a depth of six (6) inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been removed, pursuant to levels and contour lines approved by the governing body. This does not apply to QA Quarry Districts.

d. All areas where soil has been stored, or removed and respread shall be reseeded and maintained to insure an appropriate ground cover by the next growing season.

G-16 Lawful Use Not Otherwise Permitted. This Section is intended to provide for any lawful use which is required to be permitted by the Pennsylvania Municipalities Planning Code and which is not otherwise permitted in other use categories described in this Section.

Lawful use not otherwise permitted shall be subject to the following regulations in addition to the regulations found in Articles IX and XIII hereof:

1. The use must comply with the front, rear and side yards, minimum lot area, maximum building height and impervious surface area requirements of the district in which the use is proposed.

2. The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmen-

tal Protection or any other Commonwealth or Federal Governmental Agency which regulates such use.

3. A buffer area shall be established in accordance with the conditions imposed upon the granting of conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be in accordance with §1003 of the Zoning Ordinance and shall be of sufficient width to protect the surrounding area from the objectionable effects of the proposed use including, but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.

4. An applicant for conditional use approval for any lawful use not otherwise permitted at the time the conditional use application is submitted, shall submit an Environmental Impact Assessment Report in accordance with the provisions of Appendix A, Environmental Impact Assessment Report, incorporated into this Ordinance.

H. *Accessory Uses.*

H-1 Home Occupation or Accessory Office. This use shall include, but is not limited to, such home occupations as offices for the professional practice of architecture, accounting, law, engineering, clergy and teaching, and including such subprofessional occupations as retailing products such as greeting cards, cosmetics, household wares, vitamins, antiques and the like, typing service, home crafts and small item repair shops, not including vehicular repair, provided:

1. The Home Occupation or Accessory Office shall not constitute a possible nuisance to neighbors because of noise levels, odors, significantly increased traffic, extra lights and or night activity, the production or storage of hazardous products and by-products, or the keeping of dangerous animals.

2. The Home Occupation or Accessory Office shall be accessory to a residence and carried on wholly indoors and within a dwelling or other structure accessory thereto.

3. There shall be no use of show windows, display or advertising visible outside the premises, except as provided for signs in Article XI.

4. There shall be no exterior storage of materials.

5. No article shall be sold or offered for sale except such as may be produced, repaired, refinished or assembled on the premises.

6. Servicing by commercial vehicles for supplies and/or materials shall not be permitted at a frequency greater than twice a week.

7. The Home Occupation or Accessory Office shall be carried on only by inhabitants of the principal dwelling and not more than one (1) additional employee.

8. The total floor area of a premises devoted to any and all Home Occupations and/or Accessory Offices on that premises shall not be more than an amount equal to twenty-five (25) percent of the ground floor area of the principal residential structure, or four hundred (400) square feet, whichever is less.

9. This use shall not include the following: veterinary practice; animal hospital; barber shop and/or beauty parlor; commercial stable and/or kennel;

funeral parlor and/or undertaking establishment; tourist home; restaurant; rooming, boarding and/or lodging house; and medical, psychology and/or dental office, clinic and/or hospital.

10. *Parking.* In no case shall more than two (2) additional off-street parking spaces be provided in addition to those required for normal residential use. Such parking shall be provided on the lot of the residence. All parking shall be screened in accordance with §1001.F.6 herein.

H-2 No-Impact Home Based Business. This use is limited to 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:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

6. 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.

7. 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.

8. The business may not involve any illegal activity.

9. A no-impact home-based business is not permitted where prohibited by a deed restriction, covenant or agreement restricting the use of land, master deed, bylaw or other document applicable to a common interest ownership community.

[JMZO Ord. 2002-13]

H-3 Residential Accessory Structure. Such use shall include a residential accessory structure or use, including but not limited to:

1. Structures such as fences and free standing walls, which shall meet the following requirements:

a. The maximum height shall be three (3) feet in the front yard and seven (7) feet elsewhere. However, lots with at least three hundred (300) feet of road frontage may have a “post and rail” or “post and board” fence

with a maximum height of four (4) feet in the front yard so long as the fence has at fifty (50) percent open area between rails or boards. [*JMZO Ord. 2002-10*]

b. Any fence over five (5) feet in height shall have effective apertures representing no less than twenty-five (25) percent of the surface area if the surface area is in one plane, and no less than forty (40) percent of the surface area if surfaces are staggered.

c. Any fence in the side yard which is over five (5) feet high must be landscaped on the side toward the street unless it is parallel to or on the side lot line.

d. On a reverse frontage lot, any backyard fence over five (5) feet in height shall be landscaped on the side toward the street.

e. If a lot fronts on two (2) or more streets, the three (3) foot maximum height shall apply along all of the streets. However, lots with at least three hundred (300) feet of road frontage may have a “post and rail” or “post and board” fence with a maximum height of four (4) feet so long as the fence has at fifty (50) percent open area between rails or boards. [*JMZO Ord. 2002-10*]

f. There shall be no fences located in drainage easements or drainage swales which are part of an approved stormwater management plan.

g. Fences and walls shall be kept in good repair.

2. A garage for the parking of passenger automobiles and commercial vehicles not exceeding 3/4-ton loading capacity; such structure, whether attached or detached, shall meet the yard requirements of the zoning district within which it is located;

3. Buildings such as storage sheds, bath houses, and private greenhouses, barns, etc.;

4. No greater than one residential accessory apartment for domestic servants, caretakers employed on the premises, occasional gratuitous guests, or for permanent residence of family members related by blood, marriage, or adoption provided that:

a. Not less than two (2) off-street parking spaces shall be provided for each dwelling unit. In addition, no off-street parking shall be permitted in the front yard. Parking in the side and rear yards shall be visually buffered from the street and the adjacent yards.

b. A permit is obtained from the Bucks County Department of Health certifying the adequacy of the sewage facilities for two (2) family uses;

c. Any new construction conforms to the yard and building setback requirements for single family dwellings in the zoning district in which the use is located. (Requirements of §1000.E.4 do not apply to this use.).

d. The applicant for a residential accessory apartment must provide satisfactory evidence that the water supply servicing the location is sufficient to service all uses located therein including the proposed

apartment use without appreciably affecting the water supply of the surrounding property owners;

e. If attached to the primary residence, the residential accessory apartment shall be designed and constructed in such a way as to maintain the primary residence's appearance as a single family residence. If located within an accessory building, it shall be designed and constructed in such a way as to maintain the appearance of a structure customarily accessory to a use permitted in the zoning district such as a garage, barn, or other permitted structure.

f. Upon termination of the family member use of the accessory structure, its use shall revert only to a permitted use in the zoning district in which the structure is located.

5. Up to an additional ten (10) percent of impervious coverage shall be permitted for accessory structures such as storage sheds and the like in Planned Residential Developments (PRDs).

H-4 Boarding. Boarding shall include the keeping of not more than two (2) roomers, boarders, or lodgers on a lot. Boarding may be permitted as an accessory use only to a principal Use B-1, provided:

1. The use of an existing building for boarding shall be permitted subject to the following regulations:

a. Applications shall be filed with the zoning officer.

b. The application shall consist of a written request and the following information:

(1) Four (4) photographs of the house, one showing each side of the building;

(2) Sketch plan of the lot showing width and depth of the lot, size and location of all structures, including any accessory buildings such as garages and storage sheds;

(3) A statement indicating the number of proposed dwelling units and occupancy capacity, the room size of each, type of unit, the total building floor area per occupant and open yard space area per occupant; and

(4) Sketch plan of each floor in which dwelling units will be located showing the dimensions of each dwelling unit.

2. Any dwelling converted shall be occupied in part by the owner or his agent.

3. No additional rooms shall be constructed for this purpose.

4. No separate cooking facilities or dwellings shall be created.

5. Only one (1) boarder or lodger shall be permitted per property in the VR1 and VR4 Districts.

6. *Parking.* No less than one (1) off-street parking space shall be provided for each roomer. All parking shall be screened in accordance with §1001.F.6, herein.

H-5 Accessory Building. Such use shall include an accessory building or

structure, or uses customarily incidental to nonresidential uses, except outside storage, provided:

1. Any use accessory to a use permitted only under a special exception shall be established only and as provided in such exception.
2. A trailer or shipping container, whether or not removed from its wheels and mounted on a permanent foundation, may not be used as an accessory building.
3. *Parking*. Shall conform to the requirements of the most closely related use in Article VIII of this Ordinance.

H-6 Outside Storage.

1. Outside storage, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use, subject to the following additional provisions:

- a. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage.
- b. Outside storage areas shall occupy an area of less than one-half (½) the existing building coverage.
- c. Outside storage areas shall be shielded from view from the public streets.

2. Uses requiring more substantial amounts of land area for storage may be exempt from the provisions of paragraphs H-6, 1.b and c. above when granted as a special exception by the Local Zoning Hearing Board. Such uses shall be subject to the following additional provisions:

- a. No more than twenty-five (25) percent of the lot area shall be used in outdoor storage.
- b. In particular, uses appropriate for consideration under this provision include, but are not limited to, any nursery (Agriculture and Horticulture, Use A-1), Automotive Sales (Use F-11), Truck Terminal (Use G-7), and Lumber Yard (Use G-9).
- c. Among the uses that shall not be considered appropriate for inclusion under this provision are Retail Shop (Use E-1), Repair Shop (Use E-7), Service Station (Use E-10), Repair and Automotive Car Wash (Use E-12), Automotive Accessories (Use VIII-63 E-13), Wholesale (Use G-3), Contracting (Use G-6), and Trades (Use G-10).

3. The storage of tractor trailers, panel trucks, vans, and similar vehicles which supply or service establishments in commercial or industrial districts shall be permitted provided that such vehicles shall be used by the establishment in the normal conduct of its business.

H-7 Temporary Structure. Such use shall include a temporary structure or use. A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions:

1. The time period of the initial permit shall be six (6) months. This

permit may be renewed for three (3) month time periods, subject to the limitations specified §1403.

2. Temporary nonconforming structures or uses shall be subject to authorization by the zoning officer or governing body.

3. Such structure or use shall be removed completely within thirty (30) days of the expiration of the permit without cost to the municipality.

4. Campers, recreation vehicles, and boats shall be stored on the premises by the occupant of the premises only and then only behind the front line of the house.

5. Tractor trailers shall not be permitted to be parked in residential districts.

H-8 Swimming Pool. A swimming pool shall be permitted as an accessory to a residential use, provided:

1. Swimming pools, in general:

a. No person, owner or occupant of land shall install or maintain a swimming pool or other artificial body of water capable of being filled to a depth exceeding twelve (12) inches at the deepest or lowest point unless a permit is first obtained from the local enforcement officer and the required plans and information are filed, together with required permit fees. Wading pools exempt from the provisions of this Ordinance are those temporary pools of a plastic, light metal, or other light duty materials which do not exceed a struck volume depth of twelve (12) inches at the deepest or lowest point, and in addition, which are completely emptied of water when not in use.

b. The setback for swimming pools and all their appurtenances including but not limited to decks, copings and filter equipment shall be at least ten (10) feet from the side and rear property lines. If the side and rear yard setbacks for the lot size in the zoning district in which the property is situated are less than ten (10) feet, then such smaller setbacks shall apply. No swimming pools may be located in the front yard. [JMZO Ord. 2002-10]

c. Building permits are required prior to the construction, alteration, remodeling, or additions to a swimming pool or other artificial water areas not specifically exempt from this Ordinance.

d. No person, owner, or occupant of land shall install or maintain a non-exempt wading pool as defined in this Ordinance unless a permit is obtained from the local enforcement officer and written approval obtained upon inspection and subject to the discretion of the inspection officer, except as hereinafter provided.

2. Any pool or water area subject thereto shall be suitably designed, located, and maintained so as not to become a nuisance or hazard either to adjoining property owners or the public generally. All detachable ladders shall be removed when the pool is not in use.

3. Outdoor lighting, if used, shall be installed in such a way as to be shielded and not to reflect toward or into the interior of adjacent residential

properties.

4. All electrical work connected with the pool and all equipment incidental thereto shall comply with all underwriters' regulations and must be inspected and certified by an electrical underwriter's inspection agency prior to the issuance of a certificate of compliance. In no event may said pool be used prior to such approval.

5. If pools are connected to any water, sewer, or public utility line, there must be installed a separate valve controlling such line, both as to supply and drainage, and a permit must be obtained prior to installation from the agency furnishing such utility service. A minimum isolation distance of twenty-five (25) feet shall be required between a swimming pool and any sewage disposal system.

6. Approved filtration systems and circulators must be provided for all pools except such exempt or non-exempt wading pools as are emptied on a daily basis as hereinafter provided.

7. All pool installations shall conform to all applicable building codes.

8. In no case shall water in the pool or pool area be permitted to emit an offensive odor or create any unhealthy condition. Further, it shall be a violation of this Ordinance to cause or allow drainage onto adjoining land, public or private; provided, however, that the building officer may issue a permit for drainage into storm sewers at his discretion.

9. No pool shall be located under any electric power lines (including service lines), and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.

10. No water shall be placed in the pool until a fence, as required by this Ordinance, has been completed.

11. Fencing of Pools:

a. Permanent swimming pools above or below grade must be completely enclosed with a minimum four (4) foot high chain link, stockade, picket, (not exceeding four (4) inch spacing), solid wooden fence, building wall, or such other material as may be acceptable, at the discretion of the building inspector, to carry out the intent of this Ordinance. No fence except a chain link fence shall be higher than five (5) feet, nor shall any chain link fence be higher than seven (7) feet, unless higher fences are authorized as a special exception by the Local Zoning Hearing Board. Existing fences are exempt only insofar as they exceed maximum height requirements.

b. Swimming pools equipped with surrounding elevated walkways that are at least four (4) feet above the ground need not be fenced if the construction is such that it prevents access to the water by small children, and ladders or steps from the ground are removed or the pool is made inaccessible, when not attended.

c. Plastic, aluminum, or other types of exempt wading pools incapable of being filled to a depth in excess of twelve (12) inches (at deepest or lowest point) and which are completely emptied of water on a

daily basis or when not in use shall be exempt from the fencing provisions of this Ordinance.

12. Swimming pools in Planned Residential Developments (PRDs) shall not be considered impervious surface for the purpose of the calculation of the impervious surface ratio.

Swimming pools outside of PRDs shall be considered impervious surface.

H-9 Accessory Retail. Such use as catalogue or party sales which is accessory to a primary residential use, provided:

1. The gross floor area of such use shall not exceed three hundred (300) square feet.
2. Such use shall be carried on wholly indoors.
3. Such use shall not include any other retail commercial characteristic which detracts materially from the character of the district or surrounding neighborhood.
4. *Parking.* No less than one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area. All parking shall be screened in accordance with §1001.F.6, herein.

H-10 Dwelling in Combination with a Business. One (1) apartment accessory to a primary commercial or office use shall include an owner-occupied apartment located in the rear of or over a business, provided:

1. The regulations governing Residential Conversion, Use B-16, shall be met.
2. In the TC Town Commercial District, such uses shall not be limited to one (1) apartment or to owner occupancy. Two (2) off-street parking spaces shall not be required for each dwelling unit when an equal number of parking spaces is provided for the principal, business use on the property.

H-11 Bed and Breakfast. A Bed and Breakfast is any building or residence used for accommodation of transient guests which is not a Motel, Hotel or Inn as enumerated in §803.E-8 hereof. Such uses shall be subject to the following provisions:

1. Except in the TC Town Commercial District and the VC-1 District, such uses shall be accessory only to a single-family detached residential use that is in compliance with the provisions of the district in which it is located. [JMZO Ord. 2006-09]
2. Except in the TC Town Commercial District and the VC-1 District, such uses shall be subordinate to the principal owner occupied residential use. [JMZO Ord. 2006-09]
3. Maximum number of guest rooms in the CM, CR-1, CR-2, R-1 and R-2 Districts shall be six (6). In the VR-1, VR-4, TC, and VC-2 Districts, the maximum number of guest rooms shall be four (4). In the VC-1 District, the maximum number of guest rooms shall be eight (8). [JMZO Ord. 2006-09]
4. Minimum lot size:
 - a. In the CM Zoning District: three (3) acres for first two (2) guest

rooms, plus one-half (½) acre for each additional guest room.

b. In R-1 and CR-1 Zoning Districts, sixty thousand (60,000) square feet for first two (2) guest rooms, plus one-half (½) acre for each additional guest room.

c. In the R-2 and CR-2 Zoning Districts, fifty thousand (50,000) square feet for the first two (2) guest rooms, plus one-half (½) acre for each additional guest room.

d. In the VR-1, VR-4, TC, VC-1 and VC-2 Zoning Districts, the minimum lot size which is permitted in the district in which the use occurs.

5. At least one (1) bathroom shall be provided for first guest room plus one bathroom for each two (2) additional guest rooms. The living quarters for the residents shall have their own bathroom or bathrooms.

6. Any one (1) or more guests may not remain in the same Bed and Breakfast facility for more than fourteen (14) days in a six (6) month period.

7. 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. Fire escapes or external stairways shall be located either to the rear or to the side of the residence.

8. Such use shall be subject to the Municipality's Fire Code.

9. Nonresident employees shall be limited to two (2) in addition to the resident members of the family.

10. There shall be no separate kitchen or cooking facilities in any guest room. Food served to overnight guests shall be limited to breakfast. There shall be no restaurant facilities on the premises open to the public.

11. The use of any outdoor amenities provided on the premises, such as a swimming pool or tennis court, shall be restricted to the resident family and its guests and to the guests of the establishment. Any swimming pool provided for use by guests shall comply with the provisions of §803 H-8 of this Ordinance.

12. If the outdoor amenities in subparagraph 11 above are within one hundred (100) feet of a property line, an evergreen hedge or row of evergreen trees shall be planted along the property line, which will block the view of the recreation facilities from the adjacent property in accordance with the buffer yard standards of this Ordinance.

13. The use of outdoor amenities by the Bed and Breakfast guests shall be limited to the hours of 9:00 a.m. to 10:00 p.m.

14. The Bed and Breakfast use may not be established until there is compliance with the applicable provisions of the municipal Building Code, as well as other municipal rules and regulations, and a Use Permit has been issued by the local Zoning officer.

15. A Conditional Use shall not be granted unless the applicant has obtained a valid Bucks County Department of Health permit for this intended

use. If the proposed use is to be served by a public sewage system, the applicant shall submit documentation from the servicing authority that the proposed use will be served.

16. *Parking.* There shall be one (1) off-street parking space per guest bedroom provided on the premises, in addition to other off-street parking spaces required by this Ordinance. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjacent properties by fencing or natural vegetation in accordance with the buffer yard standards of this Ordinance.

H-12 Microwave Antenna for Television Receiving Only Satellite Earth Stations. A parabolic ground based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a dish antenna, or any other type of antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite shall be permitted as a Use by Right in all districts, subject to the following regulations: (This use shall in no event be construed to permit as a permissible accessory use a microwave antenna for satellite communication used or intended to be used for the propagation or transmission of radio or electromagnetic waves, such uses being permitted only as G-13 Radio or Television Transmitter.)

1. All Residential Districts - microwave antenna shall be considered a permissible accessory use subject to the following:

a. The yard requirements for the location of a microwave antenna shall be those requirements specified for a single-family dwelling. The measurements shall be taken from the edge of the screening required under this subsection.

b. In lots of less than ten (10) acres, microwave antennas shall not be permitted in the front yard except as a special exception by the Local Zoning Hearing Board upon proof by the applicant that the microwave antenna cannot be feasibly located in any other area on the lot in question. On lots of ten acres or more, the antenna is permitted in the front yard only if it is not visible from the street or from adjoining lots. If it is visible from the street or from adjoining lots, the antenna will not be permitted unless approved by a special exception granted by the Local Zoning Hearing Board upon proof that it cannot be feasibly located in any other area.

c. The diameter of the microwave antenna shall not exceed nine (9) feet.

d. When separately supported, the total height of the microwave antenna shall not exceed ten (10) feet, unless approved as a special exception by the Local Zoning Hearing Board.

e. Roof mounting is not recommended. If roof mounted, the microwave antenna shall be located on a portion of the roof sloping away from the front of the lot and no part thereof shall project above the ridge line. Provided, however, in no event shall a roof mounted microwave antenna exceed three (3) feet in diameter. Microwave antennas shall not be mounted on chimneys.

f. No more than one (1) microwave antenna shall be permitted on any lot.

g. When not roof mounted, the microwave antenna shall be screened by staggered plantings of evergreens which present a solid visual barrier to adjoining houses and to the street. Before a permit will be issued for the erection of a microwave antenna, a screening plan must be submitted to and approved by the local municipality.

h. Before erection of any such microwave antenna a permit application shall be made to the municipality and a permit issued in accordance with §1403.C.1.d of this Ordinance.

i. In the historic districts, microwave antenna shall be permitted only upon approval of a conditional use subject to the following conditions:

(1) Compliance with the provisions of subparagraphs 803.H-12.1.a through h. hereof;

(2) Satisfactory proof that the microwave antenna will not be visible from any public street passing through the historic district and that its size, location, and type of buffer will not be designed or located in such a way as to impinge on or diminish historic value of homes, businesses, and other historic structures within the historic districts.

2. All Other Districts - Microwave antenna shall be considered a permissible accessory use subject to the following regulations:

a. A microwave antenna shall be subject to the most restrictive yard requirements for uses within the district in which it is proposed.

b. The diameter of a microwave antenna shall not exceed nine (9) feet.

c. The total height of the microwave antenna shall not exceed ten (10) feet.

d. A microwave antenna shall not be a permitted in the front yard except as a special exception by the Local Zoning Hearing Board upon proof by the applicant that the microwave antenna can be located in no other location on the lot in question. Applicant shall have the burden of establishing that a microwave antenna proposed to be located in a front yard can be visually screened from the street and from adjoining properties and failure to meet that burden shall be grounds for denial of the application for special exception.

e. When not roof mounted, a microwave antenna shall be screened by staggered plantings of evergreens which present a solid visual barrier. Before a permit will be issued for the erection of a microwave antenna, a screening plan must be submitted to and approved by the local municipality.

f. Roof mounted microwave antennas shall not be permitted which exceed three (3) feet in diameter unless they are totally screened from view.

g. Microwave antennas shall not be mounted on chimneys.

h. Before erection of any such microwave antenna, a permit application shall be made to the municipality and a permit issued in accordance with §1403.C.1.d.i.

i. See item 1.i, above.

H-13 Noncommercial Accessory Radio Antenna.

1. *Scope.*

a. Antennas and structures covered by this Section include those used by amateur and citizen band radio operators, “short wave” listeners and experimenters; and those used for educational purposes. All such uses shall be noncommercial and involve no direct or indirect compensation to the operator of the connected apparatus.

b. The term “radio station” includes any means for the transmission or reception of electromagnetic waves in any legitimate form not prohibited by the Federal Communications Commissions. This includes radio, television, facsimile and other forms of data transmission and reception.

c. This Section does not pertain to satellite dish antennas for receiving commercial television programs such use being regulated by §803.H-12 of this Ordinance.

d. This Section does not apply to wire and “whip” antennas nor to unguyed single element vertical antennas of less than thirty-five (35) feet in height, unless such antenna is mounted on or supported by a mast pole or tower which, with the antenna added, exceeds the height limitations in §803.H-13.3. This Section does not specifically apply to tower mast and pole-supported multiple element arrays such as, but not limited to, “Yagi,” “quad,” “loop,” “dish,” “ground plane” and similar antennas.

2. *Location on Property.*

a. All poles, masts and towers used to support antennas, and all parts of the antenna structures which they support, including beams and reflectors, shall be placed or extend no closer than five (5) feet to an official right-of-way or to property under an easement. An exception shall be made to this requirement where a tree, existing pole or other structure nearer to a property line or easement than the above stated distances is used to support the end of a wire antenna. In addition to the above limits, the height of the antenna may impose other location limitations as described in §803.H-13.3 herein.

b. No ground-mounted poles, masts and towers used to support an antenna shall be located in a front yard. If roof-mounted, they shall not extend over the front edge of the roof.

3. *Height.* The highest point of any antenna, ground or roof-mounted, and its supporting structure shall not exceed in height an amount equal to the distance, at ground level, from a point directly under the center of the antenna mounting structure to the nearest right-of-way or property line, unless a building permit for its construction is obtained as described in §1403.C. herein. In addition, antennas over the following heights shall require building permits regardless of location:

a. Antenna with ground-mounted support structure: sixty (60) feet, except that no such antenna shall exceed a height of one hundred and fifty (150) feet except upon approval of a special exception by the Local Zoning Hearing Board upon proof by the applicant that the contribution of such antenna to the health, safety and welfare of the community will be of such value as to outweigh any criticisms to its construction which may be made by duly-notified neighbors who own property within one thousand (1,000) feet of the proposed antenna site.

b. Antenna with roof or building-mounted supports: twenty (20) feet above peak roof height.

4. *Compliance with Federal Regulations and National Electric Code.* All antennas and structures shall comply with all Federal Communications Commission (FCC) Regulations and to all requirements of the National Electric Code as applicable.

5. *Construction Requirements.* The construction of antennas and support structures shall conform to the latest adopted municipal building code.

6. *Maintenance.* All antennas and support structures shall be maintained so as to prevent any unsafe conditions from occurring. This shall include repainting of support structures where appropriate, replacing broken or badly corroded support elements, tightening loose mounting hardware, etc.

7. *Permits.* Any antenna and support structure covered by §803.H- 13 shall require a use permit, the application for which shall include a sketch showing location of the proposed structure on the property with measured distances to the property and right-of-way lines, and shall include a statement as to type of structure and height. In addition, any antenna and support structure which exceeds the height limitations of §803.H-13.3 shall require a building permit as described in §1403.C herein.

H-14 Bituminous Asphalt and Ready-mix Concrete Use Accessory to Quarry Use.

A bituminous asphalt plant shall be a plant or operation which has as its primary function the mixing of rock materials with asphalt oils or other binders for road building or construction purposes. A ready mix concrete plant shall be a plant or operation which has its primary function the mixing of materials to make concrete. Such uses shall be subject to the following conditions:

a. Bituminous asphalt and ready mix concrete plants shall be permitted only as accessory uses to Use G-14, Quarry.

b. In addition to the requirements of Use G-14 Quarry, bituminous asphalt and ready mix concrete plants shall be subject to the following requirements:

(1) The use must comply with the front, rear, and side yard, minimum lot area, maximum building height and impervious surface area requirements of the district in which the use is proposed.

(2) The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department

of Environmental Protection or any other Commonwealth or Federal Governmental Agency which regulates such use.

(3) A buffer area shall be established in accordance with the conditions imposed upon the granting of conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be in accordance with §1003 of this Ordinance and shall be of sufficient width to protect the surrounding area from the objectionable effects of the proposed use including, but not limited to noise, dust, vibration, odor, illumination, visual effects, and the like.

(4) An applicant for conditional approval for a bituminous asphalt and/or ready-mix concrete plant accessory to a quarry use may be required by the Board of Supervisors of the Township in which the application is filed to submit an Environmental Impact Assessment Report.

H-15 Agricultural Accessory Uses (Except Public and Retail Use Accessory to a Vineyard or Winery-Use H-17).

The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland by allowing working farmers to market their products and services directly to the public as an accessory use and in a manner that is compatible with the residential character of the Townships and with the Comprehensive Plans of each Township.

a. *Roadside Stands for Sale of Agricultural Products Grown on Site.* Agricultural products grown by the residents of the property may be sold at a roadside stand on the property. Each roadside stand shall sell only products grown by the residents of the property on which the stand is located. Each roadside stand must not exceed a maximum size of four hundred (400) square feet and must also provide, to the Township's satisfaction, a safe means of egress and ingress from a public street as well as sufficient off-street parking to accommodate customers. Said roadside stand need not be in the immediate proximity to a public roadway if the other standards as herein set forth are met.

b. *Agricultural Sales of Farm Products.* The sale of food, farm and/or agricultural products to the general public shall be permitted, subject to the following regulations:

(1) The minimum lot area shall be ten (10) acres.

(2) The maximum floor area for the retail agricultural sales shall be three thousand (3,000) square feet. The three thousand (3,000) square foot maximum shall not include areas used for traditional agricultural activities (not retail sales).

(3) Floor area shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the calculation of maximum limits are display areas outside the building or structure as well as inside floor area for storage and processing of products

where the customer is completely restricted from access.

(4) Agricultural sales of farm products use is strictly an accessory use which shall be clearly subordinate to principal uses A-1, A-2 and A-6.

(5) Farm products shall be limited to plant material, crops harvested from plants, dairy products, poultry products, meat products, and such things as honey, preserves and jellies made from fruit or vegetable products. Baked goods and related specialty food items made with farm products may also be sold. Sales of associated incidental items shall be permitted provided they do not constitute more than twenty-five percent (25%) of annual sales volume in dollars. There shall be no sale of tobacco products, newspapers, magazines or other sundries.

(6) Buildings shall comply with the minimum setback requirements of the zoning district. Temporary buildings or stands shall be located behind the legal right-of-way line and be located so as not to constitute a traffic hazard, in the opinion of the Code Enforcement Officer.

(7) *Parking*. No less than four (4) off-street parking spaces shall be provided behind the legal right-of-way and on the same side of the street as the stand or building conducting the use. Parking spaces need not be permanently paved, but must be improved with a material approved by the municipal engineer and appropriately marked.

c. *Agricultural Entertainment Uses*. The use of a farm for seasonal festivals related to products grown on the farm, craft fairs (including antique shows), municipally-sponsored events, hayrides and horse shows.

(1) All agricultural entertainment uses shall meet the requirements for water supply, sewage disposal and rest room facilities of the Bucks County Health Department and any other agency with jurisdiction.

(2) The agricultural entertainment use is permitted as an accessory use only. If any of the conditions to which the agricultural principal use is subject cease to be met, then the agricultural entertainment use shall also cease.

(3) Minimum lot area required: twenty-five (25) contiguous acres.

(4) No activity, event or structure used for an agricultural entertainment use shall be located within one hundred fifty (150) feet of a right-of-way line or residential property line, except for parking areas which may be located within fifty (50) feet of a right-of-way line or residential property line.

(5) No agricultural entertainment use shall continue past 11:00 p.m. unless the owner of the property on which the agricultural entertainment use is being held obtains conditional use approval to allow for event hours beyond 11:00 p.m.

(6) The following types of activities shall not be considered agricultural entertainment uses:

(a) Mechanical rides or amusements (except for rides on farm equipment).

(b) Flea markets except as may be permitted in accordance with this Code.

(7) Specific agricultural entertainment uses are subject to the following regulations:

(a) *Halloween Hayrides*. A permit shall be required. Halloween hayrides may operate from the last Friday in September through the first Sunday in November only.

(b) *Seasonal Festivals*. A permit shall be required for each seasonal festival. No more than four (4) seasonal festivals shall be permitted per farm per calendar year. A single festival shall not exceed four (4) days.

(c) *Craft Fairs (including antique shows)*. A permit shall be required for each craft fair or antique show. No more than two (2) craft fairs or antique shows shall be permitted per farm per calendar year. The duration of a single craft fair or antique show shall not exceed four (4) days.

(d) *Horse Shows*. A permit shall be required for each horse show. No more than four (4) horse shows shall be permitted per farm per calendar year. The duration of a single horse show shall not exceed four (4) days.

(8) Parking for agricultural entertainment uses. Off-street parking areas shall be provided in designated areas to accommodate all attendees at any agricultural entertainment use. Driveways from public roads to parking areas shall have a paved apron at the entrance which is a minimum of one hundred (100) feet in length from the edge of paving, as well as a gravel tire-cleaning area fifty (50) feet in length.

(9) A traffic control plan must be submitted to and approved by the Township Police Department prior to receiving a permit for an agricultural entertainment use.

(10) *Lighting*. Lighting may be used for agricultural entertainment uses for the duration of the event only, and may not shine or produce glare on adjacent properties.

(11) *Signs*. A total of thirty-two (32) square feet of sign area shall be permitted. The sign area may be divided into no more than two (2) signs. The signs may be put in place no more than two (2) weeks prior to the event and must be removed within five (5) days of the conclusion of the event. No more than thirty-two (32) square feet of sign area for the farm entertainment use shall be permitted at any time on any one (1) property. The signs must have a sign permit and shall be subject to all applicable requirements of Article XI, Signs. No off-

premises signs are permitted unless approved by the Township.

[JMZO Ord. 2006-05]

H-16 Low-Impact Home Landscape Contractor.

A low-impact home landscape contractor use is limited to the use of a residential dwelling as a base of operation for a home occupation landscape business which is clearly secondary to the use as a residential dwelling and which involves no customer or client 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 low-impact home landscape contractor must satisfy the following requirements:

a. The low-impact landscape business shall meet the minimum lot requirements for the appropriate zoning district.

b. The low-impact landscape business activity shall be compatible with the residential use of the property and surrounding residential uses.

c. The low-impact landscape business shall employ no employees other than family members residing in the dwelling.

d. There shall be no display or sale of retail goods and no stockpiling or inventory of landscaping supplies including but not limited to such items as mulch, top soil, hardscaping, and other materials which could be used in landscaping operations.

e. There shall be no outside appearance of a landscape business use, including, but not limited to, parking, signs or lights.

(1) Vehicle parking shall be limited to a principle vehicle not exceeding one (1) ton capacity, along with one pull behind trailer not to exceed sixteen (16) feet in length.

(2) All parking shall be behind a point parallel to the front face of the residence. There shall be no parking in the set-back areas on the property.

(3) All vehicle parking shall be screened from adjoining properties either by natural vegetation or a fence.

f. The low-impact landscape 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.

g. The low-impact landscape business activity shall not generate any solid waste of any type. The storage of waste materials generated from landscape or hardscape activities at other locations may not be brought back and stored on the property.

h. The low-impact landscape business activity shall be conducted within the dwelling and accessory buildings. Not more than twenty-five (25) percent of the combined habitable floor area and accessory buildings shall be utilized for the business or the maximum area of sixteen hundred (1,600) square feet, which ever is less.

i. A low-impact landscape based business is not permitted where

prohibited by a deed restriction, covenant or agreement restricting the use of land, master deed, bylaw or other document applicable to a common interest ownership community.

j. A low-impact based business shall obtain a use permit from the municipality prior to commencing activities. Failure to obtain a permit will constitute a violation of this provision of the Zoning Ordinance.

k. Nothing in this subsection shall supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

[JMZO Ord. 2007-05]

H-16.1 Accessory Landscape Contractor.

An accessory landscape contractor use is limited to the use of a residential dwelling as a base of operation for a home occupation landscape business.

a. A lot area of not less than five (5) acres shall be required unless a lesser acreage is permitted by conditional use approval and the requirements of Article XIII of the JMZO are met.

b. There shall be no retail sales of nursery materials or anything else from the property.

c. An accessory landscape contractor use is permitted by conditional use approval within the CM, Conservation Management District.

d. An accessory landscape contractor use must be conducted in conjunction with a residential dwelling that is the bona fide residence of the principal practitioner or proprietor of the use. Proof of residency shall be submitted to the municipality before commencing the use and at regular intervals determined by the municipality to confirm ongoing residency.

e. The accessory landscape contractor use must be conducted by the resident(s) of the dwelling unit. No more than three (3) employees or contractors, including the proprietor of the use, shall be permitted on the property for periods of limited duration to conduct incidental aspects of the use, such as equipment retrieval or job assignment.

f. The appearance of the residential structure shall not be altered, nor shall the accessory landscape contractor use be conducted in a manner which would cause the residential structure and exterior areas to differ from the residential character by the use of colors, materials, construction, lighting, show windows or advertising visible on the property to attract clients.

g. No more than two (2) business vehicles including trucks, vans and/or automobiles either specially adapted for the trade or having a logo or sign on the vehicle, may be parked on the property. No more than two (2) utility trailers shall be permitted on the property. Non-commercial trucks and vans shall be limited to a loading capacity not exceeding one (1) ton. No such vehicles or vehicles of employees or utility trailers shall be parked in the front yard or within the right-of-way of any public street.

h. All business vehicles shall be parked and located either in an enclosed building or in an exterior storage area in the rear yard in a single area not to exceed sixteen hundred (1,600) square feet which must not be visible from the front yard. An exterior storage area includes any area where vehicles, equipment, materials and the like are stored either in the open, under a tent or similar covering or in a structure without a roof or four (4) walls.

i. Incidental preparation, assembly and processing of materials used in the accessory landscape contract use shall occur wholly indoors or within the exterior storage area permitted in subsection 8 hereof and shall be limited to an area no greater than sixteen hundred (1,600) square feet. Additionally, the aforesaid activities and any equipment used in connection therewith shall not create discernible noise, vibration, glare, fumes, odors or electrical interference; or which creates visual or audible interference in any radio or television receiver, or causes fluctuations in line voltage, off the property.

j. The total impervious coverage on any property used for this Use H-16 shall not exceed the maximum impervious coverage for a single-family detached dwelling use in the CM District.

k. The total area of any buildings in which the activities permitted herein are conducted (including vehicle storage, work area, office and the like) shall not exceed at total of sixteen hundred (1,600) square feet.

l. The buffering requirements of §1003 of this Ordinance shall be met.

m. The accessory landscape contractor use may not generate any solid waste or sewage discharge, in type or volume, which is not normally associated with a residential use. The property shall not be utilized for the storage of natural or synthetic waste for future disposal. Burning or composting of waste materials is not permitted.

n. Deliveries to the property are permitted in daylight hours in vehicles with no more than three (3) axles. The property shall not be utilized as a staging area for mulch, stone, topsoil, hardscape, or other items typically used in conjunction with the use.

o. Nothing in this subsection shall supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

[JMZO Ord. 2007-05]

H-17 Public and Retail Use Accessory to a Vineyard or Winery.

The public and retail use accessory to a vineyard or winery is an accessory use to a vineyard or winery for the commercial purpose of retail sales and tasting facilities for wine and related promotional items. Public and Retail Use Accessory to a Vineyard or Winery shall comply with the following conditions:

a. *Minimum Lot Size.* In Wrightstown Township and Upper Makefield Township at least five (5) acres and in Newtown Township, at

least one (1) acre of the lot on which the Public and Retail Use Accessory to a Vineyard or Winery is located shall be planted with wine-producing crops by the operator of this accessory use. The Public and Retail Use Accessory to a Vineyard or Winery shall only be permitted as an accessory use to the principal use of the property as a vineyard or winery.

b. *Floor Area.* For a Public and Retail Use Accessory to a Vineyard or Winery with less than ten (10) acres, the maximum floor area of a building which may be devoted to serving the customers shall be one thousand five hundred (1,500) square feet. For a Public and Retail Use Accessory to a Vineyard or Winery with ten (10) or more acres, the maximum floor area of a building which may be devoted to serving the customers shall be three thousand (3,000) square feet. Floor area devoted to serving the customer shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the area devoted to serving the customer would include display area outside the building or structure as well as inside floor area for storage and processing of wine where customer access is restricted, except for instructional tours related to the wine making process.

c. *Activities Permitted.* A Public and Retail Use Accessory to a Vineyard or Winery may provide for the sale of wine and related products, wine tasting, and instruction related to the wine making process.

d. *Special Events.* The use of the space within or outside of the Public and Retail Use Accessory to a Vineyard or Winery for special events such as parties or receptions is permitted in accordance with the following standards. E-5 Restaurant uses are not permitted.

(1) Use of the Public and Retail Use Accessory to a Vineyard or Winery for special events shall be an accessory use to the vineyard and winery use.

(2) In order to hold special events other than educational seminars, workshops or meetings with 50 or fewer attendees, a Public and Retail Use Accessory to a Vineyard or Winery must contain a minimum of ten (10) contiguous acres.

(3) No outdoor activity/event or temporary structure associated with a special event shall be located within one hundred and fifty (150) feet of any property line, except that parking areas may be located having a fifty (50) foot setback from the property lines. There shall be a vegetative buffer area between all parking areas and adjacent residential uses and districts. The buffer shall include evergreen planting, at least three (3) feet in height. The species and spacing of the plantings shall be reviewed and approved by the host municipality.

(4) Special events are limited to the following:

(a) Educational seminars, workshops, meetings and other events are permitted provided they are held indoors. The term

“indoors” does not include events held under tents or other temporary structures. The maximum allowed attendance will be in accordance with the Fire Marshal’s maximum occupancy requirements.

(b) When an other event exceeds fifty (50) attendees, a Public and Retail Use Accessory to a Vineyard or Winery must contain a minimum of ten (10) contiguous acres.

(c) Outdoor events, including those held under tents or other temporary structures are permitted. There shall be no more than 24 outdoor events in any calendar year.

(d) All special events, whether indoor or outdoor, shall end no later than 10:00 p.m.

(5) The Public and Retail Use Accessory to a Vineyard or Winery must have frontage on and access to a feeder street or roadway of higher classification. The operator of a Public and Retail Use Accessory to a Vineyard or Winery shall demonstrate that sight distances at the entrance and exit which meet the criteria of the applicable Township’s Subdivision and Land Development Ordinance.

(6) Amplified music is permitted pursuant to each Township’s noise ordinance.

(7) Parking shall be provided in designated areas.

(8) Lighting may be used for special events for the duration of the event only and may not shine or produce glare on adjacent properties.

(9) Driveways from public roads to parking areas shall have a paved apron at the entrance which is a minimum of 100 feet in length from the edge of paving, as well as a gravel tire-cleaning area 50 feet in length.

e. *Access.* Vehicular access to a Public and Retail Use Accessory to a Vineyard or Winery shall be sufficient, in the opinion of the host Township, to accommodate two-way traffic.

f. *Setbacks.* Buildings at a Public and Retail Use Accessory to a Vineyard or Winery shall be located no closer than seventy-five (75') feet to any property line.

g. *Limit on Retail Sales.* Not more than one (1) building for retail sales shall be permitted on any tract, parcel or property being used as a Public and Retail Use Accessory to a Vineyard or Winery.

h. *Parking.* One (1) space per employee, plus two (2) spaces for the dwelling unit if applicable. In addition, sufficient on-site parking area, as determined by the local governing body, shall be devoted to servicing customers and/or visitors to the Public and Retail Use Accessory to a Vineyard or Winery. In no event shall there be less than ten (10) parking spaces, all of which shall be improved to a mud-free condition. The designated parking area shall be a minimum of 10 feet from the ultimate right-of-way and shall be located on the same side of the street as the

winery.

[JMZO Ord. 2006-06]

H-18 Accessory Contractor or Trade.

An accessory contractor or trade use is limited to the use of a residential dwelling to support a small-scale contracting or trades business whose major business activities are conducted elsewhere. This use shall include, but is not limited to, support for an electrician, a plumber, a carpenter, a mason, a painter, a roofer, and similar occupations. This use shall not include a landscape contractor or similar occupations that require the outdoor storage of vehicles, materials, or equipment. There shall be no on-site prefabrication of structures or components or subassembly of components or materials.

a. A lot area of not less than five (5) acres shall be required unless a lesser acreage is permitted by conditional use approval and the requirements of Article XIII of the JMZO are met

b. There shall be no retail sales of materials or anything else from the property.

c. An accessory contractor or trade use is permitted by conditional use within the CM, CR-1, RI, and RI-A Districts.

d. An accessory contractor or trade use must be conducted in conjunction with a residential dwelling that is the bona fide residence of the principal practitioner or proprietor of the use. Proof of ownership and residency shall be submitted to the municipality before commencing the use and at regular intervals, as determined by the municipality, to confirm ongoing residency.

e. The accessory contractor or trade use may employ the resident family members of the property. No more than two (2) employees who are not resident family members of the property shall be permitted on the property for periods of limited duration to conduct incidental aspects of the use, such as equipment retrieval or job assignment. The property shall not be used as a gathering place for employees. For this use, an employee is defined as any person being employed by and/or compensated for work conducted on behalf of, for, or in conjunction with the accessory contractor or trade use established or proposed to be established upon the property including, but not limited to, independent contractors.

f. The appearance of the residential structure shall not be altered, nor shall the accessory contractor or trade use be conducted in a manner which would cause the residential structure and exterior areas to differ from the extant residential character by the use of colors, materials, construction, lighting, show windows, or advertising visible on the property to attract clients.

g. No more than two (2) business vehicles including trucks, vans, and/or automobiles either specially adapted for the trade or having a logo or sign on the vehicle, may be parked permanently and/or temporarily on the property. Noncommercial trucks and vans parked upon the property shall not have a loading capacity exceeding one (1) ton. Business vehicles,

employee vehicles, and utility trailers shall not be parked in the front or side yards of the property or within the right-of-way of any public street and when parked upon the property, shall not be visible from the street or neighboring properties.

h. Incidental storage, preparation, and assembly of materials or equipment used in the accessory contract or trade use shall only occur indoors and shall be limited, including any office space utilized for this use, to an area no greater than sixteen hundred (1,600) square feet. Additionally, the aforesaid activities and any equipment used in connection therewith shall not create any noise, vibration, glare, fumes, odors, electrical interference, visual or audible interference in any radio, television, telephone, or computer, or fluctuations in line voltage, that is discernible at the property's boundaries or anywhere off the property.

i. The total impervious coverage on any property used for this Use H-18 shall not exceed the maximum impervious coverage for a single-family detached dwelling use in the underlying zoning district in which the property is located.

j. The total area of any and all buildings, including any area of the residence as permitted in subsection .h, in which the activities permitted herein are conducted (including vehicle storage, work area, office and the like) shall not exceed sixteen hundred (1,600) square feet.

k. The buffering requirements of §1003 of this Ordinance shall be met.

l. The accessory contractor or trade use may not generate any solid waste or sewage discharge, in type or volume, which is not normally associated with a residential use. The property shall not be utilized for the storage of natural or synthetic waste for future disposal. Burning or composting of waste materials is not permitted.

m. Deliveries to the property are permitted between 8:00 a.m. and 5:00 p.m. in vehicles with no more than two (2) axles. The property shall not be utilized as a staging area for normal off-site activities of the business.

n. Nothing in this subsection shall supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a homeowners association or other common interest ownership community.

[JMZO Ord. 2008-08]

I. *Wireless Telecommunications Facilities.*

I-1 Communication Antenna. A Communications Antenna shall mean any device used for the transmission of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional and directional antennas. A Communication Antenna for the purpose of this Use I-1 shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation amateur radio, shortwave or citizen band

radio antennas. An Applicant for a conditional use for a Communications Antenna shall have the burden of going forward with evidence and the burden of persuasion with regard to the following specific criteria:

1. Building-Mounted Communications Antennas shall not be located on any dwelling unit.
2. Building-Mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
3. Omnidirectional or Whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
5. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicated how the antennas will be mounted on the structure for review by the Building Inspector for compliance with the Township Building Code and other applicable law.
7. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence or agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.
8. The applicant shall establish, by competent evidence, including engineering data, under seal, where appropriate, that the proposed Communications Antennae comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic fields.
9. The owner or operator of Communications Antennas shall either exhibit a license issued by the Federal Communications Commission to operate such antennas, or demonstrate why such license is not required. The Applicant shall also provide the Township with a true and correct copy of a construction permit issued by the FCC prior to the issuance of a Township building permit.
10. Communications Antennas shall not be located closer than two hundred (200) feet to any residential use or any Use C-2, C-3 or C-10, unless the applicant can establish that it cannot meet its service needs at any location in the Township in compliance with this condition.
11. The applicant shall provide engineering data as to the type, quantity, operating frequencies, gain and radiated power for the antennae, location on the mounting structures, and quantity and types of transmitters and receivers proposed to be installed on the site.

I-2 Communications Equipment Building. A communications equipment building shall mean an unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than two hundred fifty (250) square feet. A Communications Equipment Building shall always be accessory to a Communications Antenna or a Communications Tower as defined in §803.1-1 and 803.1-3, respectively.

1. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

2. The applicant shall provide reasonable access to the Communications Equipment Building. Where feasible, access shall be taken over existing driveways and easements. The applicant shall maintain the access and shall insure that no mud or dirt is conveyed onto public roads.

3. A Communications Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.

4. One (1) off-street parking space shall be provided for each Communications Equipment Building.

5. All Communications Equipment Buildings shall be surrounded by a fence of not less than eight (8) feet in height to limit accessibility by the general public.

I-3 Communications Tower. A Communications Tower shall mean a structure other than a building, such as a monopole, lattice tower, self-supporting or guyed tower designed and used to support Communications Antennas.

1. Applicants erecting a new Communications Tower shall agree to permit co-locations on the towers at usual and customary rates for co-locations. Owners of existing Communications Towers shall permit co-location of additional Communications Antennae if structurally and technically possible.

2. *Use by permit.* A Communications Tower shall be permitted by building permit on the following tax map parcels in Newtown Township and Upper Makefield Township:

Newtown Township: 29-3-18-2, 29-10-85-4, 29-9-5-1, 29-102-1, 29-3-14-1, 29-3-20-1, 29-3-22-1, 29-3-27-1, 29-3-28-1, 29-3-38-1, 29-3-50-1, 29-10-13-1, 29-10-68-1, 29-10-47-1, 29-10-52-1, 29-10-42-8, 29-10-73-1, 29-10-84-1.

Upper Makefield Township: Those portions of 47-7-49 exempt from the deed of agricultural easement granted to the Commonwealth of Pennsylvania, the County of Bucks and the Township of Upper Makefield. [JMZO Ord. 2002-12]

Wrightstown Township: No Communications Towers or Communications Antennas are permitted by building permit in Wrightstown Township.

In addition, Communications Towers or Communications Antennas shall be permitted by building permit on all PECO electricity transmission towers

in Newtown Township and Upper Makefield Township located more than two hundred (200) feet (measured from the nearest leg of the PECO electricity transmission tower) from a residential use or a Use C-2, C-3 or C-10. Application for a permit for a Communications Tower shall be made to the designated Township Official prescribed by Newtown Township of Upper Makefield Township, as applicable. An applicant for a permit to site a Communications Tower pursuant to this Section must demonstrate to the designated Township official that the Communication Tower meets all of the criteria set forth in subsection 3 of this Section regarding use by conditional use.

3. *Use by Conditional Use.* Where permitted by conditional use, the applicant shall have the burden of going forward with evidence and the burden of persuasion with respect to the following specific criteria related to Communications Towers:

a. The applicant shall demonstrate that it has registered its Communications Tower with the Federal Communications Commission.

b. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

c. The applicant shall demonstrate that any proposed Communications Towers comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

d. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antenna(s) on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a minimum one-half ($\frac{1}{2}$) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

(1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic

radiation.

(5) A Commercially reasonable agreement could not be reached with the owner(s) or such structure(s).

e. The applicant shall provide reasonable access to the Communications Tower. Where feasible, access shall be taken over existing driveways and easements. The applicant shall maintain the access and shall insure that no mud or dirt is conveyed onto public roads.

f. A Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

g. The Applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function. The Board of Supervisors shall have the right to impose a condition on approval, however, that the tower be constructed in such a way that its height can be extended to accommodate other users.

h. The maximum height of any Communications Tower including antennas attached thereto shall not exceed two hundred (200) feet. The base of a Communications Tower shall be situated no less than the Tower's height away from the nearest property line.

i. The base of a Communications tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building, if any, from abutting properties.

j. The Applicant shall submit certification from a Pennsylvania Registered Professional Engineer that a proposed Communications Tower will be designed and constructed in accordance with the current structural standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the applicable Township's Building Code.

k. The Applicant shall submit a copy of its current Federal Communications Commission License; the name, address and emergency telephone number for the operator of the Communications Tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000.00 per occurrence and property damage coverage in the minimum amount of \$1,000,000.00 per occurrence covering the Communications Tower, Communications Antennas and Communications Equipment Building, if any naming the applicable Township as an additional insured thereon.

l. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

m. The site of a Communications Tower shall be secured by a fence with a height of not less than eight (8) feet to limit accessibility by the general public.

n. No signs or lights shall be mounted on a Communications Tower,

except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

o. Communications Towers shall be protected and maintained in accordance with the requirements of the applicable Township's Building Code.

p. If a Communications Tower remains unused, i.e. no antenna mounted on the tower receives or transmits signals, for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period.

q. At the time of filing a building permit application for a Communications Tower, the Applicant shall post a bond to cover the cost of dismantling the Communications Tower if such dismantling is, at any time, necessary.

r. Following a final judicial determination that a Communications Tower is in violation of the applicable Township's Building, Fire Prevention, Property Maintenance or other applicable Code or Ordinance, the Township, following ninety (90) days prior written notice to the Applicant, may use the bond posted pursuant to subsection q. above, to dismantle the Communications Tower.

s. One (1) off-street parking space shall be provided within the fenced area.

t. The applicant shall produce the following information:

1. Appropriate maps showing the locations of all applicable adjacent transmit/receive locations; and

2. A file at the time of conditional use application, which is updated on a regular basis, of all Federal Communications Commission submissions, approvals and actions pertaining to the site and the telecommunications system as an entity.

u. The applicant shall provide engineering and other pertinent data concerning emergency power systems, including details of and placement of generators, fuel storage and batteries.

v. In Wrightstown Township, Communications Towers shall be permitted by conditional use on the following tax parcels: 53-1-50-1, 53-1-21-5, 53-1-91-1, 53-2-21-1, 53-1-83-1, 53-12-1-1, 53-12-6-1, 53-12-18-2, 53-12-841, 53-12-2-1, 53-12-1-2, 53-2-81 and 52-12-2-2. [JMZO Ord. 2002-13]

4. *Use by Special Exception.* Where permitted by special exception, the applicant shall have the burden of going forward with evidence and the burden of persuasion. The applicant shall meet the specific requirements for communications towers permitted by conditional use as set forth at §803.1-3.3., in addition to the following criteria:

a. The requirements of §1507.E. of this Ordinance shall apply.

b. In Upper Makefield Township, communication towers shall be permitted by special exception on the following tax map parcels: 47-008-

055 and 47-004-080. [*JMZO Ord. 2002-12*]

c. In Upper Makefield Township, communication towers shall provide for such alternative design criteria in the form of stealth construction for such towers unless the Zoning Hearing Board determines that such design criteria is not feasible with respect to technology, construction, safety or co-location. [*JMZO Ord. 2002-12*]

(as amended effective 5/13/2002 by *JMZO Ord. 2002-05*, §1; adopted 5/8/2002. Amended effective 11/25/2002 by *JMZO Ord. 2002-1*, Article III; adopted 11/20/2002. Amended effective 12/16/2002 by *JMZO Ord. 2002-12*, §1; adopted 12/11/2002. Amended effective 11/25/2002 by *JMZO Ord. 2002-13*, §§I and II; adopted 11/20/2002. Amended effective 12/15/2003 by *JMZO Ord. 2002-10*, §§A, B; adopted 12/10/2003. Amended effective 6/28/2004 by *JMZO Ord. 2004-5*, §11; adopted 6/23/2004. Amended effective 8/28/2004 by *JMZO Ord. 2004-14*, §§12 - 14; adopted 8/23/2004. Amended effective 4/18/2005 by *JMZO Ord. 2004-17*, §§01 - 03; adopted 4/13/2004. Amended effective 3/28/2005 by *JMZO Ord. 2004-18*, Art. I; adopted 3/23/2005. Amended effective 6/10/2006 by *JMZO Ord. 2006-01*, §§I - III; adopted 6/5/2006. Amended effective 8/14/2006 by *JMZO Ord. 2006-07*, §01; adopted 8/9/2006. Amended effective 10/2/2006 by *JMZO Ord. 2006-09*, §XI; adopted 9/27/2006. Amended effective 8/14/2006 by *JMZO Ord. 2006-12*, §I; adopted 8/9/2006. Amended effective 12/23/2006 by *JMZO Ord. 2006-13*, §1; adopted 12/18/2006. Readopted effective 6/23/2007 by *JMZO Ord. 2007*; adopted 6/18/2007. Amended effective 5/7/2007 by *JMZO Ord. 2006-04*, §§1 and 2; adopted 5/2/2007. Amended effective 10/29/2007 by *JMZO Ord. 2006-05*, §1, 2, and §3; adopted 10/24/2007. Amended effective 7/23/2007 by *JMZO Ord. 2006-06*, §2; adopted 7/18/2007. Amended effective 7/23/2007 by *JMZO Ord. 2006-20*, §7; adopted 7/18/2007. Amended effective 6/16/2008 by *JMZO Ord. 2007-05*, §§01, 02; adopted 6/11/2008. Amended effective 10/11/2008 by *JMZO Ord. 2008-08*, §01; adopted 10/6/2008. Amended effective 12/22/2008 by *JMZO Ord. 2008-09*, §02; adopted 12/17/2008. And amended effective 9/27/2010 by *JMZO Ord. 2010-02*, §03; adopted 9/22/2010)